

Prepared Remarks of FCC Commissioner Mignon Clyburn

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Thank you, Peter, for your warm welcome. It is such a pleasure to join all of you this afternoon.

What a significant milestone! For 30 years, the Institute of Telecommunications Policy & Regulation has been further educating attorneys in an industry where learning never ceases. Each of you has a different reason for attending – some of you are new lawyers, or just new to the industry. Others are at the forefront of it as modern-day pioneers in telecommunications law and policy. And while I will never point fingers, it *is* December, so some of you are undoubtedly here, to complete those CLE credits.

No matter the motive, this program is important for all of us. In this dynamic environment, there is incredible value in learning about the developments and shifts happening all around us.

Over the past week or so, many of you heard me mention the fact that when I first arrived at the Commission in the summer of 2009, tablet devices had not been introduced to the U.S. consumer. Today, 22 percent of American adults now own such a device. That figure has jumped from only 11 percent in 2011. This succinctly illustrates for me that this technological revolution shows no sign of slowing down.

So I truly value all of the patience and energy, needed to keep up. But I also firmly believe that no matter the pace, and regardless of the issues which come before our Commission, in the months and years ahead, The FCC must stay true to those basic, core principles laid out in the Communications Act: *consumer protection, effective competition, and public safety.*

Certain provisions in the Act that afford consumers protections are crystal clear. For example, in 2010 Congress passed, and the President signed the 21st Century Communications and Video Accessibility Act to ensure that *all* citizens, no matter their disability, have an opportunity to use the communications devices and services that fully-abled citizens take for granted.

I am extremely proud of the work that the Commission has done for citizens who so often struggle for access to services and adequate devices. We hold a great responsibility to ensure that technology serves not just a social convenience, but a public necessity.

We have also promulgated new rules on broadcast captioning and full-length video programming, setting conditions for captioned TV programs that are re-shown over the internet. This streamlined, efficient, and good faith effort will forever result in enhanced consumer benefits and protections that were greatly needed, and long overdue.

A recent focus of mine is on a proposed rulemaking that deserves more attention. It is the FCC's duty, and obligation, to ensure that interstate long distance rates are just and reasonable.

And for the vast majority of people in this nation, those toll rates have fallen significantly over the years. Though you may not admit it publicly, I know for a fact that I am not the only one in this room who can still remember those weekly calls to Grandma, when everyone had to run and stand near that rotary phone in order to get his or her turn to say hello, how are you, I love you, and I miss you.

In the Clyburn House, our talk time was so limited due to cost that we were forced to *assume* that she loved us too, because the phone police, aka our Mother, would snatch that phone and hand it off to the next one waiting before Grandma could give us an answer. I still chuckle about those days, and am a bit envious, because my nieces and nephew will never get sent that pricing signal.

This evolution has yet to be realized by many family members of the incarcerated. These individuals often pay many times more per call than it would cost any of us in this room to call Asia at this very moment.

A 15-minute phone call from a prison can cost up to \$17 per engagement, and for families who are often already in financial distress, this is taking an unbelievable toll, particularly on Grandmothers raising their children's children. Many inmates are serving their sentences hundreds of miles away from home, so their families cannot easily travel for an in-person visit. Their primary communications option is the telephone, but high prison phone rates are resulting in further isolation, fewer outside connections, and broken families.

This issue is about, the more than two million children who have unconditional love for that incarcerated parent, who still want to share stories about those victories in the classrooms, or their triumphs on the football field. This issue is about that elderly mother in health crisis, because she has made an emotional decision to stay in touch with her child to boost both of their spirits, but due to the costs, is unable to afford her medicine, is delinquent on her utility bills so now the house is freezing. This is about that wife or spouse who cannot afford coats for the family this winter and last, because she knows that this weekly phone call can mean the difference between just experiencing a tough week, or an *emotionally devastating* week.

But for you and me, from a general societal perspective, this means something to us, too. Studies show that communication with family and friends is important in helping to reduce the rate of re-incarceration. Lower recidivism rates mean fewer tax dollars spent on housing prisoners.

For all of our sakes, there is a need for prison phone rate reform, and I am proud to be working with the Chairman, my fellow Commissioners, and our FCC staff to that end.

In addition to guarding consumer interests, the Commission must follow the marketplace and work to promote effective competition. Robust competition, private investment, and market innovation move this industry, and our nation forward.

