June 16, 2020

The Honorable Roger F. Wicker Chairman United States Senate Committee on Commerce, Science, and Transportation 555 Dirksen Senate Office Building Washington, DC 20510

Re: Support of Nomination of Michael P. O'Rielly, Federal Communications Commission

## Dear Senator Wicker:

Thank you for your consideration of Michael O'Rielly for an additional term as Commissioner at the Federal Communications Commission (FCC). Commissioner O'Rielly has spent his career working to advance well-informed communications policy to benefit U.S. consumers and advance U.S. leadership. Commissioner O'Rielly has deep knowledge of communications policy and a long record of achievements. His nomination should be approved quickly by the Senate Committee on Commerce, Science, and Transportation and the full Senate.

Commissioner O'Rielly served for many years as a leading policy analyst and advisor to the House and Senate Commerce Committees. At the FCC, Commissioner O'Rielly has stayed true to a Constitutionalist <u>regulatory philosophy</u> focused on the rule of law and economic freedom, and regulatory intervention only when it is justified and narrowly tailored. He has built an impressive record of achievements with distinguished leadership on many critical issues including spectrum; 5G and wireless services; broadcast and media; regulatory modernization; FCC process reform; internet freedom; and combatting corruption, waste, fraud, and abuse.

Commissioner O'Rielly has tirelessly championed making more spectrum commercially available. His instrumental leadership includes the flexible use of the 3.7-4.2 GHz or C-band, a critical effort to make more mid-band spectrum available for 5G and help the U.S. stay ahead of China in the global race to 5G. He led a pioneering effort on the 3.5 GHz band or Citizens Band Radio Band to make valuable, but little used federal spectrum available with three levels of access. His work has been important on the TV white spaces, 5.9 GHz, 900 MHz, 6 GHz and many other spectrum proceedings.

Commissioner O'Rielly has been a key supporter of the FCC's 5G Fast Plan, a suite of policies to make more spectrum available, <u>accelerate infrastructure</u>, modernize outdated regulations, and direct FCC funds to rural areas, like the Rural Fund for 5G.

Commissioner O'Rielly has led long overdue effort to <u>modernize</u> the FCC's media regulations and to enable the FCC's regulated industries to evolve and compete in a converged, digitally connected world. This includes among many proceedings, efforts to allow <u>broadcast internet innovation</u>, policy to preserve the <u>Constitutional rights of broadcasters</u>, improving <u>video for visually impaired Americans</u>, and modernizing <u>low power FM radio rules</u> and <u>recordkeeping rules for cable providers</u>. This wide-ranging effort includes an important proceeding on children's television programming ("<u>Kid Vid</u>") which recognizes the reality that technological

change has brought to video content for children and to allow broadcasters flexibility to meet the demands and interests of the markets they serve.

Commissioner O'Rielly has supported important <u>reform of FCC processes</u> to ensure that the agency is best suited to meet the demands of today's digital world. Additionally, he has also worked to combat corruption, waste, fraud, and abuse in the U.S. and internationally. He's worked to protect America's interests at the <u>International Telecommunication Union</u>, demanded increased transparency and accountability, challenged the ITU's attempt to regulate emerging technologies.

Commission O'Rielly has addressed many instances of waste, fraud and abuse of precious taxpayer and ratepayer funds meant to promote communications for the poor and public safety. He drove policy to stop states from diverting <a href="vital-911 fees">vital-911 fees</a> to unauthorized uses. He led initiatives to improve efficiency in the USF, including the reverse auction model for distributing USF support, the creation and adoption of a cost model for providers as alternative to inefficient rate-of-return regulation, and other reforms to improve accountability and remove unnecessary burdens and make the USF more technology neutral and market-driven. He has shed light on abuse of the <a href="Lifeline">Lifeline</a> program and challenged the Universal Service Administrative Co. for its overbuilding existing networks.

Commission O'Rielly has been the chief proponent for <u>clarifying</u> Telephone Consumer Protection Act provisions and ending abusive litigation against legitimate companies.

Commissioner O'Rielly has fearlessly supported <u>Internet Freedom</u> and helped establish the proinvestment internet policy framework in place today.

Thank you for this timely consideration of Commissioner O'Rielly. We strongly support his nomination and urge you to move quickly to approve Commissioner O'Rielly for another term as Commissioner at the FCC.

Sincerely,

Steve Posciask, President & CEO American Consumer Institute

Roslyn Layton, Visiting Scholar American Enterprise Institute (Views reflect the scholar, not AEI)

Grover Norquist, President Americans for Tax Reform

Timothy Lee, Senior Vice President of Legal and Public Affairs Center for Individual Freedom Ashley Baker, Director of Public Policy Committee for Justice

Jessica Melugin, Associate Director, Center for Technology and Innovation Competitive Enterprise Institute

Matthew Kandrach, President Consumer Action for a Strong Economy (CASE)

Thomas Cynkin, Ph.D., Vice President for External Affairs Daniel Morgan Graduate School of National Security Katie McAuliffe, Executive Director

Digital Liberty

Zach Graves, Head of Policy

Seton Motley, President Less Government

Adam Brandon, President FreedomWorks

Lincoln Network

Jessica Anderson, Executive Director

Heritage Action for America

Tom Struble, Manager, Technology &

Innovation

R Street Institute

The Honorable Daniel S. Goldin 9<sup>th</sup> Administrator of NASA

David Williams, President Taxpayers Protection Alliance

Bartlett Cleland, Executive Director

**Innovation Economy Institute** 

TechFreedom

Cc: The Honorable Mitch McConnell, Majority Leader, United States Senate

The Honorable John Thune, Senate Majority Whip