
2012 SYMPOSIUM: A TELECOMMUNICATIONS AGENDA FOR 2012 AND BEYOND—KEYNOTE ADDRESS

Commissioner Mignon L. Clyburn[†]

Good morning everyone. I am extremely grateful for the opportunity to join you all today.

Most of you know that I am neither a graduate of the Columbus School of Law, nor did I attend any of its undergraduate counterparts. I sometimes wish that I could boast of reading every edition of the *CommLaw Conspectus* cover-to-cover, in that architecturally beautiful and well-stocked law library on John McCormack Road, but I didn't. The influence of Catholic's law school, however, is literally all around me: in the FCC's bureaus, front offices, and in telecom subcommittee offices on the Hill. And don't even get me started on the FCBA.

Catholic alumni have entrenched themselves so deep within our nation's powerful organizations, it is almost as if you are attempting to achieve global dominance. Perhaps we should write a screenplay and see if any studios would jump at it.

Seriously, CUA Law graduates have been integral to the success of the Commission, and a significant part of my office. A number of students have served as law clerks in my suite, and one of them, Ian Forbes, is now Mr. Big Time. I hope he remembers little old me as his star rockets into the stratosphere.

And two of my legal advisors, Angie Kronenberg and Dave Grimaldi, are proud alums. My third advisor, Louis Peraertz, feels left out as he fights for Harvard Law relevance.

This institution has added much thought leadership and constructive

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dialogue to the business of the FCC and your counsel and keen intellect serves all of us well.

I am not bashful about saying how proud I am of what the FCC has accomplished during this administration. The Comcast/NBCU transaction, bill shock solutions, CVAA enactment, USF reform, and more. We've kept a watchful eye on the public interest, and will continue to do so. We have collaborated, created, edited, argued, and celebrated. I'm not sure if the energy, drama, and suspense of the past two years or so can ever be replicated, but we survived it, and I believe the country is better as a result.

The spring and summer stretch will be overwhelmed by the hurricane of presidential politics, and will be followed by the calming cricket sounds of Washington hallways come late July. It's always tough to predict what or how much will get done in years like this, but the FCC will be real busy.

By the end of this month, we will be ruling on an item that has drawn much attention from a number of people. Our consideration of broadcast disclosure requirements has generated much buzz over the past year, and it is culminating in a document that is currently under review. We're considering whether to put on the web, the public files currently kept by broadcasters inside of their stations, and if it decided that it should be done, we must decide how much information should be disclosed, and how should broadcasters make such disclosures. I mentioned in my statement when we passed the Notice of Proposed Rulemaking on this item, that "public" files should serve their named purpose, and the best way to ensure that, is to meet the public as forthrightly and openly as possible—and the new meeting place for that is most certainly the Internet.

In reviewing the comments on this proceeding, I am gratified that there is widespread consensus on this current reality, but as always, the proverbial devil is in the details. I am aware of the many concerns of the broadcasters, and feel compelled to reiterate that a transition to a digital system needs to be handled carefully, and in a manner sensitive to the capacities of differently situated broadcasters. My staff and I will have a number of conversations with all interested parties, and I look forward to the benefits that will result from these exchanges.

The Commission's historic, unanimous approval of Universal Service Fund and Intercarrier Compensation reform in the fall last year, will keep several Bureaus of the agency very busy over the next few years. Here's a snapshot of what's in store on USF reform.

In addition to addressing several Petitions for Reconsideration, the agency is implementing Phase I of the Connect America Fund, completing the regression analysis for rate-of-return reform, working on a model for Phase II of the Connect America Fund, and conducting an auction for Mobility Fund Phase I

support. If that sounds labor intensive, you've got great instincts. It is and will be.

Of great importance for us all, is the beneficial impact these reforms will have on consumers and their communities. We expect that millions of consumers will gain access to fixed and mobile broadband networks where they live, work, and travel. But these reforms are not self-effectuating. We are well underway with the first phase of the Mobility Fund, which will include the FCC's first reverse auction ever. Set for late September of this year, Phase I of the Connect America Fund and the Mobility Fund will inject capital—\$600 million in the short term—to begin extending broadband networks, both wired and wireless, to unserved Americans.