The Chairman's strategic plan outlined goals which state that a competitive framework for communication services should foster innovation and offer consumers reliable and meaningful choice, in affordable services. I wholeheartedly agree.

While working hard to ensure that the marketplace is providing quality service and security for consumers, the Commission must keep up with the current trends, so I applaud the Chairman's announcement of the Commission's Technology Transitions Task Force – a coordinated effort across our agency to address various transitions that broadband and wireless services provide to the evolving market and our need for spectrum.

The Commission has already taken an important first step by asserting its expectation that all carriers negotiate requests for IP-to-IP interconnection and the exchange of voice traffic. Interconnection of networks ensures that competitive communications offerings are capable of exchanging traffic and will promote further competition.

We must also ensure that competitive alternatives are available to consumers and that *all* providers continue to invest and innovate—pushing one another to offer consumers the best services at the lowest prices. Indeed, last year's ICC reform was compelled in part by the transition to IP. As prices decrease for TDM switched access, more providers will make the switch to IP and need IP-to-IP interconnection. For these reasons, this Commission must complete its review of the IP interconnection issue raised last year to fully evaluate the IP interconnection framework so that voice traffic can be exchanged by providers and consumers will continue to have the competitive choices they have today.

That said, no one should mistake IP interconnection for voice services with regulation of the Internet. Providers that are using IP to deliver voice service over their proprietary networks are not using the Internet to do so.

I know that over-the-top Internet services also need clarity for voice interconnection, and I believe that providing certainty for *all* providers in the marketplace should be a priority for us. Addressing the interconnection framework will potentially speed the transition to IP. I am happy that our new Task Force will be taking up this issue, and I believe it should be the initial recommendation it makes to the Commission.

But as I have been mentioning for months, we must keep as much attention as possible on what's constantly in our hands as we walk down the street, wait in airport lounges, sit at home, and, sadly but absolutely true, while we have face face-to-face conversations with people. I'm of course referring to smartphones, tablets, and all the other members of those wireless families and their hunger for more spectrum, which is increasing with each passing day.

The Nation's growing demand for wireless services makes it critically important, to develop faster ways to repurpose spectrum for these services and make more efficient use of

existing frequencies. During my tenure, the Commission has promoted these policy priorities by amending its rules with regard to TV White Spaces, WCS spectrum, and use of microwave licenses for wireless backhaul.

I am glad that the voluntary incentive auction NPRM we adopted in September places a priority not just on repurposing spectrum for mobile services, but also on allocating enough spectrum for unlicensed use so wireless carriers can continue to use such spectrum to efficiently manage their smartphone traffic. And as Congress mandated, the Commission is making all reasonable efforts to preserve the coverage area and population served by each broadcast television licensee that wants to keep offering these services.

Another item pending before the Commission is one that could also greatly enhance competition in the mobile wireless industry, that being interoperability in the lower 700 MHz band. If finding new ways to repurpose spectrum for commercial mobile broadband services is a national priority, then removing barriers to perhaps the most valuable spectrum the Commission has ever allocated should be just as important.

In March of this year, we initiated an NPRM proceeding to address this issue and expressed the Commission's preference for an industry-crafted voluntary resolution. I agree that such an approach can offer the market greater flexibility and would limit the Commission's involvement. But I am hearing that the industry is not any closer to a resolution than it was in March. This troubles me greatly. In the coming weeks expect enhanced engagement from our Office on this front, as we are committed to bringing greater efficiencies and opportunities to the commercial market.

The Commission must also keep working to improve the reliability of our communications networks. When Congress created the FCC in 1934, it made one of the Commission's fundamental obligations "the promotion of safety of life and property through the use of wire and radio communications." The devastation and service outages caused by Derecho and Super Storm Sandy show that this obligation remains as vital today as it did almost eighty years ago. We may not be able to prevent natural disasters, but we can and must improve our Nation's ability to respond to these events.

As a Commissioner, I am committed to utilizing our entire tool box to best meet the needs of consumers. The Commission has moved forward in many areas to promote effective competition in the marketplace – and I am proud to say that the communications ecosystem is better as a result.

There will certainly be problems which we will face together in the months and years ahead. However, I am confident, that our country's talented researchers, engineers, policy makers, and yes, attorneys will continue to confront these challenges and craft solutions to the benefit of us all.

Many don't recognize that the industry, and certainly the FCC, cannot move forward without engagement from each of you, but I do. Our legal system is complex and demands the best from us all.

So thank you, for the work that you do, and for affording me the opportunity to speak with you today.