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Opening Statement of Rep. Henry A. Waxman Chairman, Committee on Energy and Commerce Oversight of the Federal Communications Commission Subcommittee on Communications, Technology, and the Internet September 17, 2009

Welcome Chairman Genachowski, and welcome to all the Commissioners. We are happy to have all five commissioners here for the first Federal Communications Commission (FCC) oversight hearing of the 111th Congress.

I would first like to thank Commissioner Copps for his outstanding work as interim FCC Chair. Under Mr. Copps' able leadership, the digital television transition went well, and the Commission got back to business. Thank you for your service. I would also like to thank Commissioners McDowell and Baker for the important roles they played in the DTV transition – we are all aware of their commendable efforts to help improve the transition.

Chairman Genachowski, you take the helm at a critical time in communications policy. I am confident that you can continue Commissioner Copps' work of getting the Commission staff organized, energized, and focused on consumers. I know that your colleagues at the Commission are enthused about your collaborative leadership and your vision for the agency

I am pleased that the Commission has already launched a comprehensive proceeding to craft a national broadband plan. This is of immense importance to virtually every aspect of how our society will function in the 21st century. The success of your work will be essential to the delivery of health care and education, to jobs and economic growth, to science and the arts, to journalism and media. Indeed, your forthcoming national broadband plan is critical to America's competitiveness and leadership in the world. The Internet began here, and we must renew and expand its infrastructure in service to the American people. I look forward to working very closely with you on that endeavor.

Of course, any broadband plan must address issues related to wireless broadband, including spectrum availability. The Committee has before it a bipartisan spectrum inventory bill that would start the critical process of making more spectrum available for broadband services. The FCC will play a critical role in this process and I am confident you understand the need to do so efficiently and quickly.

We also need to consider ways we might expedite the construction of the wireless facilities that are critical to broadband deployment. This is an infrastructure issue that is critical to the successful deployment of broadband services. Simply put, without additional facilities there will be no additional broadband.

I am particularly interested in learning how broadband can help enable other initiatives important to this Committee, including smart grid technologies and the health IT transformation.

President Obama has made ensuring an open Internet a central plank in his communications policy platform, and he has my full support. The Internet is a vital doorway to opportunity for many, whether to distribute new content, to develop a new application, or simply to search for a new job. We must ensure that the Internet remains the engine of economic growth and technological innovation that helps propel our people and our economy forward.

The fears some have professed that net neutrality rules will stifle network investment have proven unfounded over the years. Most recently, over 2200 public and private entities applied for broadband grants and, in so doing, opted-in to net neutrality rules.

Industry will benefit from clarity, consistency and predictability with regard to net neutrality. As a Member who has worked hard to protect the intellectual property rights of our creative communities, I do not believe net neutrality and strong copyright protection are mutually exclusive goals. In fact, clear net neutrality rules should help broadband network operators explore innovative steps designed to stop the theft of online content. I know our new FCC Chairman shares my perspective on the importance of achieving both goals.

For these reasons, I think that the time is right to formally establish, through legislation if required, the rules of the road with respect to net neutrality. Accordingly, I have asked Mr. Markey to add me as a cosponsor to H.R. 3458, The Internet Freedom Preservation Act. I will also continue to support Chairman Boucher's efforts to lead willing parties to a negotiated solution.

I also support the Commission's efforts to examine the state of competition in the wireless industry. Most agree that the best protection for consumers is robust competition. And while I recognize the competitive nature of the wireless industry, I do see some warning clouds on the horizon. More specifically, I believe the FCC should act soon to resolve problems with special access services, and certain roaming arrangements.

I want to thank the Commission for making public safety's needs a priority and initiating a study of the options for the D Block. We must act soon to improve the state of public safety communications, and I am anxious to review your plans and to work with you to ensure we find the most effective way for the public safety community to obtain access to the spectrum it needs. I am pleased that Chairman Boucher plans to hold a hearing on this topic in the very near future.

Clearly, I have only touched on a few of the critical issues before the new FCC. But I am encouraged by the new spirit of comity and collaboration that you all espouse, and I am hopeful that Congress will approach these important policy issues in the same manner.

I look forward to hearing your testimony.