

## STATEMENT OF COMMISSIONER MIGNON L. CLYBURN

*Re: Technology Transitions, GN Docket No. 13-5; AT&T Petition to Launch a Proceeding Concerning the TDM-to-IP Transition, GN Docket No. 12-353; Connect America Fund, WC Docket No. 10-90; Structure and Practices of the Video Relay Service Program, CG Docket No. 10-51; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket No. 03-123; Numbering Policies for Modern Communications, WC Docket No. 13-97*

I say this quite often when it comes to technology that this is an exciting time to be in this space. While walking the floor at the Consumer Electronics Show (CES) earlier this month, I had a first-hand view of new and innovative products that are game-changing, mind boggling, and life-altering. Full color, 3-D printed confections (yes, I am still a bit fixated on customized sweets), a device that augments previously inaudible sounds which could help wounded soldiers improve their hearing and quality of life. The concept cars of yesterday are the smart cars of today and hold the promise of saving lives and avoiding collisions. Technological advancements and innovation abound with limitless potential.

I am proud to say that during my tenure, the Commission has taken a number of actions to promote investment and innovation in this area. The National Broadband Plan will celebrate its fourth anniversary in March. It set forth a blueprint for the nation to move from legacy telephone services to the broadband enabled era in all sectors, including health and education, and recommended that the Commission update its policies to promote and reflect IP networks.

Today's action, is another in a series that the Commission has undertaken to implement many of these recommendations, including the landmark, bipartisan reform of universal service and intercarrier compensation. In acting on these recommendations the Commission found that these legacy systems not only were subsidizing services of a bygone era, but also were deterring the transition to IP networks. The Commission provided a path to "promote innovation by eliminating barriers to the transformation of today's telephone networks into the all-IP broadband networks of the future."<sup>1</sup>

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<sup>1</sup> See *Connect America Fund; A National Broadband Plan for Our Future; Establishing Just and Reasonable Rates for Local Exchange Carriers; High-Cost Universal Service Support; Developing an Unified Intercarrier Compensation Regime; Federal-State Joint Board on Universal Service; Lifeline and Link-Up; Universal Service Reform – Mobility Fund*, WC Docket Nos. 10-90, 07-135, 05-337, 03-109, GN Docket No. 09-51, CC Docket Nos. 01-92, 96-45, WT Docket No. 10-208, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663, 17680 para. 648 (2011) (*USF/ICC Transformation Order*), *pets. for review pending sub nom. In re FCC 11-161*, No. 11-9900 (10th Cir. filed Dec. 8, 2011).

In the two years since the Commission adopted the *USF/ICC Transformation Order*, providers have increased their deployment of IP equipment and facilities so much so that today we launch a process for interested parties to submit proposals for experiments, which would shift entirely away from legacy equipment and facilities. I am pleased that the Order recognizes what I have maintained all along – that the core values embodied in the Communications Act – competition, consumer protection, universal service and public safety, do not change as technologies evolve, and must guide the Commission’s process going forward. While the transition holds potential for the introduction of next generation 911, with features such as video call and more reliability and redundancy, there is also a risk of unintended consequences for consumers, public safety, and competition. The parameters for these experiments, including protections for these core values as well as the means to identify data that would be useful for experiments should provide the Commission and the states information needed to make decisions going forward. I am also pleased that the Order instructs the Commission to consult with states and Tribal governments in geographic areas where entities propose a trial.

At the same time, we must acknowledge that not everyone in this country has the luxury of being able to take advantage of those products, devices and applications I saw at CES. Most of us in this room are fortunate to have the ability to be the first adopters, but millions cannot because they live in rural areas. Millions more have access but cannot afford to do so. The Commission has a duty as provided in section 254 of the Telecommunications Act to close digital divides and ensure that all Americans, including low-income consumers and those in rural, insular and high cost areas have access to advanced telecommunications and information services reasonably comparable to those in urban areas.

I remain firmly committed to ensuring that the Commission lives up to this Congressional mandate, and I believe the rural broadband trials in the Order and Further Notice could be a vehicle to help achieve these goals. The *USF/ICC Transformation Order* sets up a process to give incumbent carriers the right of first refusal to accept or decline state-wide support using a forward-looking cost model to provide broadband and voice to unserved areas. The Commission sought comment on the competitive process for the distributing Connect American Fund Phase II support in areas where the incumbent declines its right of first refusal. These rural broadband trials could help facilitate the Commission’s ability to structure the competitive process, while the Order makes clear that the distribution

of Phase II support under the forward-looking model continues on a parallel track without delay.

These rural broadband experiments and the technology transitions, present an incredible opportunity to explore how best to achieve the Commission's goals adopted in the *USF/ICC Transformation Order* of "ensur[ing] universal availability of modern networks capable of providing voice and broadband service to homes, businesses, and community anchor institutions."<sup>2</sup> Connecting anchor institutions was something I strongly advocated leading up to the adoption of the *USF/ICC Transformation Order*. I believe the Commission should leverage the Connect America Fund to achieve all of our obligations in section 254 including serving rural and low-income consumers, and connecting anchor institutions and health care facilities. This Order invites experiments to further explore these issues, to ensure that the goals of connecting anchor institutions in the *USF/ICC Transformation Order* are realized.

I appreciate the support of my request for comment on healthcare broadband experiments which could ensure that consumers and health care providers in rural areas have access to advanced telemedicine and other remote monitoring services. Technological advancements are transforming the delivery of healthcare, and some Americans stand to be left behind because they either lack access, or the means, to these services. I believe our universal service mandate includes ensuring that consumers have access to these advanced services, and hope to work with the Chairman and my colleagues to move quickly to adopt an order approving these healthcare trials.

With regard to disabilities access, I am excited that the Order adopts the \$3 million budget proposed in the Video Relay Services Reform Order for research focusing on the impact of IP-based technologies and services for persons with disabilities. The goal is to ensure, that the Telecommunications Relay Services, offer functionally equivalent voice services, and improve the efficiency and availability of TRS. Research here could focus on the specific needs of this community including effects on different demographics, and the relationship with health care. The technology transitions have opened tremendous doors and opportunities for persons with disabilities and I strongly encourage all interested parties to submit research proposals for the Commission's consideration to evaluate how to improve our TRS services.

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<sup>2</sup> *USF/ICC Transformation Order*, 26 FCC Rcd at 17873, para. 48.

Finally, I am pleased my colleagues agreed with my suggestion to seek the input of the Federal-State Joint Conference on Advanced Telecommunications Services a request to help improve the Commission's own consumer complaint processes, by learning best practices from the states. I believe we can learn from our state partners, particularly on consumer complaints, something that states know very well.

This item is comprehensive in scope, and I want to thank the Chairman for his leadership, and the dedicated team of public servants, who worked so diligently. While the list includes many talented staff in virtually all of the Commission's Bureaus and Offices, allow me to specifically thank, Jonathan Sallet, Stephanie Weiner, Jonathan Chambers, Nick Alexander, Matthew Quinn, Julie Veach, Carol Matthey, Tim Stelzig, Admiral David Simpson, and Henning Schulzrinne.