



PUBLIC NOTICE

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

GN Docket No. 09-51

On September 22, 2009, a public notice was released to explain the relationship of “Blogband,” a blog created to foster public dialog about the National Broadband Plan, to the administrative record being developed in that proceeding.¹ That public notice specified that Blogband is “hereby deemed to be part of the public record in GN Docket No. 09-51.”²

In addition to Blogband, the FCC has also launched an idea collaboration platform at <http://broadband.ideascale.com> to allow public feedback, comment, and discussion that will help the FCC in developing the best possible Plan. In creating this forum, 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, and (ii) to allow the Commission to address significant issues. For the same reasons that Blogband was deemed to be part of the public record in this docket, postings on <http://broadband.ideascale.com> are also deemed to be part of the same public record. For this reason, interested persons are advised to review not only ECFS and Blogband, but also <http://broadband.ideascale.com> to ensure that they are aware of all relevant views expressed to the Commission concerning the National Broadband Plan.

Further, because all material on <http://broadband.ideascale.com> is available for review by the public and because we are treating postings on <http://broadband.ideascale.com> 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 postings on <http://broadband.ideascale.com> be submitted to the Commission’s Secretary for inclusion in the public record. Specifically, although the National Broadband Plan proceeding has been classified as “permit-but-disclose” for purposes of the ex parte rules,³ postings on <http://broadband.ideascale.com> need not be separately filed for inclusion in the public record.⁴

¹ See *FCC Explains Relationship of Blogband to the Record in the National Broadband Plan Proceeding*, GN Docket No. 09-51, Public Notice, 24 FCC Rcd 11999 (2009).

² See *Id.* at 11999.

³ See *A National Broadband Plan For Our Future*, GN Docket No. 09-51, Notice of Inquiry, 24 FCC Rcd 4342 (2009) 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).

⁴ See 47 C.F.R. § 1.3 (rules may be waived for good cause shown). We note that any comments that are posted on <http://broadband.ideascale.com> 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.

Accordingly, comments in the proceeding may be filed by using Blogband, the FCC's Electronic Comment Filing System (ECFS)⁵ or submitting them at <http://broadband.ideascale.com>. A simplified interface for ECFS has been implemented to facilitate consumer comment.⁶

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

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⁵ See FCC, Electronic Comment File Submission, <http://fjallfoss.fcc.gov/ecfs/>.

⁶ See FCC, ECFS Express – National Broadband Plan Notice of Inquiry, <http://fjallfoss.fcc.gov/ecfs/upload/begin?procName=09-51&filedFrom=X>.