

Remarks of Commissioner Mignon Clyburn (as prepared)
Appalachian Ohio-West Virginia Connectivity Summit
Marietta High School
Marietta, OH
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Thank you Commissioner Eliason for that wonderful introduction, and to the Center for Rural Strategies for inviting me to be a part of today's conversation on broadband connectivity in Appalachia.

A few years back, the Washington Post introduced a great slogan: "If you don't get it, you don't get it." The idea was that if you didn't get their publication, you had no idea what was going on in the world and in your community. I think the opposite can be said when it comes to broadband access: even if you don't have it, you fully comprehend that you are at a clear disadvantage when it comes to being able to run your business, find a job, advance your education, access telehealth services, or simply pay your bills. Affordable, robust broadband, opens a world of opportunity to those who have it, but for those who don't, they remain stuck in a digital canyon.

Take Curtis Brown, Jr., a man who built a business customizing action figures. He got it. He knew exactly what was at stake. The only way he could get national and international customers, was through the internet, but he had one intractable challenge: he was saddled with poor broadband access, and caught in a technological Catch 22. He couldn't afford to move to a place with better internet, because he could never make enough money to relocate. A fast internet connection, Curtis said, "would be like when you are in a hole, it would be that nice rope ladder, being lowered down to you so you can get yourself out."

I became aware of Curtis' story some years ago, but I share it this evening to show how longstanding these challenges often are, and how deeply frustrating it is to feel trapped, on the wrong side of the digital and opportunities divide, with no way to get over to the other side. I know that at least a quarter of those living in this region feel the same way, because they don't have broadband at home. And even if you do, you probably don't have a choice when it comes to providers. Why do I say this? Because only six percent of rural America has a choice, which means, if I learned anything from home, that 94% of those who do not live in urban and densely populated corridors, have only one choice. You may have some mobile coverage, but let's face it: it can be spotty, and those data limits, make it less useful for taking advantage of more bandwidth-intensive activities, that a fixed connection can handle.

Now I do not stand before you, pretending to have all the answers, but I am standing here this evening because I care, and am willing to work to come up with innovative solutions, to solve these persistent gaps when it comes to connectivity. Whenever I'm faced with a challenging policy question, I always put the American consumer first. Would it make their life better? Is the service affordable? Is it accessible? I ask these questions, and I champion things like the Lifeline program, because it makes broadband more affordable for those who are barely squeaking by. I have also fought for reform of inmate calling services, because of the cruel impact it has on families. The families on the outside, not the inmate on the inside, are the ones

who are forced to pay hundreds of dollars a month to stay in touch with an incarcerated loved one. It is easy to cast blame, and it is comfortable to accept excuses about why service is substandard, expensive or non-existent, but that changes nothing. Each of us needs to cast aside the partisan labels and other longstanding reasons why we are not working better together, so that consumers without service, are not forever disadvantaged.

For this, first and foremost, is about connecting communities, and making sure that all Americans have fast, affordable broadband and robust consumer protections for that service. Now since I am in a high school auditorium, and both of my parents got their professional start in public middle and high schools, I am going to channel their inner educator-selves and give out some grades this evening. Since you all were so kind to welcome me to Marietta, I promise not to grade you, but I will grade my agency, the FCC. If I had to rank how we are prioritizing fast, affordable broadband, and robust consumer protections, I would have to give the FCC a B+ on getting broadband into communities most in need, a C on broadband affordability, and an F on broadband consumer protections. Let me tell you why.

On broadband deployment, we have acknowledged that we have a problem, and that is a critical first step. It is unacceptable to me that over 20% of rural Americans, do not have high speed broadband. The FCC has initiated several proceedings over the past few months, that look at subsidizing fixed and mobile broadband in areas that are unserved today. We have also looked at making structural changes to our rules, so that it is easier and cheaper for companies that deploy this often-costly infrastructure to do so. And while I welcome these changes, I must caution that it will take time for you to see the real benefits in your backyard. That said, I am all for resolving these proceedings quickly and making sure that the communities without broadband, will not have to go without much longer.

