

**FCC Commissioner Mignon L. Clyburn  
Response to Additional Questions for the Record  
October 25, 2017 Hearing before the  
Subcommittee on Communications and Technology  
“Oversight of the Federal Communications Commission”**

**The Honorable Brett Guthrie**

- 1. I understand that NHTSA has an open rulemaking on the matter of V2V communications and is coordinating with the Commission on whether or how to share the spectrum currently allocated to Intelligent Transportation Systems (ITS) in the 5.9 GHz band. Are you willing to commit to working with NHTSA and other stakeholders on this issue to ensure the band remains available for ITS use in the future, and free from in-band or out-of-band emissions from other potential users?**

Thank you for the question, Congressman. I believe the best way to resolve the issues in the 5.9 GHz band is to have advocates for the Intelligence Transportation Systems (ITS) and advocates for increased use of the band for unlicensed communications services continue to work towards a voluntary technical solution that allows both services to share the band. I commit to cooperating with our federal partners and considering all data and stakeholder concerns on this issue.

- 2. There are critical infrastructure industries like electric utilities whose wireless needs are absolutely paramount when it comes to reliability and freedom from interference, as drastic consequences can follow when their networks are disrupted by outside users. Are you willing to work with utilities on how best to harden their networks, and is there anything you can share on work you’ve already been doing to meet their wireless reliability needs?**

As you know, utility companies use spectrum in the 3.5 GHz and 6 GHz bands for their wireless networks. The companies have also expressed interest in the 4.9 GHz band that the FCC had previously allocated for public safety services. In 2012, I endorsed the FCC’s decision to explore allowing other entities, such as utility companies, access to the 4.9 GHz band and yes, I remain willing to work with utilities when it comes to network reliability.

**The Honorable G.K. Butterfield**

- 1. Commissioner Clyburn, earlier this year I introduced the Expanding Broadcast Ownership Opportunities Act of 2017. My bill would help increase diversity of ownership in the broadcasting industry by reestablishing the minority tax certificate program, and requiring an incubator program at the FCC. The bill also requires the Commission to report to Congress on recommendations to help increase diversity of ownership, as well as a report on whether there is a nexus between diversity of ownership or control of broadcast stations and the diversity of**

**viewpoints broadcast by the stations. I believe that these policies should have bipartisan support.**

- a. Do you support the minority tax certificate program? If so, why do you think it's important?**

Thank you for the question, Congressman. I strongly support reinstating a tax certificate program. Based on history, I believe that such a program can increase media diversity and business opportunities, including those owned by women and minorities. As evidence, prior to the previous program being in place, minorities owned just 40 of 8,500 U.S. radio and television stations. During the existence of the policy, minorities acquired 288 radio stations and 43 television stations. The *Expanding Broadcast Ownership Opportunities Act*, which you introduced earlier this year, would be an effective means of promoting great viewpoint diversity and I support its passage.

- b. I know that you've had a strong opinion on this issue. What else can Congress do to help increase minority and female ownership in the broadcasting industry?**

While the lack of diversity in media is apparent and glaring, solutions or answers to the question of how we transform this dismal reality of the present into a future that offers abundant opportunities for women and minorities are rarely put forth. Among the proactive actions I have called for to address this imbalance include:

- Finding ways to replicate and enhance the LPFM success story for more underrepresented groups – that are largely minority and women – who are seeking to be a part of the broadcast landscape.
- Establish a pilot incubator program aimed at increasing the number of women and minority owners in the broadcast space.
- When divestitures are required during merger transactions, we should urge parties to strongly consider offers from women and minority business owners.
- Act on the Commission's independent programming NPRM.

- 2. This subcommittee has often had a robust discussion about what is being done and what can be done to buildout broadband in rural America. That is an extremely important discussion for districts like mine, but I'm also concerned that if we're not careful we may see the development of more digital deserts in urban areas where low-income neighborhoods just don't have access to affordable high-speed broadband.**

- a. Shouldn't we also be talking about making sure affordable broadband is being deployed in these low-income urban areas, and what we can do to get more broadband into the hands of low-income families and young people?**

Absolutely, Congressman. I completely understand why companies deploy their best networks where they can get the greatest return on investment. This makes business

sense. But that approach too often leaves low-income Americans behind. I have seen credible evidence that shows that in several cities across the country, low-income urban neighborhoods have less attractive broadband options than their counterparts in higher-income communities. This further disadvantages people who could most benefit from a robust broadband connection, which is contrary to the public interest.

We need to ensure that providers are living up to their obligations and if industry is not willing to provide for these communities, then we need to think creatively about what to do next. This should include enabling municipal broadband projects, incenting public-private partnerships, aggregating demand, and targeting universal service support to those areas most in need.

- 3. Internet access is crucial to taking part of the 21st century U.S. economy. But for 60% of low-income families with household incomes of less than \$20,000, they have no broadband connection at home. And although this FCC has promised to close the digital divide, it seems like the one program designed to help poor people afford broadband is under constant assault. Whether it's using old data to justify reducing its rolls or blocking providers unilaterally without a vote of the Commission, the result is the same to the program- death by a thousand cuts.**

- a. Do you believe this Commission is erecting barriers to entry for Lifeline providers who want to provide low-income people with broadband access?**

Yes, I do. It is unfortunate that the current FCC majority is embarking down a path that is likely to rip the phone away from those who are economically disadvantaged. For them, we have and will make it more difficult for willing providers to enter and stay in the Lifeline program.

For those looking to serve economically poor people, the majority appears quite comfortable in attacking even blameless companies as they force them to divest customers, lose millions of dollars even after they have entered the market, and ensuring that it will take 25 years instead of one year to enter into the nationwide market. The current majority enables providers to offer free data plan to consumers, but not if they are economically poor, they allow universal service benefits to flow in perpetuity for telecommunications companies, but not for the economically poor; they sing praises about competition and choice, but not for the economically poor; and this Administration decries consumers having to pay a minimum fee for voice service, but for the economically poor, they are just fine with suggesting just that.

Poor process and poor policy is leading to poor outcomes for those whose voices need to be heard, but are being ignored here at the FCC. I fear that the impact on the program, and on people from this majority's actions will be severe, maybe even terminal.