

September 17, 2020

The Honorable Michael F. Doyle,
Chairman, Communications & Technology Subcommittee
U.S. House Committee on Energy & Commerce
2125 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Robert E. Latta,
Ranking Member, Communications & Technology Subcommittee
U.S. House Committee on Energy & Commerce
2322A Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Doyle and Ranking Member Latta:

As the American economy continually demands more and faster internet connectivity, the Federal Communications Commission under Chairman Ajit Pai took that demand seriously even before the global pandemic struck. This is why the title of this hearing “Trump FCC; Four Years of Lost Opportunities” is a serious disappointment. We understand this is an election year, but **there is no reason to politicize telecommunications and technology issues in an attempt to deny the Federal Communications Commission staff and all five commissioners rightful acknowledgement of their significant accomplishments.**

Chairman Pai instituted unprecedented transparency by releasing orders three weeks ahead of open meetings. Prior to this FCC, the regular practice was for commissioners to vote on items, but the public had to wait until publication in the *Federal Register* before seeing the final text – text, which previously was often leaked to key lobbyists and friends of commissioners who could then lobby for changes while the rest of the public was left out of the loop. The launch of the transparency dashboard provides the public a better understanding of the interworking of the FCC and its process, limiting the power of insiders and democratizing the system. Other process reforms included the creation of the Advisory Committee on Diversity and Digital Empowerment¹ and creation of Office of Analytics and Economics.²

At a time when America is rethinking the role of law enforcement, this FCC was already making tangible steps for change. They instituted 988 as the national suicide hotline,³ which will be staffed by mental health professionals. Of utmost importance, this FCC legally limited the rates that federal prisons can charge inmates for calling services, dropping the per minute rate from \$0.21 to \$0.14 for debit, prepaid, and collect calls, capped for international call rates, and disallowed most

¹See FCC, “Advisory Committee on Diversity and Digital Empowerment,” April, 2017, <https://www.fcc.gov/advisory-committee-diversity-and-digital-empowerment>

² See 33 FCC Rcd 1539 (2), Jan. 31, 2019, <https://www.fcc.gov/document/fcc-votes-establish-office-economics-analytics-0>

³ The Trevor Project, “FCC MOVING FORWARD WITH 9-8-8 AS 3-DIGIT SUICIDE PREVENTION NUMBER,” June 23, 2020, <https://www.thetrevorproject.org/2020/06/23/fcc-moving-forward-with-9-8-8-as-3-digit-suicide-prevention-number/>

ancillary charges, while imploring state authorities to do the same for intrastate rates in their prisons and jails.⁴

During the pandemic, internet access is more important than ever. The FCC worked with providers to Keep Americans Connected, a hugely successful public-private partnership that enabled struggling Americans to remain online, even if they are unable to pay their bills. They opened up emergency use of spectrum to carriers and tribal nations on an unprecedented timeline⁵ and moved at an equal pace to make telehealth more widely available and transition to the connected care future.⁶

Because of policies instituted prior to the pandemic by the FCC, American networks proved resilient, despite unexpected increases in internet traffic. While the Title II version of “net neutrality” has been a pet project of activists on the Left, time and data demonstrated that these policies would have harmed U.S. networks.⁷ In 2018, after the repeal of the very short-lived Title II regulations, investment in broadband networks shot up to \$80 billion.⁸ New research released by US Telecom shows that the “most popular tier of broadband service costs 20.2 percent less and is 15.7 percent faster in 2020 when compared to 2015.”⁹ The U.S. jumped from 12th place globally to 7th in terms of internet speed after the implementation of the Restoring Internet Freedom Order.¹⁰ Further evidence of the success of this FCC’s approach to broadband is clear when examining the performance of US networks in contrast to the slower speeds and congestion Europe’s heavily regulated networks are currently experiencing during the pandemic.¹¹

⁴ McAuliffe, Katie, “FCC Tackles Excessive Costs for Prison Phone Calls” Aug. 5, 2020, <https://www.digitalliberty.net/fcc-tackles-excessive-costs-for-prison-phone-calls/>

⁵ See FCC, “FCC Grants Navajo Nation Temporary Spectrum Access During Pandemic,” April 17, 2020 <https://www.fcc.gov/document/fcc-grants-navajo-nation-temporary-spectrum-access-during-pandemic>; “FCC Grants T-Mobile Temporary Spectrum Access During Coronavirus,” Mar 15, 2020, <https://www.fcc.gov/document/fcc-grants-t-mobile-temporary-spectrum-access-during-coronavirus>; “FCC Grants Verizon Temporary Spectrum Access During COVID-19 Pandemic,” Mar 18, 2020 <https://www.fcc.gov/document/fcc-grants-verizon-temporary-spectrum-access-during-covid-19-pandemic>; “FCC GRANTS MAKAH TRIBE TEMPORARY SPECTRUM ACCESS TO 2.5 GHZ BAND TO MEET INCREASED WIRELESS BROADBAND NEEDS DURING COVID-19 PANDEMIC,” May 29, 2020, <https://docs.fcc.gov/public/attachments/DOC-364635A1.pdf>

