Prepared Remarks by Commissioner Mignon L. Clyburn

FCBA Spring Luncheon March 8, 2012 The Capital Hilton

Good afternoon everyone. I wish to thank President Dori and FCBA, for the opportunity to join you here today. Having served just short of three years on the FCC, the fact is that I see many of you more these days than my own family. The jury is still out, on if that's a good or a bad thing.

Seriously, it's been a whirlwind tenure, and I feel it necessary to state for the record, that I am incredibly grateful for the help and support I receive from many in this room. You are true professionals and advocates, and your institutional knowledge and ability to thoroughly frame and dissect complex issues, have been invaluable to me.

My vernacular has shifted somewhat—dare I say evolved — since we first met. And I've learned to be careful not say certain things, in certain settings. I was finally convinced that I got a handle on those four and five-letter words that would ignite public debate, but how could I have known that the uttering of seven letters, "retrans", during an FCBA lunch would have the potential to incite a riot. I will avoid that topic today.

Similarly, I have been more careful about using the word "yes". Not in terms of granting a meeting, or agreeing to speak in great gatherings like this, but saying yes to dear friends like Bryan Tramont who literally generates an idea a minute.

Just when I thought I had agreed to one event, somewhere hidden in that commitment would be two or three ancillary obligations that I found myself bound to. I truly do miss our FCBA road shows together, Bryan; and so do my frequent flyer accounts.

I may have known five of you when I arrived in the Summer of 2009. But today, as I look around this room, I now realize that I am part of a community that does battle with one another on one day, and has lunch together on the next. Washington is such a strange place.

Our work is incredibly significant, for the industries and people you represent have their finger on the pulse of at least one-sixth of our nation's economy. And it is because of this significance, that we spend long days and sometimes nights, working through incredibly complex, far reaching issues. Companies have merged, we've fought over the quote-unquote freedom of the Internet, we've explored the state of America's media landscape, and against all odds, we've reformed USF and ICC—who saw that one coming? And now we embark on a spectrum journey that will offer our first responders the interoperable public safety network, that they have needed and deserved, for far too long.

Through all of this and more, it gives me great pride to be associated with a federal agency that regulates with, and for, the American consumer. I am heartened that the steps we take to improve the telecommunications and media spaces are ones that are tilted toward the greater good, and will hopefully result in better, fairer, and more level user experiences. Above all, at a much higher level, I am thankful for our system of democracy, which affords these things.

My dear friend, Mike Copps, framed it so well. He said that our country doesn't have ministries that hand down edicts and policies that come from largely nameless authoritative figures, who rule with little regard for public input. No – we run a process, an inclusive process, that I will constantly trumpet, defend and work toward improving. The incredible minds and able people in our offices and bureaus, spend a great deal of time – sometimes a *really* great deal of time – reading and assessing comments from parties in all four corners of the U.S. and points in between. We take all of these positions seriously, and use them to balance our decisions and the impacts they will have. They inform our adherence to acting in the public interest, and my role in that awesome responsibility.

During my relatively short time here, we are able to boast of some noteworthy events and rulemakings that stand out as landmark achievements for the FCC, but more importantly, from my perspective, for the American people. On my battle armor, you will find signs of a few blows, some deeper and more memorable than others, but I wear every dent proudly.

Remember late 2010? Of course you do. It marked the culmination of a long struggle to ensure that the Internet remained open, unencumbered, and thriving. The FCC set forth basic rules of the road, so that consumers can have unfettered access to the lawful content, applications, and services offered over the Internet, in addition to the information they need to understand how their ISPs manage their networks. I believe all consumers are better off with these fundamental principles. While some thought investment in the 'net would be curtailed by these actions, it is not at all evident that this has occurred. In fact, the economic might of the Internet is stronger than ever.

For example, more and more consumers are accessing it from their mobile devices, and it seems that every wireless ad relates to using a smartphone to tweet, upload video on your Facebook page, or shop. In fact, there are Commission hearings at which I can easily notice, that *more than half* of the attendees' heads are in the downward smartphone-reading position. I know our statements can be long, but come on.

After putting the finishing touches on that proceeding, having spent months going to the mat over numerous hot points and forgoing countless hours of sleep, we were lucky enough to get some much-needed downtime in the form of the final critical adjustments to the Comcast/NBCU transaction.

Our involvement had all the elements of a marathon and a round in the World Series of Poker. Some meetings went well into the night, and others were short and to the point. Conference Room #5 on the eighth floor, became a home away from home, for my advisors as they talked, debated, and reasoned with the FCC staff and the parties.

In the end, the item and its conditions served to offer what we felt were greater opportunities for diversity on our airwaves and online, and a one-of-a-kind adoption initiative.

I am one of many believers who feel that broadband adoption in the home can not only benefit the school aged child, but also those who care for her. It only takes one enthusiastic user to get people motivated, and targeting students via the school lunch program was the right step.

We also embarked on an effort to reduce the drama that results when customers open their phone bills to discover unanticipated charges, AKA Bill Shock. At the end of 2010, the FCC adopted a Notice of Proposed Rulemaking, to inquire into the best ways to prevent consumers from facing unexpected fees, for going over their monthly limits for mobile wireless voice and data services. During the months before the adoption of this Bill Shock NPRM, there was much opposition from mobile wireless service providers.

And after we adopted the item, Chairman Genachowski urged the industry to adopt voluntary initiatives to give consumers the tools they need to protect themselves from Bill Shock.

Then, in October of last year, CTIA, which represents many mobile wireless service providers, urged its members to adopt voluntary guidelines to provide free alerts when subscribers are approaching their monthly limits for voice, text, and data services. These alerts give consumers more tools to manage their budgets. This initiative is a great example of how collaboration between private industry and government, can lead to huge wins for consumers.