The new Connect America Fund, will facilitate the acceleration of broadband build-out, to the approximately 18 million Americans living in rural areas who currently have no access to a robust broadband infrastructure. Reform will not only drive economic growth in rural America, but will expand the online marketplace nationwide, creating jobs and business opportunities across the country. Over the long-term, we are moving duplicative support from multiple networks, to those areas that wouldn't receive service, but for federal funding.

It is a basic, but widely agreed upon principle, that we all win when everyone is connected to our communications infrastructure. The investments made in these networks increase in value, and the economic opportunities for individuals and communities are improved. Our goal is to connect as many Americans as possible, to both voice and broadband services, but we cannot solely focus on deployment to these unserved areas. We also must address the barriers that keep Americans from subscribing to those services which in turn, keep them on the digital sidelines.

Currently for voice, we have the Lifeline program that has been instrumental in connecting tens of millions of Americans who could otherwise not afford to maintain plain old telephone service. And it is evident from the data, that the telephone penetration rate would not be what it is today, but for this critical program. As many of you know, we recently issued an Order to reform Lifeline in order to ensure its survivability, so that it can continue to serve our most vulnerable citizens. One of the most important steps we took, was to begin modernizing this program by instituting database functionalities to address duplicative service and eligibility.

These are no easy tasks and our staff will be working on this implementation through 2013. This reform also includes an expressed goal of ensuring the availability of broadband for all low-income consumers. One-third of Americans, or approximately 100 million consumers have not yet adopted broadband at home. If you consider the growing importance of the Internet to

our lives, these numbers are startling. But the statistics are real and with more information and services moving online, it is just as important that we find a way to connect low-income consumers to the broadband networks as we did with voice. Affordable and ubiquitous broadband can unlock vast new opportunities for Americans, in communities large and small, with respect to consumer welfare, civic participation, public safety and homeland security, community development, health care delivery, energy independence and efficiency, education, worker training, private sector investment, entrepreneurial activity, job creation and economic growth, and other critical, national purposes. We adopted a pilot program, using up to \$25 million, to test and determine how Lifeline can best be used to increase broadband adoption among low-income consumers. The FCC will begin soliciting applications from broadband providers and funding these projects this year.

In addition to this important work, the Commission has been encouraging industry to help close the digital divide through affordable service offerings to low-income consumers. The Commission will continue its work with the public-private partnership called Connect to Compete to find collective solutions and will further explore USF support for digital literacy training in our libraries and schools, where communities have no such classes today.

Just consider the power of broadband, and the role it can play in education. The Commission and the Department of Education just announced a push for states and industry leaders to adopt digital textbooks over the next five years. Imagine a world where a teacher can digitally and instantly view the passages highlighted by his or her students, quickly track student performance and provide feedback right away. In California, Khan Academy, an education nonprofit, has already piloted the use of alternative education systems that rely heavily on software and broadband, to provide children with a new learning environment where teachers can interact immediately with students if they get an answer wrong or get stuck on a problem. If students are struggling, they can download taped class lessons or access digital guides, and all of this is made possible by broadband availability.

Undeniably, broadband fluency is imperative to efficiently educate our nation, and that realization begins with *access*. Developing public-private partnerships, and other solutions to provide this access, should be, I believe, a national priority. This is why we still have much more work to do this year, and the next, with respect to ensuring that all consumers have the capacity to adopt broadband.

As committed as we are to implementing our high-cost and Lifeline reforms, and continuing our work on broadband adoption, we also are committed to working in other areas of USF. My colleague, Commissioner McDowell, whose chief of staff Angela Giancarlo is also a CUA Law School grad, has

been leading the call to complete our task on USF contributions reform and our rural healthcare reform, I fully expect that we will endeavor to do so this year. Our staff also continues to review special access, and I have also asked, that the agency commit the necessary resources, to complete our review of two inmate payphone petitions, that have been pending far too long, and have significant implications for making phone service affordable for inmates and their families who are currently making unbelievable economic sacrifices in order to keep their families connected.

