



PUBLIC NOTICE

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#Solutions2020 Call to Action Plan - FINAL

This Public Notice is to announce the final release of Commissioner Mignon Clyburn's #Solutions2020 Call to Action Plan.

Introduction

Today our office is pleased to release a final version of the #Solutions2020 Call to Action Plan. We believe these recommendations, if acted upon in a timely manner, can deliver robust, affordable, and reliable connectivity within the next four years.

The origins of the plan date to October 19, 2016, when stakeholders from across the communications landscape convened in Washington, D.C., on the campus of Georgetown University Law Center for our #Solutions2020 Policy Forum. Over 100 persons attended the event and more than 400 watched it online through FCC.gov.

During the course of four and a half hours, academics, practitioners, and other thought leaders each delivered a three minute solutions-focused "pitch" to address many of the toughest challenges facing the communications sector. In the weeks that followed, an invitation was extended to the public to submit their own 350 words or less "pitch." Those written submissions along with the complete video of the #Solutions2020 Policy Forum can be viewed on the FCC's website.

In December 2016, our office released a draft version of the #Solutions2020 Call to Action Plan. Comments were subsequently submitted by more than [two dozen organizations](#). This input helped refine and supplement the final plan we release today.

1) Ensuring Affordable Communications

*"A nation should not be judged by how it treats its highest citizens, but its lowest ones."
– Nelson Mandela*

The work of ensuring affordable access to communications to all Americans may or may not ever be fully realized, but we should never fail to try. Twenty years ago, an average family of four paid for two fixed telephone lines and dial-up Internet access. Now that same family MAY have a fixed phone in the home accompanied by a broadband internet connection, along with two or more mobile voice and data lines. This means that the number of services purchased in order

to keep up with the Joneses, has risen in cost so much, that for the lowest-income Americans who can barely afford one device or service, the digital divide continues to widen.

I saw the effects of this last year during my #ConnectingCommunities tour, where too many people in economically distressed, hard-to-serve areas are being digitally left behind. They live in places where markets have failed, or options appear to be absent or substandard: those who use inmate calling services (ICS), or communities where broadband has been deployed, but the service is beyond reach due to cost. But if we follow a few well-crafted steps, establish unique public-private partnerships and institute well-thought out policies, we can narrow the gaps, shrink the divides and fulfil that mandate so nobly expressed in the Communications Act: that *all* Americans should have access to quality communications services at just, reasonable, and affordable rates.

a) *Comprehensive Reform of Inmate Calling Services*

- The Congress, the FCC, states and localities should work to introduce real competition and establish reasonable rates for connectivity in correctional facilities, and abolish kickbacks in the provision of these services.
 - Federal legislation, like Rep. Bobby Rush's *Family Telephone Connection Protection Act* or Senator Tammy Duckworth's *Video Visitation in Prisons Act*, are good steps toward achieving that goal. They should be adopted with haste.
 - Actions by states like Ohio and counties like Essex County, NJ, to eliminate kickbacks for the betterment of the prison system as a whole, are commendable and should be studied and adopted by others.
 - Uniform intrastate and interstate rates are possible, as evidenced by states that have reformed ICS.
- It is concerning that 79% of local jails that have implemented video visitation, have eliminated in-person visits. Despite the benefits video visitation may bring, they should not be used as a substitute for face-to-face human contact. The mere existence of an option for video visitation should not be the basis for limiting in-person visitation.
- Reduction of inmate calling service rates has been shown to assist with the problem of contraband cell phones. Thus, it would be antithetical to the goal of addressing the contraband cell phone problem by increasing the cost of inmate calling services rates to pay for contraband cell phone detection and control technology.

b) *Streamlined Access to Lifeline Service*

- Only about a third of eligible U.S. households currently subscribe to Lifeline services.
- To address this, commenters suggest that we close the gap by making Lifeline information available at the common touchpoints: clinics and places where those who are eligible apply for social benefits, recertify their eligibility to live in HUD-assisted housing, among others. Such information should also be available to digital inclusion organizations and municipalities, so that programs focused on reaching the unserved are equipped with information about available assistance programs.
- The Commission should adopt a shot-clock for approving Lifeline provider compliance plans and ETC designations. This would give providers certainty, and could introduce additional competition and choice into the program.
- Legislative solutions like Rep. Peter Welch’s *Wi-Fi Capable Mobile Devices Act of 2017* could further benefit the program.

