

## **Committee on Energy and Commerce**

### **Opening Statement of**

**Subcommittee on Communications and Technology Ranking Member Mike Doyle**

### **Hearing on “Oversight of the Federal Communications Commission”**

Thank you, Madam Chairman, for holding this very, very long-overdue hearing, and thank you to the witnesses for finally -- after 9 long months -- coming before this Committee once again.

In the nine months since our last hearing the FCC has continued to expand its track record of anti-consumer, anti-small business, and anti-innovation policies. It seems that at almost every opportunity the Commission has chosen corporations over consumers – and failed in its duty to uphold the public interest.

In December of last year, the Commission voted to eliminate Net Neutrality protections that are supported by the vast majority of Americans from all sides of the political spectrum.

Chairman Pai’s comments regarding the quote unquote chicken littles who were concerned about the repeal should take a look at public opinion polls that show that the vast majority of his own party is opposed to the Commission’s actions.

These rules protected consumers and small businesses as well as entrepreneurs and innovators. I’m happy to say that the Senate has already passed a resolution restoring these rules, and we hope to vote on our own bipartisan resolution here in the House.

The rest of the Commission’s agenda has been no better. They have proposed gutting the Lifeline program, which is an essential communications tool for millions of Americans, including veterans and seniors.

The Commission has made a series of decisions to encourage consolidation among broadcasters - from eliminating the main studio rule to reinstating the UHF discount, weakening the Kid-Vid rules, and proposing to change the Congressionally established National Ownership Cap.

It seems that each of these actions benefits broadcast corporations and will leave the public worse off.

The Chairman has claimed that he cares about rural broadband deployment. But the Commission -- in its zeal to not burden major wireless carriers with reporting where they have wireless service deployed -- imposed, as part of Mobility Fund 2, a bizarre and onerous challenge process that requires rural providers to hire people to walk through cornfields and backyards trying to prove that communities don’t have wireless service. And if those companies

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can't afford to send people out, the Commission will assume these communities are connected. How does this help the 24 million Americans without access to high speed broadband?

In the same vein, how does making changes to the CBRS band to make it less accessible to rural wireless providers - who are deploying broadband in hard-to-reach communities - enhance the Commission and this Committee's shared goal of closing the digital divide? It doesn't.

This Commission's reckless actions on Broadband Data Services and copper retirement were so corporate-friendly that NTIA, the White House's Adviser for Telecommunications policy, recently said that they remain quote – "concerned, however, that streamlined regulatory requirements may place federal departments and agencies that rely on services subject to discontinuance in the untenable position of losing access to critical national security and public safety communications functionality" - unquote. Why is the Commission putting the convenience of carriers above our nation's national security and public safety needs? That's besides the impact these policies have on schools, libraries, hospitals, small businesses, and competitors that also rely on these services?

What about Americans' privacy? Senator Wyden's office recently found that wireless carriers had been sharing the real-time location data of hundreds of millions of cell phones with third parties without consent from their users. That included sharing information with law enforcement agencies that used this data to illicitly look up Americans' location data without a warrant or due process.

We don't even *know* the scope of this problem, because the Commission was asleep at the wheel. I understand that the Commission is now investigating, but how were you so in-the-dark on an abuse that was a widespread industry practice? And what confidence can this Committee have that the Commission will take appropriate enforcement action against carriers who have so recklessly shared our location data without our consent?

Again and again the Commission has failed in its obligations to uphold the public interest - and has instead repeatedly sided with corporations over consumers. And in waiting 9 months to do this oversight hearing, this Committee has been complicit in the Commission's actions by turning a blind eye and being derelict in our responsibility to provide oversight for this agency.

I will just add, that while I am pleased the Commission issued its hearing designation order for the Sinclair merger - and in doing so acknowledged the near universal concerns about Sinclair's honesty and candor - I am extremely concerned that the President has waded into this issue. I hope, Chairman Pai, that you can assure us the President's tweet last night will not cause the Commission to change course or affect the proceedings of the Administrative Law Judge?

Thank you.