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See MCI v. FCC. 515 F 2d 385 (D.C. Circ 1974).

FOR IMMEDIATE RELEASE:
December 16, 2009

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OPTIONS FOR A NATIONAL BROADBAND PLAN
Task Force Provides Framework for Final Phase in Development of Plan

Washington, D.C. – The National Broadband Plan being developed by the Federal Communications Commission should build on the attributes of the American broadband ecosystem, with high aspirations but in a practical and sustainable way, said an interim report delivered Wednesday to the FCC by the task force developing the plan.

Encouragement of competition will be a guiding principle of the plan, since competition drives innovation and provides consumer choice. Finding ways to better use existing assets, including Universal Service, rights-of-way, spectrum and others, will be essential to the success of the plan. The limited government funding that is available for broadband would be best used when leveraged with private sector investment.

The plan may recommend changes in the law in some cases, but those changes should be limited in number, the task force said.   The interim report focused on policy recommendations in ten key areas: Universal Service, infrastructure access, spectrum, Tribal lands, set-top boxes, consumer information, media, adoption of broadband, accessibility for people with disabilities, and public safety. Other areas that are to be addressed by the plan, including education, energy, health care, civic participation and others, will be addressed further in January.

With 63 days remaining until the plan must be delivered to Congress, highlights of the framework, principles and preliminary options outlined by the task force report Wednesday included:

Universal Service Options (USF)
Overview: USF resources are limited and require allocation tradeoffs. Policies should be flexible enough to adjust to changes in technology and demand for broadband service.
- Short and medium-term options:
    - Cutting inefficient spending in the High-Cost fund to free up funds for broadband
    - Removing barriers to use of E-Rate-funded connections in schools for adoption and community use
    - Extending the Rural Health Care Pilot Program
- Long-term options:
    - Comprehensive overhaul of USF in conjunction with other proceedings, such as intercarrier compensation and special access

- Transforming the High-Cost fund to support broadband, with a defined transition path for existing recipients
- Permitting low-income households to use Lifeline support for broadband.
- Designing a new rural health care program based on lessons learned from the pilot project

Infrastructure Options
Overview: Broadband infrastructure requires a partnership between the federal government and various state and local entities. Lowering the costs of infrastructure inputs improves the business case for further upgrades and sustainable competition.
- Setting uniform and fair rental rate for pole attachments
- Adopting rules that reduce costs and increase speed of access to poles, ducts, conduits and rights-of way
- Enabling municipalities to create broadband options where circumstances warrant

Spectrum Options
Overview: Demand for wireless broadband service will exceed the supply of spectrum in the not-too-distant future. A large, new spectrum allocation is essential to improving broadband competition.
- Resolving pending proceedings such as Advanced Wireless Services-3 (AWS-3) and Wireless Communications Services (WCS)
- Exploring various proposals that have been submitted, such as access to TV spectrum while maintaining over-the-air TV and access to federal spectrum, in conjunction with the National Telecommunications and Information Administration (NTIA).
- Applying market forces to all bands while taking into consideration other policy objectives in allocation decisions
- Preserving spectrum for unlicensed devices
- Using spectrum more efficiently and conducting periodic reviews of uses

Options for Tribal Lands
Overview: Broadband deployment and adoption on Tribal lands is dramatically worse than elsewhere in the U.S.
- Tribal-specific data gathering may be required for both deployment and adoption
- Establishing "anchor institutions" in Tribal lands to reach broader populations
- Creating a joint federal-tribal broadband working group and an Office of Tribal Affairs at the FCC

Set-Top Boxes Options
Overview: Set-top box innovation is lacking. Improved boxes could be an important driver of broadband adoption and utilization.
- Addressing current shortfalls in implementation of CableCard to help create an open device market
- Requiring video services providers to supply a small, low-cost, network-interface device whose only function is to bridge proprietary network elements with retail navigation devices

Transparency Options

Overview: Consumer information about product attributes fosters a more competitive market, but is lacking in broadband.
- Providing consumers with better information about actual performance of broadband services
- Developing a rating system to allow consumers to see the actual performance of broadband networks
- Creating a national broadband map in conjunction with the NTIA to provide a clearinghouse of broadband data and provide consumers with information about local broadband options

Media Options
Overview: The spread of Internet access has undermined established media models but triggered an explosion in media innovation.
- Assess the impact of a universal broadband strategy on both commercial media and public media licensees

Broadband Adoption Options
Overview: Adoption is increasing, but certain segments still lag the national average.
- Establishing a non-profit entity to support adoption efforts
- Facilitate public-private partnerships to increase adoption of broadband in the home
- Creating tax benefits for employers who pay for devices and connectivity for low-income non-adopters
- Developing digital literacy standards and support

Accessibility Options
Overview: Only 42% of people with disabilities have adopted broadband.
- Promoting the availability of mainstream devices and components with built-in accessibility features
- Promoting the accessibility of web content
- Including solutions for people with disabilities in broader programmatic efforts

Public Safety Options
Overview: Improving first responder access to broadband and ensuring that broadband networks are sound and secure are top priorities.
- Creating a nationwide interoperable broadband wireless communications network
- Accelerating development of Next Generation 9-1-1 and alert systems
- Establishing systems to protect critical infrastructure and preserve broadband communications during emergencies

Background: the American Recovery and Reinvestment Act of 2009 directed the FCC to submit a National Broadband Plan to Congress by February 17, 2010 that addresses broadband deployment, adoption, affordability, and the use of broadband to advance solutions to national priorities, including health care, education, energy, public safety, job creation, investment, and others.

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More news and information about the National Broadband Plan is available at
www.broadband.gov