



FCC COMMISSIONER MIGNON CLYBURN

"I will never allow any partisan interest, personal prejudices or hang-ups to come in the way of serving communities who go without. I will never do that. Never."

NET LOSS

Mignon Clyburn, the longest-serving member of the FCC, says the commission's vote to end net neutrality 'leaves the most vulnerable even more vulnerable'

BY JOANNE ZUHL
EXECUTIVE EDITOR

When the Federal Communications Commission voted this month to gut internet neutrality protections, Commissioner Mignon Clyburn did not hold back her outrage. The FCC, in her words, had "pulled its own teeth" in passing what she called the "consumer-harming, Freedom Order."

Clyburn, along with fellow Democratic Commissioner Jessica Rosenworcel, were the two dissenting votes in a party-line, 3-2 decision to roll back 2015 protections against blocked, throttled or prioritized internet access.

First sworn in in 2009, Clyburn is the longest-serving member of the FCC. With this recent vote, she said, the commission had abandoned its pledge to serve the American people. And that if history offers any lessons to the future, consumers – notably people of color and marginalized populations – will likely see greater barriers to internet access in the future.

"When the current protections are abandoned, and the rules that have been officially in place since 2015 are repealed, we will have a Cheshire cat version of net neutrality," she wrote in her dissenting opinion. "We will be in a world where regulatory substance fades to black, and all that is left is a broadband provider's toothy grin and those oh so comforting words: we have every incentive to do the right thing. What they will soon have, is every incentive to do their own thing."

Inexplicably during her interview with Street Roots – just as Clyburn began addressing the critical need for Americans to be able to access the internet,

uninterrupted – the landline phone connection went dead: Straight to a dial tone, without any clear culpability on either end. We resumed the call, but it was hard to hear the babbling of an unfettered market and the power it now has over our lives.

Joanne Zuhl: *Leading up to the vote, you've described it as the most difficult week of your career on the FCC. You've referenced threats and intimidation, personal attacks, Nazis cheering, russian influences, fake comments. And you've noted repeatedly that the majority on the FCC ignored the public at large, and even lawmakers who were calling for a delay of the vote.*

This doesn't sound like garden-variety capitalism at play here. What was going on, and how does it compare to a couple of years ago when you were debating net neutrality in 2015?

Mignon Clyburn: One of the things I have to note is that the emotions are very piqued right now. You've got individuals and companies in the debate that seem to be entrenched, extremely emotional and rigid when it comes to their positions. And when you have an atmosphere where there is no room for give or take, you can find yourself in a place of great discomfort. I can think of never in my 19 years of public and regulatory service have I seen as significant display as on this particular item.

I consider that unfortunate, because it often clouds what the merits or demerits of the issue are. Which to me are pretty

simple. We were faced with a couple of questions as to whether people like you and me, businesses large and small, should be able to reach the online applications and the services of our choice, without interference. The issue and the question before us were simple: Whether all data, all information that travels over the internet should be treated equally. To me it was a very simple question, and the (commission's) answer, to me, was one that's troublesome: That we don't think that the expert agency in telecommunications should be the referee on the field or a cop on the beat when it comes to protections to what has become an essential service and platform in our lifetimes. That we don't think protections are necessary for a service or an offering that, in too many places in this country, is a monopoly.

Between 50 and 70 percent, depending on the stats you see, of those of us who wish or do subscribe to high-speed internet at home have only one option. This is not a competitive market for the majority of citizens.

And so for an agency to say it's going to take itself out of the day-to-day regulatory construct I find problematic. Agencies like the FCC were put into place to be a substitute for competition. We are supposed to be the public's eyes and ears and protection when competitive forces don't allow those market regulatory opportunities. We're supposed to be there protecting. And we've taken ourselves out of the game. The fact of the matter is, all of the emotions and all of us being so rigid in the debate really

took our focus off of what is important, and whether or not consumers need protection when it comes to this essential service.

You work with communities that more than anybody need the options and opportunities and platforms and finding out about essential services. They often get that from a mobile device – mobile broadband access. If that is not protected or treated the same way – which in 2015 we said it would be, that you deserved to have protection over your mobile device and mobile broadband access as well as fixed or wired access – it will be disadvantaged communities and individuals who don't have a permanent home, that rely on that mobile device as literally their lifeline to the world. It leaves the most vulnerable even more vulnerable, by treating mobile access differently and not offering the same levels of protections, and treating all of us differently when it comes to punting regulatory protections. When I took my oath of office, that's not what I signed up for.

J.Z.: *The proponents say repealing the net neutrality rules will foster more competition among broadband providers and greater access. Obviously you don't agree with that position.*

M.C.: I do not. I look at the way of the world as it is. Whatever the barriers or the markets, there's a reason why the majority of us have only one provider for high speed access where we live. There are incentives for those internet services providers, who don't look the same as they did 10 or 15 years ago.

And remember, internet service providers, particularly the ones who have the majority of the market share, they own

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