One area where I think as a country, we could do better is on allowing communities who don't feel adequately served by their current broadband providers, to serve themselves. We allow localities to do so for water, electricity, and roads, but for the basic infrastructure of the 21st century—broadband internet—many communities are restricted in their ability to build and offer broadband. I believe that where communities are not being adequately served by the private sector, they should be able to band together and deploy their own infrastructure. You provide your own electricity service here through a cooperative. Perhaps, like a growing number of cooperatives across the nation, a cooperative could also provide broadband.

On affordability, we aren't doing quite so well. Whenever we have seen broadband providers propose to merge, I have fought for conditions that ensure they offer affordable solutions for the lowest-income Americans. And I have fought for broadband to be included in our Lifeline program, so that those with the least can get a discount on broadband service. But the current majority is not a big fan of Lifeline, and is against imposing the types of conditions that I described. And even if you are inclined to agree with them, remember this: the power of broadband connectivity, is not worth much to your neighbor, if they cannot afford it.

The fight for affordable and available communications services, requires all hands-on deck. We each need to make sure that one's opportunity is not limited based on the family they were born into, or where they choose or are forced to live. For those struggling to pay their bills

each month, a \$100 broadband bill is out of reach. And affordable broadband for them, is not only a window to a brighter tomorrow, but a means to attract more people to their communities, new commercial neighbors on Main Street and surrounding areas, and for municipal leaders, those last two outcomes, mean a healthier tax base.

So I close out my portion of the evening on the topic of consumer protection because, I am deeply concerned. As you may know, last year, the FCC laid out some rules of the road for broadband, adopting protections which we call “open internet,” but what is more commonly called net neutrality. Our rules were adopted to ensure that your broadband provider can’t tell you what you could or couldn’t do with your broadband connection. Things like blocking or slowing down your internet connection to favor a competitor’s content, or making sure that your privacy rights are protected, by preventing your broadband provider from selling your browsing or app data history, unless they at least get your permission first.

Having adequate protections and a provider not playing favorites, are what it is all about for me, and I am not alone. Just this month, a new survey found that 77 percent of Americans, support keeping our 2015 net neutrality rules in place. There is similarly strong support for privacy protections, despite action by Congress earlier this year that disapproved the FCC’s broadband privacy rules.

And for those who question my position supporting strong open internet rules and protections, I do not take any offense, and ask that you not simply take my word for it. But I do have two simple asks: I implore you to call up your broadband service provider, and ask them this, are there currently any rules on the books that prevent you, broadband service provider, from collecting and selling my personal data, when I use your internet connection? Do not accept a lot of words that sound like corporate speak. Ask them for a simple yes or no answer.

Because, as we speak, the FCC is currently proposing to undo those 2015 net neutrality rules and the authority underpinning it with the blessing of these providers. And for those of you who understandably question, if I am simply a partisan holdover and am out of sync with the times, I urge you to ask the FCC leadership this: if the current open internet rules are repealed, will the FCC still have clear legal authority, to subsidize broadband deployment here in Appalachia, to ensure competitive access to the existing monopoly infrastructure here in Appalachia, or, will there be a referee on the field when it comes to consumers’ experience and protections when it comes to their broadband provider here in Appalachia? Do not accept an answer in regulatory or legal speak. Ask them to answer yes or no.

If you care about robust broadband, if you care about being able to use the internet without your service provider compromising your privacy, picking winners and losers online, if you want infrastructure built in your communities, then you cannot remain on the sidelines. File comments in our open internet proceeding, let your federal Representative or Senators hear about what you think and what you need. Make your voice heard.

I, for one, welcome hearing from you, consider your voices and opinions significant and view what you file as substantial. We are not doing our jobs as regulators, if we aren’t listening to you, we are not representing your interests if we fail to understand or consider what you are

facing or what concerns you. I am here tonight in Marietta, Ohio because I am using my two ears and will now limit what else I say with my one mouth. My unwavering promise to you this evening, is that I will take what you say back to Washington, D.C., and ensure that your stories are told and that they are part of our public policy debate. I look forward to hearing from you tonight, and thank you for listening.