



Technology Policy Institute

Keynote Address, Aspen Forum 2022

Speaker:

The Honorable Alan Davidson, Assistant Secretary of Commerce for Communications and Information and Administrator, National Telecommunications and Information Administration, U.S. Department of Commerce

Moderator:

Cristiano Lima, Reporter, The Washington Post

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Event page: <https://www.youtube.com/watch?v=IS2cQqXbNic>

Scott Wallsten:

Good evening, everyone. Welcome to TPI's 13th annual Aspen Forum. I am Scott Wallsten, president of TPI, and on behalf of TPI staff, its board, and myself, I want to welcome you here. I'll keep this brief because this evening everyone wants to hear from NTIA administrator, Alan Davidson, who we are honored to have with us. And when he speaks, you all might want to move a little bit this way because he's over here. But first thank you to everyone who came all this way to attend the conference. We think you'll find it fun and interesting and hope that by the end of the event, we'll have proven to you that it was a good use of your most precious resource, which is your time. And second, let me briefly introduced TPI's amazing staff so that you can find us over the next few days.

Scott Wallsten:

I've already introduced myself. If you need anything at all, please come to me and let me know what it is because I am fully empowered to take you to Jane Creel, who is the person who can actually solve everything and runs the whole show. I'll point to everybody else, Ashley Benjamin is somewhere around here—Sarah O. Lam, Yoojin Lee, Tom Lenard, Nathaniel Lovin—find any of us. And like I said, we'll take you to Jane. Third: and this may be the most important thing you hear from me your entire time in Aspen, particularly if you have not been here or at high altitudes, the altitude can really affect your body. And someone always gets altitude sickness, so drink a lot of water. But also every hotel room has a humidifier or a vaporizer in it.

Scott Wallsten:

If you don't see it, it's in your closet; use it when you sleep at night; it'll make a huge difference. You won't get a big headache. I promise you if you listen to one thing I say, listen to that. Fourth, the thing that nobody wants to talk about: COVID. We're following the hotel in Colorado policy, which means masks are optional; however, we're still sensitive to it. We have masks available for anyone who wants them. Here on the first row in the ballroom is where we record the events. The first row is set up for social distancing. Also be a little cognizant of it at the second row. Lots of things will be outside weather permitting, and we have lanyards of different colors to indicate your comfort level.

Scott Wallsten:

We have red, which means keep your distance; yellow means chatting but no touching; green means any standard and consensual greeting goes. We thought about having additional colors for people who wanted a little more protection. But we're not hosting a key party. So you're on your own for that. Now finally, I want to thank our donors whose names are on the program, and you'll see on the screens. I really feel extremely privileged to lead an organization that does rigorous work that we think is helping to make the world a better place. And we couldn't do that without our donors. And I know that sometimes we can frustrate our donors when we disagree, so I'm also especially grateful because they stick with us. And I know it's sort of a trope in Washington.

Scott Wallsten:

Also by the way, you might have noticed a lack of programs. They will actually be here tomorrow: supply chain, pandemic, global economy. But in the meantime, scan this QR code to see our program online. It's just the website slash agenda. Now onto the main event. We are honored to have with us Alan Davidson, who is the assistant secretary of commerce for communications and information and NTIA administrator; as everyone knows in his current role, he's responsible for implementing the 42 billion bead broadband subsidy program, not to mention everything else that NTIA always also does.

Scott Wallsten:

But of course he's had a long and illustrious career that led him to this important, and dare I say, unenviable task. He's an internet policy expert with over 20 years of experience as an executive public interest advocate, technologist, and attorney. Prior to being appointed NTIA Administrator, he was a senior advisor at the Mozilla foundation, he served in the Obama-Biden administration as the first director of digital economy at the department of commerce, and he started Google's public policy office in DC. He was director of a new America's Open Technology Institute and associate director of the Center for Democracy and Technology. And to lead this interview, we're grateful to have Washington Post business reporter and author of the daily technology, 202 newsletter, which has become an absolutely required reading. Cristiano Lima will lead the conversation and interrogate Alan, although hopefully lead gentle interrogation. Welcome Alan and Cristiano, please take it away.

Cristiano Lima:

Hello everyone. Welcome. Great to see everyone here. Alan, we were just talking about how he just came from Alaska. So this is the second most remote place he's probably been to in the past few days.

Alan Davidson:

It doesn't feel that remote.

