

**TESTIMONY OF FCC COMMISSIONER MICHAEL J. COPPS
U.S. HOUSE COMMITTEE ON ENERGY AND COMMERCE
SUBCOMMITTEE ON TELECOMMUNICATIONS AND THE INTERNET
“THE NATIONAL BROADBAND PLAN”**

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Good morning Chairman Boucher, Ranking Member Stearns, and Members of the Subcommittee. When I put today’s hearing on my calendar, I realized that it was one year ago this week that I sat before you as Acting Chair of the FCC testifying on the Commission’s efforts to prepare the American people for the digital television transition. That was no small undertaking. I am once again privileged to come before you today, along with Chairman Genachowski and my colleagues, to discuss another great task being undertaken by the FCC—to ensure that every American has high-speed, opportunity-creating, affordable broadband.

Since my confirmation as a newly-minted Commissioner in 2001, I have been calling for a national broadband strategy to ensure this nation’s going-forward global competitiveness. It is my belief that high-value broadband is the Great Enabler of our time. This technology infrastructure intersects with just about every great challenge confronting our nation today— jobs, business growth, education, energy, climate change and the environment, international competitiveness, health care, overcoming disabilities, opening doors of equal opportunity, news and information, our democratic dialogue. There is no solution for any of these challenges that does not have some broadband component to it. So, after seeing this country drop in broadband penetration rankings among OECD economies, it was music to my ears when Congress called for the development of a National Broadband Plan. Under the visionary leadership of Chairman Genachowski, and with the hard work of an impressive team of FCC staff, we now have a Plan with clear objectives and a considered strategy aimed at ensuring that everyone in this country has equal opportunity in this new Digital Age, no matter who they are, where they live, or the

particular circumstances of their individual lives.

The process to develop this Plan has been the most comprehensive, open and transparent that I have ever seen at the Commission. The broadband team searched out a myriad of traditional and non-traditional stakeholders that needed to be heard, making a special effort to be inclusive of those without a corporate lobbyist or lawyer working for them in Washington. After all, I strongly believe that a broadband policy *for* the American people should be a broadband policy *of* and *by* the American people.

The goal of a broadband plan, in my opinion, should be to ensure a robust broadband ecosystem that serves the American people. And, I believe that this Plan can achieve this—with recommendations to reform the Universal Service Fund, identify additional licensed and unlicensed spectrum for wireless broadband, encourage ICT research and development, to name just a few.

I am pleased that the Plan has concrete recommendations for ensuring that the public safety community has access to the broadband tools it needs to protect American lives and property. The Commission finally has a plan based on a level of data and analysis far better than anything that has been available before. We've been saying this for some time—we simply have to get this done—and I think the Plan puts us in the direction of creating a much-needed, nationally-connected, interoperable broadband network for first responders to ensure the safety of all. The Plan addresses many of my priorities for broadband; I can't possibly delve into each of them here and do them any semblance of justice. I do want to highlight a few.

Foremost among them is digital inclusion. Every one of our citizens must have access to this enabling technology in order to participate fully in 21st century life. Access denied is opportunity denied. America cannot afford to have digital divides between haves and have-nots,

between those living in big cities and those living in rural areas or tribal lands, between the able-bodied and persons with disabilities. There is a huge and potentially debilitating irony here: this liberating and dynamic technology that can make so many things better could end, if we don't do the job thoroughly and do it right, by creating even wider divides in this country going forward than we have had in the past.

So broadband must leave no American behind—not African Americans, not Hispanic Americans, not Asian Americans, not disabled Americans, not poor Americans, not rural Americans, not inner-city Americans. And all Americans includes the original Americans—Native Americans. I have seen first-hand the unacceptable state of communications in much of Indian Country. Even the plain old telephone service that so many of us take for granted is at shockingly low levels of penetration there—below 70 per cent of Native American households. And we have no reliable data on the status of Internet subscribership on tribal lands, because no one has collected it. That's why I encouraged the broadband team to develop a Plan that works for Indian Country, and I am pleased with the recommendations they delivered. Implementation will give Native American communities the visibility they deserve at the FCC and will build upon the trust relationship that Bill Kennard did so much to promote while he was Chairman of the FCC.

Another important focus of the Plan is ensuring accessibility for persons with disabilities. In my time at the Commission, I have had the inspiring experience of working with numerous disabilities communities, beginning with my very first speech as a Commissioner, which was to a deaf and hard-of-hearing audience. I've come to see and appreciate the talents these folks have and to begin understanding the challenges they must constantly overcome—every day, all day. These are individuals with so much talent and dedication, and all they ask is

an equal shot at being productive members of society. We just cannot countenance their exclusion. At a broadband hearing that I chaired at Gallaudet University, we saw how new broadband technology can change lives and create opportunities for people who want to be, who need to be, fully participating, mainstream citizens. There is no question that we have made some progress in recent years, but we have much more to do. Implementation of the recommendations in the Plan will help ensure that communications services, equipment and content are accessible to persons with disabilities.

