



COMMISSION RELEASES ITEMS INQUIRING INTO BROADBAND DEPLOYMENT

April, 2007

The Commission has issued three separate items addressing broadband deployment: two Notices of Inquiry (“NOI”) and one Notice of Proposed Rulemaking (“NPRM”). Following is a summary of these items:

INQUIRY INTO BROADBAND INDUSTRY PRACTICES

The Commission’s stated intent in its Broadband Industry Practices NOI, is to “enhance our understanding of the nature of the market for broadband and related services, whether network platform providers and others favor or disfavor particular content, how consumers are affected by these policies, and whether consumer choice of broadband providers is sufficient to ensure that all such policies ultimately benefit consumers.” The inquiry seeks information relevant to the following net neutrality principles identified in the Commission’s 2005 Broadband Policy Statement – To encourage broadband deployment and preserve and promote the open and interconnected nature of the public Internet, consumers are entitled to:

- access the lawful Internet content of their choice;
- run applications and use services of their choice, subject to the needs of law enforcement;
- connect their choice of legal devices that do not harm the network; and
- the benefits of competition among network providers, application and service providers, and content providers.

The Commission seeks to have commenters describe today’s packet management practices and then poses a host of related questions that relate to whether and to what extent providers engage in the prioritization of packets. For

example, it questions whether providers treat different packets in different ways and, if so, how and why. The Commission also questions whether there are specific examples of packet management practices that commenters consider reasonable or unreasonable.

The Commission next seeks descriptions of today’s pricing practices for broadband and related services and poses a series of questions relevant to those practices. For example, it questions whether providers charge different prices for different speeds or capacities, charge a premium for bandwidth-intensive applications and whether upstream providers are charged for priority access to end users.

It also questions whether the Policy Statement should be amended. Particular comment is sought on whether it should incorporate a new principle of nondiscrimination and, if so, how “nondiscrimination” should be defined, how such a principle should read, whether any exclusive or preferential arrangements among network platform or access providers and content providers should be permitted and how such a principle of non-discrimination would affect the ability of content and access providers to charge their customers different prices.

Comments are due by June 15, 2007. The reply comment deadline is July 16, 2007.

INQUIRY INTO ADVANCED TELECOMMUNICATIONS CAPABILITY

The Commission’s second NOI seeks comment on “various market, investment, and technological trends in order for the Commission to analyze and assess whether infrastructure capable of supporting advanced services is being made available to all Americans.” This is the Commission’s fifth

inquiry under Section 706 of the Communications Act, which directed the Commission and the states to encourage the deployment of advanced telecommunications capability to all Americans.

Consistent with its previous inquiries, the Commission questions:

- how “advanced telecommunications capability” should be defined;
- whether advanced telecommunications capability is being deployed to all Americans;
- whether the current level of deployment reasonable and timely; and
- what actions, if any, can be taken to accelerate deployment.

Additionally, the Commission seeks information about how and why consumers adopt and use services utilizing advanced telecommunications capability. It also seeks specific comment on research or data addressing which factors aside from availability of broadband services, *e.g.*, price, speed, consumer awareness of availability, etc., affect broadband buying decisions.

It also poses a number of questions regarding specific applications and services that utilize advanced platforms. For example, it questions “if the application or service existed prior to the advent of advanced infrastructure capable of transmitting information at higher speeds, how has it benefited by the deployment of such infrastructure?” The Commission also questions “[t]o what degree, if any, could these applications and services be improved if advanced infrastructure was more ubiquitous?”

Comments are due by May 16, 2007. The reply comment deadline is May 31, 2007.

NPRM ON THE ACQUISITION OF INFORMATION NECESSARY TO THE DEVELOPMENT AND MAINTENANCE OF BROADBAND POLICIES.

In this NPRM, the Commission seeks comment about how it can continue to acquire the information necessary to the development and maintenance of broadband policies. Four specific topics are identified:

- The Commission questions how it can best ensure that it receives sufficient information about the availability and deployment of broadband services nationwide, particularly in rural and other hard-to-serve areas, including tribal lands. In particular, it questions whether in rural and other hard-to-serve areas, “submission of simple Zip Code information such as that currently required by the Form 477 is sufficient to provide a truly accurate picture of the state of broadband deployment.”
- The Commission questions how it can improve the data about wireless broadband Internet access services that it currently collects on FCC Form 477. It concludes that it should modify the Form 477 and seeks comment on how best to do so.
- Third, the Commission questions whether it should modify the speed tier information it currently collects by splitting the speed tier into two tiers defined by information transfer rates greater than 200 kbps and less than 2.5 mbps with a dividing line at 1 mbps.
- Fourth, the Commission seeks comment about how it can best collect information about subscribership to interconnected VoIP service.

The Commission also seeks comment on ways it can refine its analysis of the data it receives.

Comments on this item will be due 30 days after publication in the Federal Register. Reply

comments will be due 60 days after publication
in the Federal Register

Again, the foregoing is just a summary of the
Commission's releases. Please call us if you
would like a copy of any or all of these items or
if you have any questions.

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