

**STATEMENT OF
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Good morning, Chairman Pallone, Ranking Member Walden, Chairman Doyle, Ranking Member Latta, and Members of the Subcommittee. Thank you for the opportunity to appear before you today.

I believe the future belongs to the connected. No matter who you are or where you live in this country you need access to modern communications to have a fair shot at 21st century success. Clearing the way for this connected future should be at the heart of everything we do at the Federal Communications Commission. I believe we can do this when we focus on the most basic values in our laws: consumer protection, universal service, competition, and public safety.

It saddens me that during the past two years, we have not led with these values. Instead, too often this agency has acted at the behest of the corporate forces that surround it, shortchanging the American people. You see it clearly in our failure to fix robocalls, in our inability to bring broadband to underserved communities, in the mess we made with our roll back of net neutrality, and in our failure to offer anything but silence in response to revelations that our privacy has been violated with the sale of wireless location data on our phones.

I am disappointed that the FCC has failed to show the leadership I believe is necessary to take on these big challenges. Because on top of these, so many others lie ahead: our national leadership in 5G wireless, the extraordinary cybersecurity challenges facing our networks, and the need for a bolder national broadband goal of 100 megabits—with gigabit speeds in sight—everywhere.

We have problems to solve, resources that are constrained, and communities that are having difficulty navigating the digital age. I am optimistic that the right communications policies can help. They can help students caught in the homework gap, stuck without the internet service they need to do their nightly schoolwork. They can help expand the use of telemedicine to tackle our hardest healthcare challenges like the increasing rate of maternal mortality in this country. They can help make us safer, with improved 911 service in all of our communities. They can help make our democracy

stronger, if we can commit to media policies that ensure news organizations can report without fear or favor.

I believe it is not too late to change course. It is not too late to refocus our attention on our most basic values—consumer protection, universal service, competition, and public safety. To that end, I have some ideas about where we can start to regain what has been lost.

Consumer Protection

Consumer protection is always in the public interest. It requires the FCC to be nimble, especially as the communications industry changes at a breakneck pace. But our efforts to stem the growing tide of robocalls have been anything but.

At the start of this Administration, American consumers received roughly 2 billion robocalls a month. That number now exceeds 5 billion a month. That is about two thousand robocalls every second every day. So if you think the problem has gotten worse, you're right. Consumers are complaining that we're doing too little to stop this problem and they're right, too.

While I have supported the FCC's efforts to take on a handful of bad actors with enforcement fines, the *Wall Street Journal* reports that the agency has collected no more than a grand total of \$6,790. That's insane. It's clear the agency's current approach is not working. It's like trying to empty the ocean with a teaspoon.

We don't have time for that. So let me propose three things. First, it's time for the agency to change its rules and require call authentication technology, known as SHAKEN/STIR, that will help return trust to our communications networks. Second, I've written the major carriers calling for them to make free tools to avoid robocalls available to every consumer. It's time for my colleagues to join me in this quest. Third, it's time for the agency to create a new division in its Enforcement Bureau to focus strictly on robocalls. Robocalls are the largest single source of consumer complaints at this agency. It's time for the FCC to organize its work to reflect that and I thank those on this Committee who have sought to help this effort.

Universal Service

Universal service is a cherished value in communications law. As I noted at the outset, no matter who you are or where you live in this country, you need access to modern communications to have a fair shot at 21st century success.

But the fact of the matter is that too many Americans lack access to broadband. According to the FCC's last-published report, 24 million Americans lack access to high-speed internet service, the bulk of them in rural areas. That's troubling. But even more troubling is that this statistic is no longer credible. Our methodology—assuming a single broadband customer in a census block means service is available throughout—is

inadequate. How inadequate? Consider that another study found that 162 million people across the United States do not use internet service at broadband speeds. That turns our digital divide into a yawning chasm.

We have to figure out what is going on. It is becoming clear that the FCC does not have an accurate picture of just where service is and is not all across the country. This is unacceptable. It is time to fix this mess with accurate and honest broadband and wireless maps. This is essential because we will never be able to manage problems that we do not measure.