Inclusion of all Americans is all the more important given the critical role broadband will play in informing our civic dialogue and stimulating citizen engagement in our democracy. I realize that you already know this—your constituents probably get a lot of their information, and misinformation, about Congress and their representative’s doings via the Internet. But, we are late in understanding the broad civic implications of broadband as we begin to migrate so much of our national conversation to the Internet. America’s future town square will be paved with broadband bricks—and it must be accessible to all and reflect the diverse voices of our diverse country. Sustaining democracy by effectively informing all of our communities in the Digital Age goes to the core of what we are trying to achieve as we implement the Plan. With high-speed Internet, those who are connected have the world at their fingertips. For the unconnected, that world is beyond reach. Already we see a blossoming participatory and experimental culture on the Net. We see evolving new platforms that astound us, from smart phones to tablets to the advent of at-home 3-D viewing and we can communicate with someone on the other side of the world as easily as with our next-door neighbor.

An increase of technology does not by itself guarantee a more informed citizenry. A 2009 study indicates that, as a country, we now consume in excess of 1.3 trillion hours of media

per year. Yet the production and distribution of essential news and information content has never been more in doubt. The same hyper-speculation and consolidation that wreaked havoc on so much of our economy began even earlier with the media sector. That, coupled with the dismantlement of public interest oversight of our broadcast stations, has decimated newsrooms, brought pink slips to many thousands of journalists, put investigative journalism on the endangered species list and replaced real news with glitzy infotainment. A new Pew Research Center report shows a 50 percent decline in network news reporting and editing capacity since the 1980s and a 30 percent drop for newspapers since 2000. I believe that our country's democratic dialogue will suffer if these same harms that have been inflicted upon traditional media are allowed to undercut the potential of new media in the Digital Age.

We face a two-pronged challenge. First, ensuring that the Internet of the future can support the information infrastructure that democracy requires; and, second—for the years immediately ahead—stemming the decline of traditional media journalism that still supplies the overwhelming bulk of our news and information. So I'm pleased that the National Broadband Plan recognizes the need to come to terms with the news and information implications of the digital transition, and I am also pleased that the Commission has launched a separate, but really inherently related, examination focusing on "The Future of Media and Information Needs of Communities in a Digital Age." A Commission without steady focus on this would ignore one of the core implications of broadband infrastructure.

And, one last note about inclusion. To fully realize the goal of broadband for all, broadband must not only be ubiquitously deployed, accessible and affordable—we must know how to use it. I commend the Plan's clear commitment to digital literacy so that people have the training and education to use the Internet and the discernment to understand how, if wrongly

used, the Net can inflict personal and social harms.

Each of us would have, I am sure, some variations on the Plan that has been presented. In matters involving the reclamation of spectrum, for example, I am always conscious of the fact that the airwaves belong to the American people and that licensees may *use* that spectrum, but they do not *own* it. Talk about directly compensating licensees for spectrum runs into that reality. Also regarding broadcasting, I will be urging great caution because of the possibly detrimental effects of reallocating spectrum from those stations currently using it to serve diverse audiences. Every local voice that disappears runs against the grain of localism, diversity and competition.

Regarding issues of competition, we will have to be vigilant that the Plan's strategies actually work. Lack of competition could require us at some point to take actions going beyond what has generally been discussed. While competition is at the core of our enabling statute, I do not view competition today as a hallmark of our present telecommunications environment. In competition, as in other areas, should we find that we lack the tools necessary to conduct effective public interest oversight of the evolving broadband ecosystem, we may have to invoke other available authorities already invested in the Commission—or, should we lack some authority that we need, we may have to come back here and request it. We are dealing with a broadband information ecosystem where many parts come together to form a complex, synergistic and interdependent whole. If we lack the oversight tools to treat it systemically, we invite harms that could do the ecosystem grave injustice.

The Plan produced by the broadband team should not be viewed as a static document, but rather as one that will likely require adjustment and flexibility as we proceed. This, in my opinion, is a strength rather than a weakness. Taken as a whole, the Plan points the compass and

sets us on the right path. But like every great infrastructure endeavor this country has undertaken—be it roads, canals, bridges, railroads, highways, electric power, even basic telecommunications—to get the job done we will need a combination of private sector leadership and visionary government policy. In other words, we have a lot of work to do.

I look forward to working cooperatively with my colleagues to begin the hard work of safeguarding America's global competitiveness by ensuring that every American has high-speed, opportunity-creating, affordable broadband. In mentioning the workings of the agency, I would be remiss if I did not express my appreciation for the efforts of Representatives Bart Stupak, Anna Eshoo and Mike Doyle to reform the work of the agency by proposing to eliminate the statutory prohibition on more than two Commissioners talking together outside a public meeting. My experience has shown me that this bar has had seriously pernicious and unintended consequences—stifling collaborative discussions among colleagues, delaying timely decision-making by the agency, discouraging collegiality and short-changing the public interest. The legislation they have proposed would, in my mind, constitute as major a reform of Commission procedures as any I can contemplate.

Thank you for the opportunity to testify today and I look forward to your comments, guidance and questions.