The Commission should also be focused on giving all Americans access to a competitive mobile broadband market. This past February, Congress received much deserved accolades for giving the Commission authority to conduct voluntary incentive auctions that could free up more spectrum for commercial mobile broadband services. This was historic. As many of you know, one of the more important findings in the National Broadband Plan was that, over the past few years, the Nation's demand for mobile broadband services has increased dramatically. This means we must reallocate more spectrum for such services, and holding voluntary incentive auctions is one of the keys to address this issue. As industry insiders know, the effort to adopt rules to make this auction happen is at the top of the agency's priority list.

But, during my tenure at the FCC, I have learned if we want all Americans to enjoy the benefits that come from a competitive mobile broadband market, in the short term, we cannot just be concerned about a voluntary incentive auction or a Mobility Fund auction.

In order to address the fact that millions of Americans that still are served by two or fewer mobile service providers, we must also turn our attention to other areas in the mobile wireless service industry that may not be as competitive. Greater competition in the wireless backhaul market must be promoted.

We should be very concerned that some of the most valuable spectrum we have ever auctioned—the lower portion of the 700 MHz band—enjoys the unfortunate distinction of being the only band that lacks interoperability. When it comes to this issue, I am eager to see either an industry solution, or an order mandating interoperability in the lower portion of the band, by the end of this calendar year. We should also be concerned with roaming in that most providers are still having trouble entering into roaming agreements with larger nationwide providers, and this especially impacts smaller, regional providers and ultimately, competitive options. Additionally, we should urge the industry to consider sharing of spectrum through dynamic spectrum access technologies for greater resource efficiency.

I came to the FCC at an extraordinary time and for that, I am most grateful. Under the leadership of President Obama, Congress, and our Chairman, the FCC's primary goal has been to advance broadband and all of the significant

benefits it offers our nation.

I have been truly moved by how this technology has changed lives all over the world, and how that potential must be harnessed in order to benefit those who stand to gain the most.

However, fostering our Nation's movement into an increasingly digital world should not be limited to the deployment and adoption of efficient broadband systems. New technologies can have a profound impact on public safety as well. The FCC is exploring ways to improve the infrastructure of 9-1-1 response systems to bring them into the 21st Century. Americans today communicate by text, voice, email, picture messages, and video messages. Unfortunately, the abilities of most local Public Safety Answering Points are limited in emergency situations. "Dial 9-1-1 in the case of an emergency" is swiftly becoming a dated slogan and we must all come to terms with that. The FCC is working hard with industry leaders to bring 9-1-1 systems into the new generation, where you may be able to text a picture of an assailant or instant message your exact physical location to the police. The FCC works with other agencies to maintain the public interest, and there is arguably no greater public interest than public safety.

Finally, and perhaps most importantly, we will continue our work on the implementation of the 21st Century Communications and Video Accessibility Act. We will ensure that low income Americans who are deaf/blind will be able to acquire, at no cost, the specialized end-user equipment they need to communicate. We will also ensure that the sustainability of the telecommunications relay fund, by requiring Voice Over the Internet Protocol providers to contribute to that fund.

Further, in the not-too-distant future, emergency information provided on TV programming will be made available to the blind, and video programming devices will have user interfaces and navigation menus, that are accessible to people with disabilities.

And that, believe it or not, is the short version of what's likely in store for this year. I am hopeful that we accomplish it all and much more, as our agency and its great staff are up to the task. I look forward to seeing you all in our building, and during the myriad conventions and seminars, and wish you to know, once again, how grateful I am to this institution and the individuals that you represent, for all of your help and counsel.

Thank you once again, and continue to enjoy your week.