I am not shy about voting to approve rules to address significant policy goals, but I will be the first to admit, that regulation is not always the most prudent way to go about achieving our desired objectives. Collaboration is sometimes a necessary or even preferred means, of addressing issues and concerns in this rapidly changing marketplace, and collaboration can offer an expedited pathway to provide consumers with the protections they deserve, and companies the means and the impetus needed to innovate.

Consensus and collaboration was also integral to the passage of two very important pieces of federal legislation that impact our workload at the Commission. The 21st Century Communications and Video Accessibility Act, or CVAA, which President Obama signed into law in October 2010, is the most important piece of accessibility legislation since the passage of the Americans with Disabilities Act. It gives the Commission greater statutory authority to adopt rules that will offer people greater access to video programming, and the most advanced voice and data services on the market, irrespective of the communications platform being used to deliver those services. A bi-partisan effort was required in both Houses in order for the CVAA to be passed.

Even more industry collaboration was needed for the FCC to adopt rules that implement the CVAA's provisions in a timely fashion, and for the 36 million deaf and hard of hearing individuals in this country, help can't come soon enough.

I am proud of our approval of an item that will ensure that closed captions are displayed when videos are delivered via Internet Protocol, enabling viewers to have experiences similar to the ones we all enjoy, and take for granted. We've worked hard on an item requiring spoken video descriptions during programs, so that our blind friends and neighbors can follow video content more closely. This will also ensure that advanced communications services, as well as the equipment that is used with those services, can be accessible to individuals with different abilities.

Going forward, 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 the sustainability of the telecommunications relay fund, by requiring VOIP providers to contribute to that fund.

We're going to make sure emergency information provided on TV programming is available to the blind, and that video programming devices have user interfaces and navigation menus that are accessible to people with disabilities.

And, perhaps most importantly, we are working to make sure, that NG911 is accessible to individuals with different abilities. We're meeting with the public safety community, and will continue to collaborate in order to get this right.

In fact, on March 28th and 29th, we're hosting a text-to-911 exhibition fair, to showcase various technologies that can provide a pathway for text-to-911. I would stress that tackling this will not only benefit those with different abilities, but *everyone*.

Implementing this Act has been one of the most meaningful and gratifying experiences of my life, and it is illustrative of what I always wanted my impact to be when I decided to become a public servant. It was a privilege to collaborate with accessibility advocates and communications service providers, to ensure our compliance with the language and spirit of the law.

Industry consensus and collaboration was also evident in the spectrum provisions that Congress passed a couple of weeks ago, as part of the Middle Class Tax Relief and Job Creation Act of 2012.

Two years ago, the FCC released its National Broadband Plan, which found that the Nation needed to find more spectrum to reallocate for commercial mobile broadband services by 2015. One of the key recommendations to meet this need, was voluntary incentive auctions. But for this policy initiative to succeed, it meant that Congress, the FCC, and the industry, needed to start working as early as possible, to find creative ways to compromise. In the end, Title VI of this Act, provides the Commission with the important spectrum management tools it needs, to ensure that the structure of the mobile services industry, serves the needs of American consumers.

Our examination of our media ownership rules is ongoing, and our recent Public Notice will hopefully go a long way toward acquiring the necessary data, to learn more about the information needs of our communities. The FCC is duty-bound to operate with the most accurate, relevant, and up-to-date data regarding the media consumption habits and preferences of all Americans.

This obviously includes those living in immigrant pockets in urban cities, rural outliers, and all those in between. Steve Waldman's report, put a lot of good pieces in place, and I hope that the data we gain pursuant to our recent Public Notice will, after long last, bring our agency up to speed on the current state of the media landscape and if there are any gaps. Our quadrennial NPRM asks many worthwhile and probing questions, and buttressing it with additional studies, will complete the picture. We owe this to the American consumer, and we will deliver.

In that same vein, I am very proud that we have reformed and modernized three of our programs in the Universal Service Fund. We have reoriented our high-cost fund, and intercarrier compensation regime, for the broadband marketplace. Many of you contributed greatly to this effort, and for that, I thank you. And for those of you who were concerned that your billable hours would decrease significantly post-reform, once again, we didn't disappoint, and issued a Further Notice in both the high-cost and Lifeline proceedings.

In all seriousness, I am very pleased to be part of a commission, that is associated with a bar, whose members have worked so hard to modernize our universal service programs and

reorient them to ensure that our residences, businesses, and schools and libraries have access to affordable broadband services. I know we are far from being done, but we have made much progress for all.

We've been through a lot since my last lunch date with you, and our achievements will have long-lasting effects, which leads me up to my final point. Many of you have heard me speak about the staggering imbalances that exist, between men and women when it comes to senior and leadership positions, in the communications and technology space. If there is any place where the benefits of full inclusion and economic and workplace parity should be organic, where the strength, and majestic beauty that makes our nation so envied by the rest of the world, should be reflected in all its glory, it is in our media, technology, and telecommunications companies, at all levels, including inside of the C-Suites and on governing boards.

Companies that ensure that their best, most talented and diverse talent is recognized, mentored, sponsored and promoted equitably, are more profitable, and score the highest on employee evaluation reports. They should be commended, and their practices should be replicated.

Over the next months, I will join others who are focused on these efforts, and try as best I can, to bring additional thought, advocacy and results when it comes to workplace equity.

So I must say, that it's been a roller-coaster ride, full of chills, spills and thrills. But all in all, however, I consider myself fortunate to have made such great new friends, who both challenge and support the things that I stand for. I for one can't wait for the next adventure.

Thank you again for this incredible opportunity. Good afternoon.