⁶ See FCC, “FCC Approves Final Set of COVID-19 Telehealth Program Applications,” July 8, 2020, <https://www.fcc.gov/document/fcc-approves-final-set-covid-19-telehealth-program-applications>; Wicklund, Eric, “Lawmakers Look to Continue FCC’s COVID-19 Telehealth Program,” *mHEALTHINTELLIGENCE*, Jul 22, 2020, <https://mhealthintelligence.com/news/lawmakers-look-to-continue-fccs-covid-19-telehealth-program>

⁷ Yoo, Christopher, “Coronavirus Crisis Vindicates the FCC’s ‘Net Neutrality’ Rollback,” *Wallstreet Journal*, April 14, 2020, <https://www.wsj.com/articles/coronavirus-crisis-vindicates-the-fccs-net-neutrality-rollback-11586906742>

⁸ Brogan, Patrick, “U.S. Broadband Capex Growth Propels Deployment,” *USTELECOM*. July 31, 2019, <https://www.ustelecom.org/u-s-broadband-capex-growth-propels-deployment/>

⁹ Weiss, Brian, “USTelecom Releases 2020 Broadband Pricing Index Report,” *USTELECOM*. Sept. 16, 2020, <https://www.ustelecom.org/ustelecom-releases-2020-broadband-pricing-index-report/>

¹⁰ Savickas, Daniel, and Luke Hogg, “Restoring Internet Freedom,” *FreedomWorks*. FreedomWorks Foundation, April 20, 2020, <https://fw-d7-freedomworks-org.s3.amazonaws.com/FW-%20Issue%20Brief%20-%20Restoring%20Internet%20Freedom%20-%20Savickas%20Hogg.pdf>

¹¹ Gold, Hadas, “Netflix and YouTube are slowing down in Europe to keep the internet from breaking,” *CNN Business*, Mar 20, 2020, <https://www.cnn.com/2020/03/19/tech/netflix-internet-overload-eu/index.html>

Today, 94 percent of Americans have access to high speed internet. The goal of this FCC is 100 percent, but that is not a license for waste or political favoritism.¹² Recent reforms targeting waste fraud and abuse have flushed out companies with no intent of providing service, and streamlining the permitting process allows both wireline and wireless to deploy more efficiently¹³. Updating the Rural Digital Opportunities Fund with a reverse auction will increase the usefulness and availability of broadband subsidies, resulting in more Americans connected without budget increases.¹⁴

The FCC has also considered novel approaches to provision broadband service that may be better suited than traditional means for connecting the unconnected in rural regions. Some of these methods include opening up TV whitespaces¹⁵ and licensing new satellite networks.¹⁶

Finally, and most impressive of all, is the progress made on the 5G FAST plan.¹⁷ In the last four years available spectrum has entered the pipeline at an extraordinary rate, including the largest swath of unlicensed spectrum, 1200 MHz, released in 20 years. There is a bipartisan consensus that American leadership in the 5G arena both in standards setting and deployment, will significantly grow our economy. The mix of mid and high-band spectrum will be crucial for American innovation in the 5G space.¹⁸ The FCC's 5G FAST Plan is a forward-thinking roadmap for the US to fully realize the promise of the 5G future.

While there are many more accomplishments we could list, we will stop here and urge you to thank all five FCC Commissioners, Chairman Ajit Pai, Commissioner Mike O'Rielly, Commissioner Jessica Rosenworcel, Commissioner Brendan Carr, and Commissioner Geoffery Starks, and the entire FCC staff for their valuable work that should not be dismissed as "lost opportunities."

Respectfully,

¹² Mire, Margaret, "Six Things States Can Do to Promote Private Sector Investment in Broadband," *Americans for Tax Reform*, August 14, 2020, https://www.atr.org/sites/default/files/assets/ATR_Promote%20Private%20Sector%20Investment%20in%20Broadband.pdf

¹³ See 83 FR 51867, "Accelerating Wireless and Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment," Oct. 15, 2018, <https://www.fcc.gov/implementing-rural-digital-opportunity-fund-rdof-auction>; Aiello, Thomas, "Reallocating 5.9 GHz Spectrum a Win for Taxpayers and Consumers," *National Tax Payers Union*, Dec 13, 2020, <https://www.ntu.org/publications/detail/reallocating-59-ghz-spectrum-a-win-for-taxpayers-and-consumers>

¹⁴ See FCC, "Implementing the Rural Digital Opportunity Fund (RDOF) Auction," April 3, 2020, <https://www.fcc.gov/implementing-rural-digital-opportunity-fund-rdof-auction>; Collier, Deborah, "Reverse Auctions will Benefit Rural Americans," *Citizens Against Governments Waste*, Sept. 3, 2020, <https://www.cagw.org/thewastewatcher/reverse-auctions-will-benefit-rural-americans>

¹⁵ See FCC, "CHAIRMAN PAI PROPOSES UPDATING TV WHITE SPACE RULES TO EXPAND CONNECTIVITY FOR RURAL AMERICANS," Feb. 5, 2020, <https://docs.fcc.gov/public/attachments/DOC-362311A1.pdf>

¹⁶ See 33 FCC Rcd 3391 (4), March 29, 2018, <https://www.fcc.gov/document/fcc-authorizes-spacex-provide-broadband-satellite-services>

¹⁷ See FCC, "The FCC's 5G FAST Plan," <https://www.fcc.gov/5G>

¹⁸ Duggan, Laurel, "Unleashing 5G Potential," *Digital Liberty*, August 12, 2020, <https://www.digitalliberty.net/unleashing-5g-potential/>

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