



PUBLIC NOTICE

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FCC EXPLAINS RELATIONSHIP OF BLOGBAND TO THE RECORD IN THE NATIONAL BROADBAND PLAN PROCEEDING

GN Docket No. 09-51

To foster dialogue about the National Broadband Plan, the FCC has launched a new blog called “Blogband” at <http://blog.broadband.gov>. Blogband is intended to keep the public up-to-date about progress on the National Broadband Plan and to allow public feedback, comment, and discussion that will help the FCC in developing the best possible Plan. In creating Blogband, the FCC recognizes the need to reconcile such innovative use of the Internet in communicating with the government with the more traditional requirement of creating an administrative record, (i) to give interested parties notice of other parties’ comments, (ii) to allow the Commission to address significant issues and (iii), if necessary, to provide a basis for judicial review.

The National Broadband Plan is the subject of a docketed proceeding, GN Docket No. 09-51,¹ and comments in the proceeding may be filed either using Blogband or by using the FCC’s Electronic Comment Filing System (ECFS). Interested members of the public who wish to make their views known in connection with GN Docket No. 09-51 may submit comments for inclusion in ECFS.² A simplified interface for ECFS has been implemented to facilitate consumer comment.³ Documents filed on ECFS may be accessed and reviewed on that system, which contains copies of written submissions and summaries of oral submissions regarding the National Broadband Plan.

The FCC wishes the public to be aware that views relevant to the docket may be expressed in the course of discussion on Blogband. Thus, for the purposes of this proceeding, Blogband is hereby deemed to be part of the public record in GN Docket No. 09-51. For this reason, interested persons are advised to review not only ECFS, but also Blogband to ensure that they are aware of all relevant views expressed to the Commission concerning the National Broadband Plan.

Further, because all Blogband postings are available for review by the public and we are treating Blogband as a part of the public record in this proceeding, we hereby waive Section 1.1206(b)(1) of our ex parte rules, 47 C.F. R. § 1.1206(b)(1), which would otherwise require that the Blogband postings be submitted to the Commission’s Secretary for inclusion in the public record. Specifically, although the

¹ See *A National Broadband Plan For Our Future*, GN Docket No. 09-51, Notice of Inquiry, 24 FCC Rcd 4342 (2009) (*National Broadband Plan NOI*).

² See FCC, Electronic Comment File Submission, http://fjallfoss.fcc.gov/prod/ecfs/upload_v2.cgi.

³ See FCC, ECFS Express – National Broadband Plan Notice of Inquiry, http://fjallfoss.fcc.gov/ecfs/Upload?hot_docket=1012001350%7C09-51%7CNational+Broadband+Plan+Notice+of+Inquiry&Send=Continue.

National Broadband Plan proceeding has been classified as “permit-but-disclose” for purposes of the ex parte rules,⁴ Blogband postings need not be separately filed for inclusion in the public record.⁵

For further information about this Public Notice, please contact Randy Clarke at (202) 418-1500.

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⁴ *See id.* at 4381 ¶ 125. In permit-but-disclose proceedings, written ex parte presentations are permissible but must be disclosed in the record of the proceeding. Oral ex parte presentations containing new data or arguments must also be disclosed. *See* 47 C.F.R. § 1.1206(b).

⁵ *See* 47 C.F.R. § 1.3 (rules may be waived for good cause shown). We note that any comments that are filed on Blogband but which relate to dockets other than GN Docket No. 09-51 will not be considered in the other dockets, so as to assure fairness to other parties in those dockets.