

## Chairman Dingell at the Subcommittee on Telecommunications and the Internet hearing entitled "Oversight of the Federal Communications Commission - Part II"

Statement of Congressman John D. Dingell, Chairman  
Committee on Energy and Commerce

SUBCOMMITTEE ON  
TELECOMMUNICATIONS AND THE INTERNET  
HEARING ON OVERSIGHT OF THE  
FEDERAL COMMUNICATIONS COMMISSION -- Part II  
July 24, 2007

Good morning. I am pleased that we once again have before us all five members of the Federal Communications Commission (FCC).

I am particularly pleased that Chairman Martin is here this morning. I am aware that the Chairman recently underwent emergency eye surgery, and has not been able to review as much material as he typically would in advance of this hearing. I ask my fellow Members to please keep that in mind, when they ask questions of the Chairman. I certainly will, and I wish him a speedy recovery.

I would like to thank the Chairman and the Commissioners for the pro-consumer actions that the FCC has taken since our last oversight hearing. Ensuring a smooth DTV transition is the most important task facing the Commission. While much work remains to be done, I was particularly pleased that the FCC brought enforcement actions against TV manufacturers for importing non-DTV compliant sets and against retailers that failed to properly label analog sets. The Commission also re-chartered its consumer advisory committees and increased their focus on the DTV transition.

The most immediate issue at the Commission is the 700-megahertz auction. I understand that the Chairman has circulated a draft Order that includes some variation of "Carterfone" or device portability rules for one block of spectrum. If done correctly, these rules could provide great consumer benefits. Given the proposal's limited scope, this could be an opportunity to open one small slice of the public's airwaves to greater consumer choice and greater technological innovation. The Commission must be careful, however, to ensure that this proposal does not result in increased costs to consumers.

I am also interested in how the Commission will address the needs of public safety communications users through the auction. Improving communications interoperability should be a priority as the Commission completes the rules. This is a crucial issue for the public safety community.

I am concerned about the Commission's process relating to waiver requests on integrated cable set-top boxes. The statute requires the Commission to grant waiver requests within 90 days of when an application is filed. Many requests were pending for much longer than that. The statute also allows the Commission to grant a waiver, when necessary, to assist the introduction of new or improved services. In some cases, however, the Commission determined that even though a waiver request failed this statutory requirement, the Commission could grant a waiver pursuant to other means. I am concerned that this procedural maneuvering has not been fair, open, and transparent to all parties involved.

Finally, one year ago today, Senators Inouye and Dorgan, Chairman Markey, and I sent a letter to the Chairman concerning forbearance petitions. I was concerned then, as now, that it is possible that a forbearance petition could be "deemed granted" when a minority of the Commissioners support it. We asked the Commission to take steps to see that such a procedural failure does not occur again. I hope the Commission provides some details today on how it will avoid the problem of "reaction through inaction" in the future.

Again, I thank our witnesses here today and I look forward to their testimony

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