c) *Deployment of Next-Generation Communications Services*

- To have affordable service, you must first have service. That is why lowering barriers to deployment are so important. Several steps can be taken to help on this front:
 - Reform pole attachment rules to increase access and reduce the cost of deployment. Explore ways to reduce time-to-attachment, including the possibility of one-touch make-ready.
 - Facilitate streamlined infrastructure siting policies on federal, state and local levels.
 - Engage in dialogue with “reverse preemption” states to ensure that the requirements of section 224—including non-discriminatory access at reasonable rates, within a reasonable timeline—are met.
 - Encourage public-private, public-public, and private-private partnerships on both the supply and demand side by, for example, assisting with different pieces of the infrastructure puzzle and aggregate the demand for services where the economic case for buildout is weaker.

- Adopt a multi-pronged approach to encouraging competition in multiple-dwelling units, at federal, state, and local levels.
- Congress has been working on a bipartisan basis, under the leadership of Reps. Greg Walden and Anna Eshoo, on “Dig Once” broadband deployment legislation. I would encourage passage of this legislation.
- To further the goal of serving the unserved, the Commission must move expeditiously to complete the CAF II Auction, the Mobility Fund Phase II Auction, and the Remote Areas Fund Auction.
 - As part of this, the Commission must collect better data on broadband availability and adoption. Rep. Dave Loebsack’s *Rural Wireless Access Act of 2017* is an excellent step towards achieving that goal.

2) Empowering Communities

At the heart of our #ConnectingCommunities tour was the idea that we need to get outside of D.C. and hear first-hand the opportunities and challenges of bringing robust, affordable communications services to all Americans. How else can one truly grasp just how varied the problems and solutions are? State and local leaders are on the front-lines and, as American Rural points out, communications policies must reflect the geographic and demographic diversity of our nation. Rural workers are not just farmers, but are innovators and entrepreneurs as well.

a) *Empower Communities to Deploy Communications Infrastructure Where the Market has Not*

- I support the enactment of the *Community Broadband Act*, introduced by Senator Cory Booker, which preserves the local communities’ right to provide their residents with broadband service.

b) *Ensure Tribal Voices are Heard at the FCC*

- We must do better in engaging with Tribal governments. To that end, the FCC’s Office of Native Affairs should be empowered as a standalone Office with its own budget that is sufficient to proactively engage with Tribes on important issues of communications policy.

3) 5G and Beyond for All Americans

This past summer, the Commission took a momentous step towards bringing next generation wireless technology to consumers by making available nearly 11 gigahertz of high-band spectrum for licensed and unlicensed use and teeing up an additional 18 gigahertz of spectrum, encompassing eight high-frequency bands, for consideration.

This exciting development is the first of many steps on the path towards 5G technologies. Wireless providers and equipment manufacturers are conducting demos and launching trials, so we are on the verge of really seeing just how fundamentally fifth generation wireless technology will change our lives and the ways we interact with each other and our communities.

The potential use cases for 5G are as varied as they are incredible, from remote-controlled robots performing surgeries on the other side of the world, to fully autonomous cars, to ubiquitously connected homes, and even connected bodies.

But it is important as we move into this new age of connectivity that those who live in rural and low-income areas are a part of this new frontier. It is important that industry and government work together to ensure that we narrow, not further widen the digital divide in the country. Below are some ideas to help us do just that:

a) *Passage of the Making Opportunities for Broadband Investment and Limit Excessive and Needless Obstacles to Wireless Act, or MOBILE NOW Act*

- Among other things, the *MOBILE NOW Act* reintroduced in the 115th Congress, underscores that it is U.S. policy to maximize spectrum resources to benefit Americans, advance wireless broadband innovation and investment and make available unlicensed spectrum sufficient to meet consumer demand;
- It directs NTIA and the FCC to make available at least 255 megahertz of federal and non-federal spectrum below 6000 megahertz for wireless broadband use, including 100 megahertz for unlicensed use, and 100 megahertz for exclusive commercial licensed use; and
- It also proposes common sense solutions that would streamline deployment of broadband infrastructure.

