

**Remarks of Michael O’Rielly, FCC Commissioner
Before the Broadband Deployment Advisory Committee (BDAC)
November 9, 2017**

Thank you for the opportunity to once again be before you to say a few words as you get to your work of the day.

Let me reiterate my thanks for all that you have done already and the many hours of work that is ahead in the coming months. The Commission realizes that this effort takes away from your personal and professional lives and we are grateful for your contributions.

I do want to make a couple substantive points since I have your attention. First, it should be noted that the work of the Advisory Committee has not lessened as more people become aware of the underlying problem. In other words, the barriers preventing providers from bringing fixed and wireless broadband throughout our nation have increased despite the existence of this committee. Clearly, just talking about it and identifying barriers hasn’t been enough. While some had hoped that merely pointing out the issues or throwing up our arms at those state, local, and tribal governments acting in bad faith would resolve any pending problems, that is not the case. The barriers being imposed are not caused by a failure to collaborate, but a failure to heed to current law and a resistance to allow citizens access to modern communications unless certain localities impose their will or extract bounties from providers.

Take for instance, the multipage filing by Uniti Group, which is ably represented on the BDAC. The document, which is available in the Commission’s database system, concisely demonstrates the enormous burdens present when providers attempt to deploy broadband networks. The filing states, “[d]espite federal law to the contrary, many localities have implemented moratoria, in name or in fact, on installing small cells in the public rights-of-way. Even when officials...are provided copies of relevant federal rulings prohibiting moratoria, these parties feign ignorance or express their intention to violate federal law.” Feigned ignorance or expressed intention to violate the law. Unbelievable. In the case of just one state, Florida, Uniti identifies 44 localities that have implemented moratoria. And those are just the ones it knows of. This cannot be allowed to stand.

Alternatively, consider the recent paper by the Information Technology and Innovation Foundation, which criticizes the views of the mayor of San Jose, a member of BDAC. In the heartbeat of our nation’s high-tech headquarters – some would say its capitol – the comments suggest the mayor’s team is seeking to extract high rents and fees for merely trying to attach small cells to utility poles.

And these are just two examples that epitomize the task this organization was created to resolve. I’ll give you one more. I recently had a conversation with a representative of a large unnamed east coast city, who highlighted the coordinated effort being made with other such cities to demand certain prices and impose certain requirements for the right to bring broadband to its citizens. The ideas being bandied about were head scratching: from neutral platform requirements to mandating sensor attachments to every small cell. There seems to be no limit to the creativity of those imposing barriers to deployment. And that is why your work is so valuable and timely. I am counting on you to push the envelope when making your recommendations. Do not just take the easy route.

Lastly, there has been further debate since your last meeting over the organization’s makeup. In my opinion, this is a somewhat unnecessary distraction. The Chairman should be given some deference on his selection choices, and we should allow the members of the BDAC to function.

So, I thank you again for your indulgence. I look forward to taking your efforts and turning it into Commission action in the very near future.