

Written Questions for the Record from the Hon. Jerry Moran to Michael O’Rielly

Question 1. At CES conference this year, companies were demonstrating new Wi-Fi technology that can deliver faster speeds, lower latency, and better capacity for Wi-Fi users. However, I understand that these technologies rely on wide bandwidth channels to deliver those consumer benefits. Do we have enough unlicensed spectrum to support deployment of these new technologies?

At the current time, there is a lack of spectrum allocated for unlicensed services and the two workhorse bands, 2.4 and 5 GHz, are becoming very congested. Further, these bands do not have the wide channels needed for next generation unlicensed services. As such, I am leading efforts to increase spectrum available for unlicensed use, and this goal has become a priority for this Commission. I am hopeful that the Commission will act in the coming months to permit unlicensed services in the 6 GHz band and a sizable portion of the 5.9 GHz band.

Question 2. How should the FCC move forward on its 6 GHz proceeding to ensure we have sufficient spectrum to enable next-gen Wi-Fi?

The Commission needs to act quickly to permit unlicensed services within the 6 GHz band, and I expect it to do so. This must include allowing low power services indoors and very low power services throughout the band, and establishing technology protection requirements to permit higher-powered unlicensed services as well. All of this can be done while fully protecting incumbent users of the band from harmful interference.

Written Questions for the Record from the Hon. Mike Lee to Michael O’Rielly

Background. The internet has caused a communication renaissance in our country revolutionizing nearly every sector of our economy. This renaissance has also come to the video marketplace. Unfortunately, our current legal framework for videos largely reflects a world of the 1980s and early 1990s. This was a world that did not use the internet, which is now a common tool that consumers use to view video entertainment today.

Question 1. How are consumers affected by these outdated regulations?

As you know, many consumers are supplementing their cable, broadcast, and satellite video providers’ offerings or switching entirely to programming delivered through streaming, over-the-top, or virtual MVPDs. Yet, since that leaves providers with fewer customers among whom to spread overall costs, those remaining customers are forced to pay higher prices for services. Moreover, a number of legacy video providers are dropping video content altogether, forcing consumers to find alternative programming sources. In sum, the current regulatory structure imposes asymmetric burdens on competitors in the same video services marketplace and is harming legacy customers and their providers as a result.

Follow-up. Would consumers benefit from a concerted effort to update our laws and remove burdensome mandates?

Absolutely, the answer is yes. While some might argue there are plenty of choices for new content in today’s marketplace and no need for reform, we are not seeing a fully efficient market at work because of the disparate treatment between the unregulated, high-tech companies that offer video content and the traditional providers that expend significant resources on regulatory compliance. Without regulatory reform, consumers are at risk of losing access to valued programming. Any outdated video regulations that require cable operators to dedicate resources toward compliance or unnecessary burdens directly reduce the amount of investment they could be making to build out their broadband networks.

Question 2. Reforms in this space should also include updates to our cable franchise framework, particularly the franchising requirements outlined in Section 621 of the Communications Act. Could you explain how the current cable franchise framework affects cable operators today?

Fundamentally, the current framework gives local franchise authorities (LFAs) disproportionate leverage over cable operators due to the broad nature of many of the statute’s provisions, and its underlying assumption that cable companies operate as monopolies. This provides all new video entrants that operate outside of this framework with enormous advantages, including in terms of cost and procedural ease. It’s one significant reason incumbent providers are preparing their own over-the-top offerings. Such a structure is not sustainable for incumbent providers and their current customers.

Follow-up. How could reforms to this current framework help enable more broadband deployment and investment?

A more holistic approach to video offerings, one that recognizes the dynamic competitive environment, could be incredibly beneficial for everyone – providers and consumers alike. By removing regulatory overhang, prevalent within the current franchising structure, incumbent video providers would be free to offer more competitive offerings, rather than be forced to migrate to other technologies because of regulatory arbitrage. This would free up capital to invest in new programming and expansion of services.