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Facebook Response to the consultation for the Global Symposium for Regulators (GSR) 2020 Best Practice Guidelines

Facebook's mission is to give people the power to build community and bring the world closer together. Many people recognize us for our family of online applications, but we also pursue this mission by investing in communications infrastructure and in developing new technologies to make internet connectivity more accessible, reliable, and affordable, particularly in historically underserved regions of the world.

Our endeavors have been defined by partnerships and collaboration with network operators, equipment vendors, civil society organizations, and just as importantly, regulatory authorities at the ITU and in domestic markets. We have learned that while industry often gets credit for innovation, the importance of innovation by regulatory authorities often gets overlooked. As the world attempts to "build back better with broadband" in the aftermath of the Covid-19 pandemic, we encourage Member States to embrace new approaches to regulation that will enshrine a new gold standard for digital regulation. We believe that the points that follow form a basis for such regulation, and we thank GSR-20 chairman Mr. Dan Sjöblom for his consideration of them as he develops the GSR Best Practice Guidelines.

Harness market competition while addressing market failures
- Regulators should acknowledge that market competition encourages maximum efficiency, drives innovation and investment, and helps consumers by increasing choices, lowering prices, and improving service quality.
- Regulators should enable competitive market dynamics whenever possible and promulgate targeted regulations only when necessary to address market failure.

Streamline regulatory processes
- Regulators should carefully balance the costs and benefits of imposing regulations and eliminate those that are not necessary to achieve a valid and well-defined objective.
- Regulators should create a supportive environment for communications by adopting non-punitive enforcement tactics.
- Regulations governing market entry should be streamlined, making it easy for new entrants and established operators to enter traditionally unserved or underserved markets.
- Regulators should streamline processes for obtaining access to rights-of-way (ROWs) and leverage potential advantages with dig-once policies for infrastructure deployment.

Effectively manage spectrum resources
- Ensure an abundant supply of spectrum is available. An abundant supply of spectrum in low (sub 1 GHz), medium (1-12 GHz) and high (above 12 GHz) frequency bands will reduce service provider barriers to entry and increase competition and innovation across a wide range of broadband use cases.
- Balance license-exempt, lightly licensed, and licensed spectrum. License-exempt, lightly licensed, and licensed spectrum allocations are critical to the expansion of wireless infrastructure. Ensuring sufficient unlicensed spectrum is available drives innovation and investment in a range of technologies that can complement and support networks and expand broadband access at low cost.
- Promote flexible use. Spectrum policy should promote flexible use of spectrum and sharing across users and platforms, such as mobile, satellite, and new technologies like high-altitude solar aircraft.
- Enhance both the capacity and coverage of networks. Promote policies that not only enhance network capacity but also expand coverage to underserved areas.

Leverage innovative technologies, architectures, and business models
- Regulation should accommodate innovation; legacy regulations should not prevent the benefits of innovative technologies and business models from being realized
- Regulators should neither prescribe use of particular technical or business solutions, nor impose regulatory requirements that are so restrictive that they inhibit innovation.
- Regulators should promote the free flow of information, including across borders or between different local jurisdictions, and eschew data localization requirements.

Practice transparent and inclusive processes
- Regulatory processes should encourage broad participation by, and consultation with, all relevant stakeholders including those from industry, civil society, and local governments.
- Processes should be transparent to all stakeholders as well as the general public, and regulator should articulate a clear explanation for how and why decisions were made, their goals, time-bound targets and monitoring mechanisms.

Regulatory approach to "Over the Top" (OTT) applications
- Regulators should be careful not to automatically extend legacy telecommunications regulations that were not designed for OTT applications.
- Any regulation of OTT applications should be fit for purpose, reasonable, conscious of potential unintended consequences, and aware that rules other than telecommunications regulations may already apply or be more appropriate.
- Regulators should consider reducing regulation of traditional telecommunications services instead of extending traditional telecom regulations to OTT applications.
- Regulators should support innovation and new business models that facilitate access to health, enterprise, and educational services through OTT applications as the world adapts to, and recovers from, the Covid-19 health pandemic.

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