Cristiano Lima:

But it's great to be here to chat with you at a really historic moment for the agency about some of your work. And I did want to start with the internet and the work you've been doing there, which I know was the focus of your recent trip. And there's a lot of questions about timetable in terms of how we'll see some of the funds begin to be, or continue to be, dispersed. And there was a recent study by third way, which found that three in four voters are not even aware that the infrastructure law was passed. And I think that speaks to the fact that a lot of the aims of the legislation are long term, and that it may take time to see it materialize. And so I was wondering if you could talk through what you see as the timetable for when most Americans, who you're looking to impact with this initiative, see results and see their internet improve.

Alan Davidson:

Thanks. Great question. First of all, I'll just say thank you to our organizers for having me today. It really is great to be here back at a conference that I attended as younger, and it's great to see a lot of old friends here. And there is something about this conference. Maybe it's some combination of the majestic views and oxygen deprivation that helps us all get out of our daily routine and think bigger thoughts. I was really glad to be able to come back here. This is a really historic moment to be at NTIA because we are doing something really unusual.

Alan Davidson:

We've been talking about the digital divide in this country for over 20 years, and now thanks to the bipartisan infrastructure law we've actually been given the resources to do something very serious about it. And that is a huge thing. It is not often that we get tens of billions of dollars. In fact, this is probably the one shot we'll get to really close the digital divide. To your question about timing, I think some of this is starting to happen now for a lot of people. There are a lot of different parts to these programs that are being put in place. We are—as Scott mentioned our big state grant program—42

billion, but there are a whole bunch of other programs that are in flight already. We have a giant tribal broadband connectivity program that is over \$3 billion.

Alan Davidson:

We've given out hundreds of millions, and with our middle mile program, will give a billion dollars. We were getting applications that are due in September. Those programs will start rolling out next year. So there will be a longer timeline for the for people to start feeling the giant state grant programs. I was just up in Alaska, announcing a grant for a fiber deployment to be a set in tribal communities. They're going to see that in the next two building seasons. We're hopeful that this is going to happen soon and not go on too long. But since it's such a big issue for us, I really do think the point of this is it's going to take a little while to do this. But if we do it right, it will be like generations before us who brought electricity or water to all of America, right? They built the interstate highway system. This is our generation's infrastructure moment. This is our generation's thing: we need to connect everybody with what they need to succeed in the modern economy. And I think it will take time, but we will look back on this moment and say, this was the moment that we did it.

Cristiano Lima:

You mentioned this states program. We have got a lot of questions from lawmakers on Capitol Hill in terms of the interplay between the FCC's process to renew federal maps, and how that's going to impact disbursement of the funding for states. There was a story in the Wall Street Journal today where you talked about some of the maps being prepared to start to inform those decisions in the first half of next year. I was wondering if you could talk through the timetable for when you see that money actually getting doled out

Alan Davidson:

It's a great question, because mapping is really critical. We know that, and we've been tasked with making sure that we spend this money wisely where people are unserved, and the way we know where they are unserved. We've been directed to use the FCC's maps in the past. I think a lot of people know those maps were not very good. And I think the next iterations of these maps are going to be a lot better. It's going to take some time though. And so we're very focused on trying to do two things: make sure that we move with urgency to get the maps as good as they can be as quickly as possible, and also make sure we have accuracy. And that means making sure that the maps that states and communities who want to have a chance to kick the tires on those maps, get a chance to do it. We expect the first draft of those maps sometime soon; the FCC chair has said to expect them sometime in the fall. And then we believe there'll have to be a challenge process for at least some people to enable states and communities to be able to raise issues. And so that'll put us into the first half of next year before we have the maps fully in place.

Cristiano Lima:

Availability is not the same as accessibility, which affordability is also a big part of. There were a lot of "ilities" in that. I was wondering if you could talk through how you're thinking about the affordability piece of it. I know you mentioned it was a part of your recent trip.

Alan Davidson:

Affordability is a huge element of this. It's part of the Bipartisan Infrastructure Law. A connection to somebody's family's home doesn't do them a lot of good if they can't afford the price to get online. And

we know that that is true. And so we've got a number of provisions as part of what we're implementing to try to do what we can around affordability. We're going to require states to have a low cost option. So providers who get federal money will need to have a low cost option available for lower income Americans. Affordability is a major factor in how states do their grant making. We've also asked states to look at what a working middle-class family affordability structure would look like. And that's going to vary a lot from state to state.

