



# AMERICANS *for* TAX REFORM

December 1, 2020

The Honorable Mitch McConnell  
Senate Majority Leader  
S-230, The Capitol  
Washington, DC 20510

**Re: Support of Nomination of Nathan Simington to the Federal Communications Commission**

Dear Majority Leader McConnell:

**I write in support of Nathan Simington's nomination to the Federal Communications Commission.**

In the past four years, the FCC, under Chairman Ajit Pai's leadership, has made major accomplishments in promoting resilient networks that spurred broadband deployment and investment. This foresight and swift action during the pandemic, kept Americans connected through the volatile and uncertain times faced by families as COVID-19 emerged globally.

**Right now, Joe Biden is poised to inherit a Democrat-led FCC on day one.** Under long-standing tradition, the current Republican FCC Chairman Ajit Pai will step down in January. Likewise, current Republican FCC Commissioner Mike O'Rielly will leave the agency when Congress adjourns in a few weeks because his term has expired. This means that the normally five-member FCC would be controlled by Democrats, 2-1, starting on January 20. That would give the agency the opportunity to jam through a partisan Biden agenda. While floor time is limited during the Senate's lame-duck session, confirming Simington this year would ensure a 2-2 FCC that could forestall billions in economic damage.

**The Commission's role in Restoring Internet Freedom to stop so-called net neutrality prevented regulations that would have treated broadband providers like utilities under Title II of the Communications Act.** This created an environment for \$80 billion of dollars in investment from 2018 through 2019.<sup>1</sup> It also prevented giving states and localities the ability to institute their own taxes and fees on broadband networks.<sup>2</sup>

**Republicans should not underestimate the harm that a Democrat-led FCC could impose on the American economy during Biden's first 100 days.**

**A Biden Administration will likely lean on the FCC to help push through an agenda focused on taxpayer funded broadband,** as it did during the Obama years. Many states have opposed taxpayer funded municipal broadband networks, while other states have pursued this path. The courts prevent the Obama era FCC from inserting itself into states who opposed municipal broadband networks.<sup>3</sup> Meanwhile, we have watched networks consistently fail in states that chose to pursue taxpayer funded networks.<sup>4</sup>

<sup>1</sup> Brogan, Patrick, "U.S. Broadband Investment Continued Upswing in 2018," *USTELECOM*, July 31, 2019,

<https://www.ustelecom.org/research/u-s-broadband-investment-continued-upswing-in-2018/>

<sup>2</sup> McAuliffe, Katie, "Your Internet Bill is Going Up 20 Percent if Democrats Get Their Way" *The Daily Caller*, March 26, 2019

<https://dailycaller.com/2019/03/26/mcauliffe-internet-democrats/>

<sup>3</sup> Spiwak, Lawrence J, "The FCC's New Municipal Broadband Preemption Order is Too Clever by Half," *Bloomberg Law*, April 13, 2015, <https://news.bloomberglaw.com/tech-and-telecom-law/the-fccs-new-municipal-broadband-preemption-order-is-too-clever-by-half>

<sup>4</sup> See Mire, Margaret, "Government-Owned Networks Drain Taxpayers," *Americans for Tax Reform*, Jan 27, 2017,

<https://www.atr.org/government-owned-networks-drain-taxpayers>; Spiwak, Lawrence J, "Problems with Government-Sponsored Broadband Expansion," *Bloomberg Law* Sep 25, 2020, <https://news.bloomberglaw.com/us-law-week/problems-with-government-sponsored-broadband-expansion>;

Taxpayers Protection Alliance, "GON with The Wind: The Failed Promise of Government Owned Networks Across America," May 13, 2020, *Taxpayers Protection Alliance*,

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**A Democrat-controlled FCC is expected to significantly increase its spending of Americans' hard-earned dollars.** They can do so immediately through the FCC's Universal Service Fund without any input or check from the Senate simply by adding charges to American's telephone bills. Democrats have also called for massive increases in in the FCC's Lifeline and E-Rate programs. Internet connectivity has become even more vital as many of us continue to work, educate, visit doctors, and entertain from home. However, this does not necessarily mean increases in spending are necessary. The FCC has done much to redirect funding<sup>5</sup> and audit subsidies.<sup>6</sup>

5G connectivity has been a rallying cry across the isles, and while spectrum auctions are sure to continue, another democrat priority may involve rolling back FCC rules that limit how much cities can charge telecom companies for 5G cell sites. Bringing cities in line with market rates has encouraged and expedited the spread of important 5G infrastructure.<sup>7</sup>

**By confirming Simington now as Commissioner to the FCC, the Senate can forestall the impending economic harms and damage to deregulatory policies from the last four years.** While the Senate calendar is tight, spending the necessary floor time to get Simington confirmed to the FCC is the most economically beneficial use of Congress's time.

Americans for Tax Reform urges you to confirm Nathan Simington to the FCC before the end of this year. **Simington's confirmation now would ensure a 2-2 FCC at the outset of a Biden Presidency. The FCC could continue to pursue important initiatives on a bi-partisan basis, but it would be blocked from jamming through partisan initiatives—whether those involve profligate spending or an anti-growth agenda.** Should you have any questions or comments on this matter, please reach out to me, or our Director of Federal Policy, Katie McAuliffe, [kmcauliffe@atr.org](mailto:kmcauliffe@atr.org).

Onward,



Grover G. Norquist  
President  
Americans for Tax Reform

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<https://www.protectingtaxpayers.org/report/gon-with-the-wind/>; Yoo, Christopher S. & Pfenniger, Timothy, "Municipal fiber in the United States: An Empirical Assessment of Financial Performance," *University of Pennsylvania Law School*,

<https://www.law.upenn.edu/live/files/6611-report-municipal-fiber-in-the-united-states-an>

<sup>5</sup> Collier, Deborah, "Reverse Auctions will Benefit Rural Americans," *Citizens Against Government Waste*, Sept. 3, 2020,

<https://www.cagw.org/thewastewatcher/reverse-auctions-will-benefit-rural-americans>

<sup>6</sup> Snider, Mike, "The FCC continues fight against fraud and abuse of Lifeline low-income subsidies," *USA TODAY*, Aug, 19, 2019,

<https://www.usatoday.com/story/tech/2019/08/19/fcc-escalates-fight-against-lifeline-low-income-subsidy-fraud/2054495001/>;

<sup>7</sup> Reardon, Marguerite, "FCC limits fees cities can charge for 5G deployment," *CNET*, Sept. 26, 2020,

<https://www.cnet.com/news/fcc-limits-fees-for-5g-deployment/>