

Trump, GOP Prepare To Gut FCC Boss Tom Wheeler's Populist Reforms...Under The False Banner Of Populist Reform

So we've noted a few times over the years how current FCC boss Tom Wheeler was a bit of a [surprise](#) for many of us covering the telecom sector. As a former wireless and cable lobbyist with some unclear policy positions, alarm bells were raised when his appointment to the chairman spot was first announced. But as Wheeler's tenure rolled on, he wound up being arguably one of the most consumer and startup-friendly FCC leaders in the history of the agency (which, given the agency's history as a rubber stamp for large broadband providers, admittedly wasn't a particularly high water mark).

Under Wheeler, the FCC [raised](#) the definition of broadband to 25 Mbps (to highlight competition gaps for next-gen speeds), passed and [successfully defended](#) net neutrality rules, imposed some [relatively basic](#) broadband privacy protections for consumers, fought for an [open and more competitive cable box](#) market, fought (albeit [unsuccessfully](#)) to stop incumbent ISPs from writing protectionist state laws, and did something few of his predecessors (of either political alignment) could bother to do: admit the U.S. broadband market was uncompetitive. I was so shocked by Wheeler that I issued a [mea culpa](#).

But that was then, and this is now.

With a Trump victory in the books, Wheeler is now headed for the door. While his tenure technically extends until 2018, it's generally customary for

the current FCC boss to step down as chairman. While Wheeler could legally stick around as a regular commissioner, it's not clear Wheeler wants to spend his retirement years playing Sisyphus. Fearing Wheeler might continue, well, trying to help consumers in the months before his departure, the chairs of the House Energy & Commerce Committee and Communications Subcommittee this week officially asked Wheeler to avoid trying to implement any ["controversial" or "partisan" efforts in his final months in office](#):

"I strongly urge the FCC to avoid directing its attention and resources in the coming months to complex, partisan, or otherwise controversial items that the new Congress and new Administration will have an interest in reviewing," Senator John Thune wrote Tuesday in a letter to Wheeler...Any action taken by the FCC following November 8, 2016, will receive particular scrutiny," the GOP lawmaker proclaimed."

At this point we should probably remind you that the GOP has hounded Wheeler for several years now with an [endless series of pointless](#) "accountability" hearings with one core function: shame Wheeler for standing up to AT&T, Verizon and Comcast. Absolutely everything Wheeler has done has been deemed "controversial" by the GOP, which was particularly incensed over [net neutrality](#) and the reclassification of ISPs as common carriers (necessary to legally defend the rules). In each hearing, Wheeler was cool under pressure despite being repeatedly shamed for simply doing his job.

People should also probably be reminded that much of what the GOP tries to insist are "partisan" issues in telecom in fact have broad bipartisan support. Net neutrality, for example, is framed as "divisive" and "partisan" by the GOP, yet has broad support from [members of both political parties](#). Similarly, municipal broadband (communities building their own networks or striking public/private partnerships to address private market failure) is often tagged as "partisan" by the GOP, despite the fact that the idea has [broad bipartisan](#)

[support](#), and most community broadband networks are [built in Conservative areas](#).

The public's disdain for companies like Comcast and their lobbyist stranglehold of government is damn near universal, and indisputably bipartisan.

Much like former FCC boss Kevin Martin did when Democrats made a similar request in 2008, Wheeler was quick to bow to GOP pressure and [wipe the FCC calendar clean](#). With that decision the FCC is effectively now on autopilot, and most of the remaining items on Wheeler's agenda (especially attempts to bring [competition](#) to the cable box) can be considered dead. Needless to say, consumer advocacy groups [like Public Knowledge weren't all that impressed](#) with the FCC's decision to give up on a number of items (like legacy business data services pricing) the agency had been working on for years:

"...the agenda items address real and pressing problems in the broadband marketplace. These problems do not simply go away due to an administration change. When Republicans take over, they will need to address the same competitive problems, or explain to the American people why they plan to perpetuate our broadband duopoly."

A number of the things the FCC put on hold at GOP request were simply normal operational efforts the GOP would have needed to address anyway -- including efforts to create a new roaming standard and to classify Voice over LTE (a higher quality audio standard). Senator Ron Wyden also issued a statement pointing out that the freeze also impacts efforts to try and expand funding for wireless broadband in more rural markets -- markets that Trump repeatedly paid ample lip service to throughout his campaign:

"I regularly hear from Oregonians in rural counties that it is clear high costs are preventing private sector broadband investment in parts of rural Oregon. The FCC must fulfill its responsibility to provide a lifeline to rural communities and a connection to the global economy. Wireless cell service and broadband internet spur economic opportunity, improve public safety and increase educational outcomes for rural Americans. Any delay causes these rural communities to wait even longer for help," said Wyden."