Alan Davidson:

It is incredible to talk to people in Alaska about the challenges they're facing. Affordability is a giant piece of it. I was in a remote native community accessible only by boat or plane, and I talked to a 64 year old grandmother who lived there her whole life. And it's not that they don't have the internet. It's that it's very slow and absolutely unaffordable. And she pays regular. This woman, Faith, is 64 years old and pays \$700 or \$800 a month for her internet bill. She was showing me the internet bill and it's a lot of overage charges. This is not uncommon everywhere. We heard these stories about bills that we would be shocked for a family to pay, and they're paying them because they really need the internet. We've got to do something about affordability. That's an egregious example, but it's very common up in Alaska, and we're going to have to find a solution for it up there, and everywhere.

Cristiano Lima:

Circling back to the mapping question for a second. I'm wondering what you see as sort of the most glaring gaps in information at the moment and what the path is to rectifying that?

Alan Davidson:

On the maps?

Cristiano Lima:

Yes.

Alan Davidson:

Well, up until now, I think people who follow this closely would say that it's been the granularity of the maps. We built these maps looking at mostly census blocks, right? And if you had service in a census block anywhere, it was considered to have service everywhere. And we know that's not really good enough for the modern era, especially when we're making decisions about allocations of billions of dollars. So I think the biggest thing we need is more granularity in these maps and we'll get it. It's a question of how fast we can get it. And if you're here and you work for a provider who needs to provide information to the FCC to get these maps done this summer, please get your information in soon. We really need it. And I'll also add the other piece of it, which is that nobody is eligible for funding under the state grant program—no provider—if they haven't provided their data.

Cristiano Lima:

I wanted to touch on a couple other topics. I did want to just plug very quickly, but we're going to save about 10 minutes at the end to field audience from the questions for Alan. So start thinking those up and we'll have microphones come out to you. I wanted to shift to questions about data privacy. The agency has done listening sessions around privacy, civil rights, equity, and these issues. And this is

something that has gained new life on Capitol Hill in recent months. And I was wondering if you see the agency having a more active role going forward in those discussions, and what that might look like.

Alan Davidson:

I hope so. I think the backdrop of all of this is something everybody here knows, which is that we need to do more to protect people's privacy in this country. We are long overdue in having a strong national privacy law; Jane or Beth is applauding here. I really think that, if we were here at this conference 10 or 15 years ago and had taken a poll of all of us in the audience and said who thinks that by 2022 we'll have some kind of privacy law in the books, a lot of people would've raised their hand. As somebody who's been in this space for a long time, it is surprising that we do not have it, and people need it.

And it also is not great for our credibility internationally. There's a lot of different reasons why we need to do this, but it's mostly about people and making sure that they have the protections that they ought to have online. And I feel it quite a bit when I think about the fact that we're going to be bringing high speed internet to millions of more people in the coming years. And making sure that they know how to protect their privacy and security online is going to be important. So I'm hopeful that NTIA will have a stronger role in this too. We serve as the president's advisor on telecommunications and information policy. This administration is showing already that it cares deeply about this issue. And we did this listening session. We're about to put out soon our own RFC around privacy, because I think the digital equity issues and civil rights issues are quite unusual and big.

Cristiano Lima:

You touched on the need for a national federal framework. There's a dynamic developing currently where the House is advancing a comprehensive proposal that includes protections for children. Whereas the Senate just advanced an expansion for just children's privacy protections. And there are some differing opinions between lawmakers of where the focus should lie and what might be attainable within the year. I was wondering what your thoughts are on that and where folks should be focusing their efforts.

Alan Davidson:

I'll just say, first of all, the administration hasn't taken a position on any of these particular bills yet. So it'd be premature for me to opine on any particular piece of legislation. I think you're hearing a bipartisan view that we need to be working on both. And I think you've heard from the administration. This is something the President cares deeply about. He spoke about children's privacy, for example, in the State of the Union Address, and it was in the executive order on competition from last year. The FTC is moving forward. So nobody should be surprised to see the administration try to find all the tools that we can, and that'll include the work we're going to try and do at NTIA.

Cristiano Lima:

On the competition front, it's been just over a year since President Biden signed the executive order around competition, which directed NTIA to conduct a study and looking at competition in the mobile app ecosystem. I was wondering if you might be able to say what the status of that is and what can we expect from that report?