I am not the only one who feels this way. In a congressional hearing earlier this year, a cabinet official called the FCC's maps "fake news." While this is a loaded term, I think it's obvious we need to do better. Our wired maps have serious inaccuracies. Our wireless maps are so suspect they are now the subject of an ongoing investigation.

Getting this right matters. If we don't have proper maps, we will not be able to target policy solutions effectively. The FCC distributes billions of dollars each year to help accelerate the build out of broadband, so we can connect with all our communities. It's wasteful and irresponsible for the agency to do so without having a truly accurate picture of where those resources should go.

Competition

Competition is fundamental. It yields lower prices and higher quality services. But there is a troubling trend in the state of competition. Right now, too few American consumers have a choice for high-speed broadband service. I know this personally, because I'm one of them. But I also know this professionally, because the FCC's data show that half the households in this country have no choice of broadband provider.

This is one of the reasons why the FCC adopted net neutrality rules in 2015. With net neutrality in place, your broadband provider does not have the right to block websites, throttle online services, or censor online content. That sounds good to me—and to American consumers everywhere. In fact, a study from the University of Maryland found that 86 percent of the public support net neutrality. And yet, the FCC—over my objection—stripped net neutrality from our rules. Now, because of the lack of competition, consumers have nowhere to turn if their broadband provider slows down their service or censors websites. I believe the FCC's net neutrality decision put the agency on the wrong side of the law, the wrong side of history, and the wrong side of the American public.

Sadly, in its haste to roll back net neutrality, the agency used a process that should make no one proud. The FCC refused to hold public hearings. It put out a press release alleging our net neutrality filing system was the subject of a distributed denial of service attack. This claim was later proved to be bogus. The record itself was rife with fraud—more than nine million people had their identities stolen and used to file views about net neutrality that were not their own. This is a crime under state and federal laws.

However, the FCC refused to assist state authorities looking to understand how this happened and turned away valid requests from journalists seeking information about this mess. The agency was forced to pay one journalist tens of thousands of dollars to settle a court case and is actively fighting others in court. All of which begs the question, what is the FCC hiding?

Earlier this year, I was the only FCC Commissioner to sit through the oral argument at court reviewing the FCC decision to eradicate net neutrality. What was obvious to me is that some part of our decision—if not all of it—will be returned to us. When that happens, I hope that this agency will have the courage to run a fair and open process. I hope that it will reflect the strong desire of the American public to have open internet policies once again be the law of the land.

Public Safety

Finally, public safety is paramount. In the very first sentence of the Communications Act, Congress instructed the FCC to make available, “to all the people of the United States . . . a rapid, efficient, Nation-wide, and world-wide radio and communication service” in order to promote the “safety of life and property.”

At about this time last year, press reports first revealed that wireless carriers were selling our private data about when and where we are using our phones to third-party location aggregators. Then, earlier this year, it was revealed that this data was still for sale—and ending up in the hands of bounty hunters. It turns out that for a few hundred dollars, shady middlemen could use this data to show where you were at any moment within a few hundred meters.

This is outrageous. I don’t recall consenting to have my wireless location data sold this way—and yet it has been happening. I don’t see how this is permissible under the law—and yet it has been happening.

This is an issue of personal and national security. It is an issue of privacy. It is a matter that is crying out for clarity from the FCC. But to date, the agency has been silent.

That’s unacceptable. I believe the FCC needs to do more to provide the public with basic information about what is happening with their real-time location information. So I wrote every major wireless carrier and asked them to confirm that they have stopped this kind of sale of our wireless location data. Moreover, I asked for them to explain just what has happened to any data that has already been made available to location aggregators or anyone else. I expect to receive those responses today and will gladly share them with the Members of this Committee.

In closing, thank you again for holding this hearing. Thank you for providing me with the opportunity to offer my views. I look forward to answering any questions you may have and I look forward to working with you and your staff in the days ahead.