b) *Identifying Spectrum Bands Suitable for Unlicensed Use*

- Unlicensed spectrum has been one of our nation's greatest innovation engines. It has enabled technologies such as Wi-Fi, Bluetooth, Radio Frequency Identification (RFID), cordless phones and security systems. Some of these technologies have led to the development of billion dollar industries and the successes of these industries is attributable to the fact that unlicensed spectrum is open to all: from individuals with great ideas, to small start-ups, to large corporations.
- Despite the amount of spectrum that the FCC has auctioned over the years, there are too many areas in this country – most notably rural areas and low income urban communities – that do not have the number of choices for broadband

providers that most Americans enjoy. Unlicensed spectrum has and must continue to play a role in helping to close this gap.

c) *Promoting Efficient and Collaborative Infrastructure Siting Policies*

- In order for wireless providers to meet America's growing demand for broadband, they not only need additional spectrum, but the ability to deploy new or improved wireless facilities or cell sites in a timely manner. In a 5G world, we expect an acceleration in infrastructure deployment, particularly of small cells and Distributed Antenna Systems (DAS). It is in the best interest of consumers for municipalities and providers to work together to ensure timely rollout of robust wireless networks throughout the country.
- This can be accomplished by:
 - Ensure that there is transparency on both sides of the table and an effective complaint process;
 - Create capacity for permitting and make ready work;
 - Put in place processes to streamline the permitting process for new and existing facilities;
 - Establish stakeholder committees to understand upcoming construction and build-out opportunities;
 - Make municipal assets such as fiber, light and power poles, rooftops, street furniture and traffic signals available on a nondiscriminatory basis and attractive terms; and
 - Create a broadband ready building stock by integrating future looking broadband practices into the process of developing residential and commercial real estate.

d) *Advancing Policies to Promote 5G Deployment in Rural America*

- Consumers in rural areas must have access to robust mobile voice and data services. They expect an always-on, everywhere-available connection, and have for some time now. Reasonably comparable service across the nation is our goal, and we have been working on this on the fixed side for some time. With the increasing importance of wireless connectivity, we must double down on our efforts to ensure reasonably comparable mobile service as well. Here are some ways to accomplish this:

- Move expeditiously to complete upcoming spectrum auctions;
- Ensure that there is equitable access to spectrum;
- Ensure that our regulatory frameworks stress technology neutral approaches to broadband connectivity;
- Support a spectrum framework that prevents warehousing of spectrum;
- Encourage the creation of strategic partnerships between those willing to provide 5G services in rural areas and those in need of such services;
- Promote policies to encourage equipment manufacturers and vendors to provide lower cost solutions for 5G equipment in rural America; and
- Facilitate collection of better data on broadband availability and adoption. Rep. Loeb'sack's *Rural Wireless Access Act of 2017* is an excellent step towards achieving that goal.

e) *Promote Security and Reliability in Communications Networks*

- In order to ensure all communications networks, including NG911 networks are safe, we must incorporate cyber defense mechanisms into every aspect of the networks and encourage companies to take the lead in developing and implementing effective, industry-driven security risk management practices and policies.
- The Commission must also work with other government agencies and communications providers to facilitate information sharing regarding cybersecurity best practices between government and industry as well as among industry stakeholders.
- As we incorporate 5G into a NG911 and FirstNet landscape, we must ensure that all Americans have the ability to reliably reach emergency personnel.
 - Rightly so, there has been a great deal of focus on how to help state and local public safety answering points (PSAPs) make the transition to NG 911. We must also be sure that federal PSAPs are not overlooked in the transition.
- Several bills recently introduced in Congress, if passed would help achieve many of these goals, including the *Next Generation 9-1-1 Act of 2017*, introduced by Senators Bill Nelson and Amy Klobuchar; the *Cybersecurity Responsibility Act*, introduced by Rep. Yvette Clarke; the *Interagency Cybersecurity Cooperation Act*, introduced by Rep. Eliot Engel; and the *Securing IoT Act*, introduced by Rep. Jerry McNerney.

4) Enhancing Consumer Protections

The FCC plays a key role in protecting against practices that are anti-competitive and/or anti-consumer. In recent years, consumers have faced a slew of undesirable practices, including cramming, slamming, unwanted robocalls and various deceptive billing practices.