Alan Davidson:

Increasing competition in the American economy is a huge priority for this administration. NTIA was given the task, from the executive order last year, to do a study and a paper on competition in the

mobile app ecosystem. When we did a request for comments, we got over 150 excellent comments, thanks to those who submitted with us. And there were a lot of thoughts and recommendations about policies. We are putting together our output from that process. It's actually in the review process within the administration. And I think we will be talking about some of the policy options that we heard in the comments because it's quite clear that there are opportunities to increase competition and ensure that we're making sure there aren't undue barriers to entry for innovators in the app ecosystem.

Cristiano Lima:

Do you have any initial takeaways from the comments or from your own experience?

Alan Davidson:

It would be a little premature to state what is in the report. But I think it's not a surprise that we've heard a lot from innovators who are concerned about what they see as a highly concentrated market right now.

Cristiano Lima:

We're winding down on time a little bit. And so again, just prime those questions. I wanted to take a little bit of a step back. We've heard from many lawmakers in recent years concerns how the U.S. has ceded its place in terms of setting rules for the internet more broadly and, of course, NTIA as an advisory agency, serves a key role in helping to shape administration policy on that. Do you share that concern that the U.S. is ceding that role and, and what do you see as the path to addressing that, if so?

Alan Davidson:

That is a terrific point. I think 20 years ago we had a very strong case to make around the world about our leadership in a lot of different areas around privacy, our approach to multi-stakeholder, approaches to internet governance, our approaches to platforms, and all of that made a lot more sense to people around the world 20 years ago. We've got a lot of work to do here still. But I think the bigger picture is that we are still in a battle around the world between open and closed societies, between people who have a vision of an open internet where people can communicate freely and can have access to information, and ultimately can have the tools they need to protect their privacy versus a much more closed and authoritarian vision that is still out there that would try to bifurcate, or Balkanize, the internet that would restrict data flows that would censor people.

That is a very active fight that we are seeing happening every day. We need to engage, and we need to be putting the resources into making sure that we are part of that international conversation we still have. The west has a compelling argument about what the internet can and should be, and we need to keep pressing it. We'll be pressing it at the ITU, the big clinic that's happening at the end of September. We need to press it in the multi-stakeholder forums. We need to press it with our allies. And I think we'll ultimately be on the right side of history, but there's work to do.

Cristiano Lima:

Great. Well, on that note, I'd love to turn it over to you all and, for whoever might have questions for Alan, I believe we have a mic running around. So if you just raise your hand, we can come to you. I see one over here in the front.

Audience Member 1:

Richard Bennett: I just did a podcast with Anna Gomez in which she explained that she believes we need a national spectrum plan; can kind of build on the one that Blair did that had a large spectrum component. I wonder what your thoughts are on that.

Alan Davidson:

It's a great question. And I would say we do need a national spectrum strategy, and it's something this administration and NTIA are working on already. And one thing that is part of our role at NTIA is we serve as the manager and coordinator of federal spectrum usage. But we also have this kind of dual imperative to also make sure that our spectrum's being used efficiently, wisely and, and to make sure that we're feeding the continued need for spectrum in the commercial space. And that's the only way we're going to be have the most competitive wireless industry in the world, which we need. And I think to do that, we need to have a strong strategy. I think you'll be seeing more coming from us on that. The starting point for us has been better coordination at the federal level. I'm doing a lot of work with my counterpart chairwoman Rosenworcel on this score. And we've had a great working relationship and have just put out a spectrum coordination initiative earlier this year, as well as put out an update to our memorandum understanding, which hadn't been updated in almost 20 years. So those are just the first steps, but you're right, we need a bigger strategy that really addresses the broader issues.

Cristiano Lima:

Other questions.

Audience Member 2:

Sure. Thank you for talking to us here today. I'm Ed Hearst at Astra. NTIA has a tough job. I'm glad you're doing it. They have the benefit of your experience and knowledge. Spectrum's an interesting issue. It's going to be addressed in the panel later today. I wanted to follow on what you said about coordination of spectrum. And now that you've been in the job, do you think the current U.S. government structure is adequate for that purpose on spectrum and more broadly? Or do you think we should perhaps think about changing it back in the seventies, when they added office of telecommunications policy in the White House that was then folded into NTIA and created there. But do you think that we need a more central thing like our colleague from Canada who has to control, not just spectrum but telecom, and then we could lead the world better in that way as you were referring to?

