

Opening Statement of
Commissioner Mignon Clyburn
Federal Communications Commission
Before the Congressional Forum
On Net Neutrality
Hosted by Congresswoman Doris O. Matsui
September 24, 2014

Thank you, Congresswoman Matsui, for hosting this Congressional Forum, which focuses on, what I believe, is one of the most important issues before the Federal Communications Commission today – retaining and promoting a free and open Internet for everyone. The Congresswoman clearly understands the importance of a free Internet and I appreciate her leadership on this as well as many other issues, including broadband adoption and Lifeline. I sincerely appreciate the invitation to participate and believe it is important to hear the views of interested parties outside of the beltway.

This hearing, as the Congresswoman noted, will be part of the House Energy and Commerce Committee record and I am pleased to note that the forum and materials will also be part of the official Federal Communications Commission record in the Open Internet docket 14-28. So, your voices from Sacramento will be heard all over.

Speaking of voices - over three million 700,000 have spoken - and we are listening. These numbers speak volumes of the tremendous impact the Internet has on our society. Consumers, entrepreneurs, librarians, teachers, doctors, writers, venture capitalists, state officials, edge providers, content providers – filed comments in our proceeding wanting the FCC to know their views. For many, this marks the first time they have participated in a government proceeding and highlights not only the importance of a free and Open Internet, but the power such openness has, to encourage civic engagement.

As a public servant, I believe my mission is to listen to the voices of consumers and give voice to those who may be unable speak. As the FCC moves forward to consider permanent rules, my focus will be on the impact on consumers – something that I fear has gotten lost in this debate over 706 versus Title II, and the parsing through each word of the D.C. Circuit's decision. The legal issues are, of course, important but, to me, it puts the cart before the horse. The critical question, as I see it, is first, determining the right policy, and when that is established, then and only then, determine the appropriate legal framework to achieve that result.

So just what does it mean to focus on consumers? It means ensuring that consumers continue to pick winners and losers – not companies giving priority or the government dictating a result for this is the free market at its best and that free market needs to be preserved.

It also means looking at how consumers are using the Internet, over fixed and mobile devices. We must ask and determine what are the trends so we can craft rules that are flexible enough. We need to ask what is the demand and what are the projections? What proportion of traffic is mobile versus fixed?

One trend that is clear is the increased reliance on mobile broadband. Mobile broadband looks quite different than it did in 2010, when the FCC adopted different Open Internet rules for mobile versus fixed.

The deployment of LTE was in its infancy in 2010, with 200,000 LTE subscribers. Today there are 120 million and LTE has been deployed to a projected 300 million Americans.

The use of WiFi has also increased, and the trends suggest it will continue to do so. Cisco projects that 52% of mobile data traffic will be offloaded to WiFi by 2018, and from the consumers' perspective, they often do not know whether they are using cellular data or WiFi, because the transition is seamless. To me, this means we need to be careful, to avoid creating differing or conflicting standards or rules for WiFi and mobile.

Along with increases in mobile broadband, the number of Americans who rely exclusively on a mobile device, according to a recent Pew Research report, is 41% (up from 29% in 2010). For lower-income Americans, 56% are wireless only (up from 39% in 2010), and, for Latinos of all income levels, the number of wireless-only households is 53% (up from 38% in 2010). For many of these lower income and Latino consumers, their mobile device is their only access to broadband – if they have broadband at all.

Given these trends, I will be focusing my review on how different proposals will impact the consumer's experience.

What is the impact on a consumer whose mobile broadband may be her only access to broadband? If we have lower standards for mobile, will providers make clear that the experience may be different?

Will consumers understand that apps or content could be blocked? And if we have a different standard, will it disproportionately impact communities that rely on their mobile device for connectivity?

As we continue with this debate and review, I vow to remain focused on the consumer impact. My door remains open and I will be listening to your views.

Thank you.