What happens next isn't entirely clear, but early signs aren't promising if you prefer your regulators independent and with a dash of backbone. Trump's telecom transition team is being led by Jeffrey Eisenach, a think tanker with [direct ties to telecom](#) (yet not technically a "lobbyist") who has vehemently opposed nearly every pro-consumer policy the agency has ever implemented. Also on Trump's advisory team is Rep. Marsha Blackburn, whose faithful support of AT&T and [protectionist state laws](#) has played a starring role in ensuring that her state of Tennessee remains a [broadband backwater](#).

Trump has said he opposes net neutrality (even if it's not clear he [actually understands what it is](#)), suggesting those rules will either be scrapped -- or simply not enforced. Eisenach has similarly made it abundantly clear he sees the FCC's future as one in which its influence over broadband is negligible to non-existent, and net neutrality is no longer the law of the land. In an [editorial written over at The Hill in 2010](#), Eisenach blasted net neutrality as a "radical scheme" crafted (ironically) by bogus populists:

"Boiled down to the basics, in other words, net neutrality is a massive scheme for what Richard Posner termed "taxation by regulation" – the transfer of wealth from one group to another by means of government regulation....The populist rhetoric of (net neutrality supporting groups) often strikes a radical pose, but the real radicalism of net neutrality lies

in the naked use of Federal regulatory power to redistribute wealth.

Eisenach, like so many incumbent ISP allies at the time, intentionally ignored the fact that *net neutrality is something the public wanted* by an overwhelming, bipartisan degree. And there's nothing "radical" about preventing Comcast, AT&T or Verizon from using their last mile monopolies or arbitrary usage caps to give their **own** content an unfair market advantage (something they're already happily doing with [zero rating](#)). What would be "radical" would be ignoring the will of the public and gutting net neutrality, a decision that will make the SOPA uprisings look like a small summer picnic.

While Eisenach picks a new FCC boss who shares his antiquated views, the GOP will be working on crafting entirely new broadband-industry-friendly laws. The GOP has [long promised](#) to rewrite the Communications Act with a strict focus on defunding and defanging the FCC, keeping the agency far away from the "amazing innovation" they believe magically blossoms when you refuse to protect consumers or regulate broken, uncompetitive markets. Efforts to try and do this previously have hit brick walls thanks, in large part, to the popularity of net neutrality -- a popularity the GOP seems intent on ignoring.

By now, most Comcast or AT&T customers should realize the GOP's antiquated claims that broadband is a healthy "free market" made better by gutless regulators is dated rhetoric from a bygone era of hot garbage. And while you'll be hearing a lot of "let's wait and see" in the months leading up to inauguration, there's every indication the FCC will soon be reverting to its role as a rubber stamp for sector giants. Despite some potentially [empty Trump campaign promises to fight the AT&T Time Warner Merger](#), Trump, the GOP and his transition team have made it brutally clear (in both commentary and transition hiring) that their plan for the FCC involves

something in between a solid hamstringing and a frontal lobotomy.

To make it very clear: we're gutting the FCC *right* at the point the agency was starting to actually listen to consumers for arguably the first time in its history -- ironically, idiotically or insultingly (pick two) under the banner of "populist reform." But overreach on net neutrality, and Trump will find himself not only on a collision course with net neutrality activists, but also with Trump supporters who signed on believing the Manhattan billionaire was leading a populist revolt.

Wheeler's tenure floundered a bit at the tail end thanks to the agency's refusal to seriously address [zero rating](#), sneaky industry [fees](#), or usage caps and unreliable [meters](#). Even then, most consumers will remember Wheeler fondly as the first FCC Commissioner in the broadband era from either party that was at least willing to actually listen to the will of the public -- a public that's sick to death of uncompetitive broadband markets caused by letting AT&T, Verizon, and Comcast quite literally [write protectionist laws](#) that only serve to ensure market dysfunction continues.

While the future is uncertain, one thing seems likely: Wheeler's shortcomings on subjects like zero rating are going to seem *downright charming* compared to the regulatory landscape currently being constructed by the next administration. Tom Wheeler, the man who went from [dingo to net neutrality hero](#), was the closest thing to a true populist the modern FCC has ever had. Completely gutting net neutrality and his other efforts isn't "populist reform," it's the political and intellectual equivalent of a roundhouse kick directly to the face of the American citizenry.