Alan Davidson:

Well, I think I still run the office at telecom policy. It is part of NTIA, and that is our statutory authority. We do need to do a better job than we've been doing. And we've seen disputes happening around spectrum. And that's not good when my mom knows about spectrum disputes. That's a big problem, actually. But there are people, as many of you who have been working in this space for a long time, know very well. I think from my perspective right now, it's too early to tell. We are going to push in order to see better where and what we can get out of this system. And that starts with better coordination. I think we've got the backing of the White House to do it. I think the federal agencies that we're working with want to do better. And so I'm hopeful. And I think there's a lot of people who understand this needs to happen better than it's maybe been happening. And so yeah, I, we're going to push it and see.

Cristiano Lima:

You have a question over here.

Audience Member 3:

I'm going to surprise you and ask you a question not on spectrum. I'd love to talk about data and the need to move past what I think is the existing privacy debate. Because consumers are incredibly important, of course, and we have to get to a point where the culture of using data is understood. But if we don't get to that culture, there is a huge amount of things that data, massive amounts of data, can do that can help our lives, help our infrastructure, and help our economy do better. For example, if the federal government could simply get our health records together in a way that actually was useful, should NTIA have a part in that? And I also want to point out NTIA is an agency that I respect hugely. Thank you for taking on the leadership of an agency that punches way above its weight and takes on some of the hard questions, but whether this data is used for good is a huge question. And I'd love to know your thoughts on this.

Alan Davidson:

Well, I'll just say that this is exactly why we need good rules of the road around privacy, because if we have them, it unlocks the ability for people to trust in those systems and to have data usage for good. Think of the things we can do with data, right? Healthcare is just the tip of the iceberg, and autonomous systems, the things we're building with AI, they all rely on data. But we are not in a sustainable spot right now. And we need to get our act together on privacy, or we won't be able to realize the potential. And I fully believe that we can write good privacy rules that protect consumers and also allow for innovation. And there's been reasons why many people in industry have supported regulation in this space for a long time, because I think responsible players understand that by putting good rules of the road and guardrails in place, we free up a lot of possibilities for innovation because we take off the bad behaviors that really scare and worry people.

So, if you're interested in using data for good, you should also be a supporter of strong privacy legislation and making sure that we have good rules of the road, because we are not in a good, sustainable place right now. And we can do a lot better. So stay tuned for more on that one too. Great question. Thank you.

Cristiano Lima:

So I think we have time for one or two more questions.

Audience Member 4:

Going back to some of your international comments, I've heard it said that sometimes the U.S. government is actually frustrated that American industry is not taking some of the threats seriously enough in regard to China's new IP or standards bodies... I just wonder if that's sort of a true perception and what you think we could do to change that. More specifically, other countries around the world seem to be leading on open RAN, and I'm curious what your thinking is there, especially now that Congress has given you a pot of money to do something on that.

Alan Davidson:

Great points. And I would say two things to reflect on the bigger picture question. I don't want to comment on where we've been necessarily, but I will say these issues of engagement at places like the ITU are fully on the radar screen now. We're in the middle of an election for the secretary-general of the ITU. This is a pretty big deal, and the candidate who the U.S. government supports, Doreen Bogden Martin, is an American. She's got nearly two decades of experience. She's amazing. She's also a wonderful human being, and she will be great as secretary-general. Lastly, she would be a historic pick

for being the first woman to be secretary-general of the ITU, which is kind of incredible that in 150-ish years her opponent is a Russian and former Huawei executive.

We can't really write that script better. But I will say we're putting a huge amount of energy right now in the U.S. government and across the government to engage at these places such as supporting Doreen's candidacy. And by the way, I'd say for folks who are engaged at the ITU, and with other countries on this, we really appreciate the support of the private sector on this one. It's going to be important. The election is September 29th. I'll just quickly say on your second point about open RAN that it's a great example. I was going to talk about the examples of things we can be doing and should be doing more. So 5G equipment security is extremely important. Making sure there's more diversity in the vendor space is really something that we want to encourage; Open RAN is a huge path to that.

And I was excited to see in the CHIPS Act that was just passed how NTIA has received \$1.5 billion for a public wireless innovation fund. We're going to be focused quite a bit on what we can do to unlock and catalyze more work on Open RAN and the challenge that it has. It's things like that that have bipartisan support now on Capitol Hill in the administration. I think those are going to be very important to lean in on efforts of global competition that we're in right now.

Cristiano Lima:

We'll leave it at that. Alan, thank you so much for your time. Thank you all for being here and looking forward to a great event.

Alan Davidson:

Great to see everyone. Thank you.

Scott Wallsten:

Thank you so much, Alan. That was really great. I want you all to remember if you do hear Alan, you will never hear him again with a techno beat. So thank you so much.