When consumers are unable to reach a resolution with their communications provider, they often turn to the FCC for assistance. If acted upon, the following recommendations would strengthen protections for consumers, improve accessibility and enhance transparency:

a) Eliminating Forced Arbitration

- Mandatory arbitration, put simply, forces consumers with grievances against a company, out of the court system, and into a private dispute resolution system. This is why I joined with Senator Al Franken in calling for this to be addressed in the Commission's privacy proceeding.
- The Consumer Financial Protection Bureau estimates that 99.9% of mobile wireless customers have no option and are forced to give up their day in court, when they sign up for connectivity.
- The FCC should use its authority to ban these provisions in all contracts for telecommunications services. If the FCC refuses to do so, Congress should step in and include an equitable dispute resolution process.
- As multiple commenters have suggested, a more rational approach is streamlined, voluntary, post-dispute arbitration that puts the power over dispute resolution back in the hands of consumers.

b) Enhancing Text Messaging for Persons with Disabilities

- While most consumers are able to receive and send timely information via text messaging, deaf-blind braille users do not have this capability and therefore miss out on many important messages, including emergency/weather alerts and the ability to quickly communicate with family, friends or emergency services.
- In order to address this inequality, we must develop simple mobile texting solutions for deaf-blind individuals who are ASL/braille users.

c) Improving Point-of-Sale Transparency

- Last October, the FCC’s Consumer Advisory Committee “No Surprises Task Force” offered several recommendations to improve a consumers’ experience when they sign-up for phone, Internet, or pay-TV service.
- Implementation of these recommendations, including providing consumers with an estimated dollar amount of their total monthly bill, including all government imposed taxes and fees, and all company-imposed fees, surcharges and equipment charges just prior to signing-up for service, would be a huge win for consumers and an opportunity for providers to show how committed they are to putting customers first.

5) Broadband as a Driver of Improved Health Services

Three years ago, at my urging, the Commission launched the Connect2Health^{FCC} Task Force. Underpinning the effort to improve health outcomes is access to robust broadband connectivity. This means not only within the confines of a health care facility but connectivity in the home, so patients can maintain close communication with their doctor in the weeks and months following hospitalization or an out-patient procedure. Earlier this month, Chairman Pai affirmed his commitment to continuing this initiative.

During my #ConnectingCommunities tour, I visited health facilities of varying sizes including the Lucile Packard Children’s Hospital at Stanford University and the Preston Memorial Hospital in Kingwood, West Virginia. We must explore new ways to ensure all of our nation’s health facilities are equipped with advanced broadband-enabled technologies by the end of this decade.

In pursuit of this goal, I offer the following recommendations:

a) *Modernizing the FCC’s Healthcare Connect Fund*

- The 1996 Act instructed the Commission to provide funding to qualifying rural healthcare providers for critical communications services.
- Congress should pass legislation to enable non-rural hospitals that predominately serve rural areas, to take advantage of funding from the FCC’s Healthcare Connect Fund. Bipartisan legislation, such as the *Reaching Underserved Rural Areas to Lead (RURAL) on Telehealth Act* introduced during the 114th Congress, recognized that non-rural hospitals and health-care providers may be best positioned to bring telehealth services to rural communities.

b) *Replicating the Success of Project ETHAN in More Local Communities*

- Project ETHAN (Emergency Telehealth and Navigation), a program established by the Houston, Texas Fire Department, connects the city’s first responders to a

call center staffed by physicians.

- Through the power of mobile broadband and a tablet, EMTs dispatched to a 911 call, can connect a patient with a non-critical issue to a physician through a video chat, and in just over 80 percent of the cases, eliminate the need for a costly hospital visit.
- Local communities nationwide should consider replicating Project ETHAN to improve patient care and reduce medical costs.

c) *Adopting a Public Notice to Support Adoption and Accessibility of Broadband-Enabled Health Care Solutions*

- One year ago, former FCC Chairman Tom Wheeler circulated a Public Notice that posed a series of questions about the intersection of broadband and health, including where there are critical gaps and needs.
- The Commission should adopt this Public Notice as a way to build a record on what the FCC can do to support the adoption and accessibility of broadband-enabled health care solutions.

d) *Promoting Remote Patient Monitoring Programs*

- It is estimated that the U.S. could lower its health care costs by \$197 billion over the next 25 years through the use of remote monitoring to track the vital signs of patients with chronic diseases.
- The importance of remote patient monitoring was reiterated by several of the panelists at our October 19th policy forum, including C Spire's Fenly Davis who described a pilot project in Ruleville, Mississippi with 100 people with uncontrolled diabetes who used broadband to regularly connect with their doctors. In the first year, none of those patients had hospital visits, resulting in a \$339,000 savings in Medicaid spending.
- The Commission should seek to encourage communities to embark on pilot projects like the one in Ruleville.

