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FEDERAL COMMUNICATIONS COMMISSION LAUNCHES INQUIRY REGARDING HIGH-SPEED INTERNET SERVICE

Proceeding Seeks to Create National Policy Framework for High-Speed Services Inquiry Underscores Goal to Promote Widespread Deployment of High-Speed Services

Washington, D.C. – Today, the Federal Communications Commission (FCC) issued a Notice of Inquiry (NOI) to explore issues surrounding high-speed Internet service, particularly that which is provided over cable systems, so-called “cable modem services.” The Commission seeks comment on the appropriate legal and policy approach to be accorded to high-speed Internet service provided over various platforms, including cable, wireline, wireless, satellite, broadcast and unlicensed spectrum technologies, as well as whether or not the Commission should require access to cable and other high-speed systems by Internet Service Providers (ISPs).

With respect to access by ISPs to high-speed cable systems, the Commission's approach has reflected one of regulatory restraint, which has resulted in an industry movement toward voluntary agreements allowing access to cable modem platforms by ISPs unaffiliated with the cable system operator. However, recent court cases have placed cable modem service under various regulatory classifications, resulting in some uncertainty and confusion in the marketplace.

While the Commission has exercised regulatory restraint in the area of high-speed Internet services, it at the same time has sought to reduce barriers to market entry, to encourage market investment, and to promote the rapid and widespread deployment of high-speed Internet services by all providers. These initiatives have proven successful, as subscribership to high-speed cable systems grew 150% last year, with other high-speed service providers experiencing similar growth.

In this NOI, the Commission inquires whether it should continue its existing policy for cable modem service in the context of a national policy framework for promoting deployment and competition in high-speed Internet services. The Commission's goals in initiating this proceeding include:

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1. Promoting widespread and rapid deployment of high-speed services, while at the same time preserving and promoting the vibrant and competitive free market that exists for the Internet.
2. Creating a legal and policy framework for cable modem service that will foster competitive deployment of new technologies and services by all entities, including cable operators and other high-speed platforms and ISPs alike.
3. Instilling a measure of regulatory stability in the market to encourage investment in all types of high-speed networks and innovation in high-speed services.
4. Developing a national legal and policy framework in light of recent federal court opinions that have classified cable modem service in varying manners.

To accomplish these goals, the NOI:

1. Seeks to develop a factual record regarding the services provided by cable operators and other high-speed platforms and the type of access sought by unaffiliated ISPs.
2. Seeks comment on potential approaches for classifying cable modem service and the cable modem platform and the implications of classifying cable modem service or the cable modem platform under each category.
3. Seeks comment on various issues related to multiple ISP access, including definitional issues and how market-based and regulatory approaches potentially affect the availability of high-speed services.
4. Seeks comment on whether the Commission should pursue any further course of action such as exercising its rulemaking or forbearance authority.

Action by the Commission September 28, 2000, by Notice of Inquiry (FCC 00-355).
Chairman Kennard and Commissioners Ness, Furchtgott-Roth, Powell, and Tristani.

GN Docket No. 00-185

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