

STATEMENT OF CONGRESSMAN RICK BOUCHER

Subcommittee on Communications, Technology and the Internet Hearing The National Broadband Plan: Promoting Broadband Adoption

May 13, 2010

This morning we conduct the fourth in a series of hearings focusing on the National Broadband Plan.

Last month, the Subcommittee considered how best to deploy broadband to areas that are unserved and underserved, so that all Americans, particularly those in rural areas, may benefit from this essential infrastructure.

Our hearing today is a corollary to our hearing on broadband deployment: Once Americans have access to quality broadband services, what steps should be taken to encourage them to subscribe to it?

According to the National Broadband Plan, about 35 percent of Americans, or about 80 million adults, do not use broadband at home. This number includes high percentages of low-income households, minorities, seniors, individuals with low levels of education, residents of rural areas and people with disabilities.

The National Broadband Plan identifies several barriers to broadband adoption: cost; digital literacy, including discomfort with computers; concerns about Internet safety and security; and a perceived lack of relevance of broadband to peoples' lives.

One proposal to make broadband more affordable for low-income households is to expand the Lifeline and Link-Up programs of the Universal Service Fund to cover broadband services. I want to commend my colleague, Ms. Matsui, for her leadership in this area, including the introduction of legislation regarding this matter. It is my hope that we will soon be prepared to mark up the Universal Service Reform measure which Mr. Terry and I have put forward, and I look forward to working with the gentlelady from California to assure that her goals are reflected in that legislation.

We will welcome the testimony of our witnesses this morning on ways that broadband adoption can be expanded, and I thank each of them for their presence here.

Anticipating that some members may take the occasion of today's broadband hearing to comment on the FCC's decision to apply selected sections of Title II to broadband, I will offer several comments on that subject as well.

The D.C. Circuit's decision in the Comcast case has cast doubt on the FCC's authority to implement many elements of the National Broadband Plan, to enforce the four principles of network neutrality adopted under FCC Chairman Powell's guidance, which were consensus based and non-controversial, and to proceed with the rulemaking that would add principles on non-discrimination and transparency to the four preexisting network neutrality principles.

To address these concerns, Chairman Genachowski decided to proceed with a light regulatory touch that fits with the Commission's settled, deregulatory policy framework for broadband services. The FCC will classify the transmission component of broadband access services as "telecommunications services" subject to Title II of the Communications Act and will forbear from applying all but six of Title II's 48 provisions.

Essentially the Commission will apply to broadband prohibitions on unreasonable denials of service and other unjust and unreasonable practices.

The Commission will also apply Universal Service principles that will assure the provision of advanced network services will protect the confidentiality of customer call records and will assure the accessibility of telecommunications services to people with disabilities.

The Commission has adopted a limited approach to assuring network openness.

Another path also exists for achieving these goals.

If broadband providers differ with the approach of the FCC in applying six of 48 sections of Title II to broadband, our door is open.

We would be pleased to discuss with broadband providers and the proponents of network neutrality the creation of a targeted set of principles to assure network openness.

If those discussions produce consensus, Congress could enact legislation adopting the agreed upon principles as a means of providing regulatory certainty.

That is the path I hope we can follow.

If broadband providers are of the view that targeted legislation is now preferable to the selected application of Title II to broadband, I invite them to engage in discussions with us on what those targeted provisions should be.

I am ready to work with members on both sides of the aisle and with the array of stakeholders with interests in this matter. By acting in a bipartisan, consensus-based manner, we can provide certainty for network operators, edge providers and consumers that the Internet will remain the innovative engine for economic growth in a minimally regulated environment that it is today.

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