6) Promoting a More Diverse Media Landscape

Digital inclusion has many meanings. To me, it is about promoting viewpoint diversity through various media outlets including broadcast television, radio, cable, newspapers and online. Included in this objective is the need for a variety of perspectives, particularly local voices that can be a source for relevant news, weather and emergency information.

Digital inclusion also means there should be ownership diversity and a tech and telecom

industry made up of employees that reflect America's rich diversity and talent. According to the Multicultural Media, Telecom and Internet Council (MMTC), "despite comprising a third of the population, people of color comprise only 22% of the television news force and (while not FCC-regulated) only 13% of the daily newspaper workforce." It does not have to be this way. Highly-qualified female and minority candidates exist, yet a disconnect remains.

With these goals in mind, I propose the following steps to enhance digital inclusion and promote a more diverse media landscape.

a) *Adoption of a Final Order on Independent Programming*

- In September, building off of a record that included more than 36,000 filings, the Commission adopted a Notice of Proposed Rulemaking (NPRM) that targeted two of the worst offending practices facing many independent video programmers: "unconditional" most favored nation (MFN) clauses and unreasonable alternative distribution method (ADM) provisions.
- The comment period in response to the NPRM has closed. Following a thorough review of the record, the Commission should proceed with the adoption of a final Order that ensures independent and diverse voices have a place in a vibrant media landscape.

b) *Implement an FCC Tax Certificate Program*

- During its 17 years of existence, the FCC's Minority Tax Certificate Program successfully helped to bring numerous diverse entrepreneurs into the broadcast industry. The program was eliminated in 1995.
- Congress should reinstate a tax certificate program focused on improving the state of broadcast ownership diversity.

c) *Establish a Pilot Incubator Program to Increase Female and Minority Ownership*

- The Commission and industry should work to encourage new entry into the broadcasting industry, particularly by minorities and women. One way that has been suggested to achieve this is by waiving certain ownership restrictions for an incumbent broadcaster if that broadcaster incubates a new entrant or a disadvantaged business in the same local market.
- Such incubation, perhaps in the form of lending financial, programming, or technical support, could result in the successful entry of a new broadcaster, increasing the diversity of voices available to the public.
- Even absent an explicit FCC program that entices such incubation in exchange for a waiver of local ownership rules, the industry should strive to nurture and support minority and women-owned broadcasting businesses. The recently held

Capital Assets Conference sponsored by the National Association of Broadcasters (NAB) and the NAB Education Foundation (NABEF) was an important step in this process.

d) *Reinvigorating the FCC's Office of Communications Business Opportunities (OCBO)*

- Today, the FCC's OCBO serves as chief advisor to the Chairman and the Commissioners on issues, rulemakings, and policies affecting small, women, and minority-owned communications businesses.
- Proposed in part by the American Cable Association (ACA), OCBO should expand its role to serve as Small Business Ombudsman by helping small businesses in "identifying and complying with their regulatory obligations." As described by ACA, this would improve compliance and help mitigate regulatory burdens.

e) *Improving Diversity at Tech Companies*

- Last October, the Equal Employment Opportunity Commission announced the launch of a working group, aimed at improving both gender and racial diversity at tech companies.
- According to the EEOC's *Diversity in High Tech* report, African-Americans represent just 7% of tech hires, compared to 14% in other industries. The gap is similarly large for women, representing 36% of tech hires compared to 48% in other industries.
- The EEOC, working with industry leaders, should establish a series of best practices that would encourage tech companies to increase the hiring of women and minorities.

Conclusion

Taken together, these recommendations would narrow the opportunities divide, support the growth of our economy and greatly improve the quality of life for all Americans. Implementation will require bipartisan action, support from leaders at the federal, state and local levels as well as buy-in from representatives of the technology and telecommunications industries. I look forward to working with my fellow Commissioners, Members of Congress, state and local government partners, the public interest community and industry to bring about real and lasting change by the end of this decade.