



NEWS

Federal Communications Commission
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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action.
See MCI v. FCC, 515 F 2d 385 (D.C. Circ 1974).

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FCC TO SEEK BEST LEGAL FRAMEWORK FOR BROADBAND INTERNET ACCESS
Agency Sees Problems from Comcast Case;
Begins Public Proceeding to Examine Options for Moving Forward

Washington, D.C. – The Federal Communications Commission today opened a new proceeding to identify the legal approach that will best support its efforts to ensure universal access to affordable, high-quality broadband services; promote broadband innovation, investment, and competition; and protect and empower consumers. A Notice of Inquiry adopted by the agency begins a public process to consider possible frameworks for addressing the high-speed connections most consumers use to access the Internet.

A recent decision of the U.S. Court of Appeals for the D.C. Circuit cast doubt on prior understandings about the FCC’s ability to ensure fair competition and provide consumers with basic protections when they use today’s broadband Internet services. Today’s action begins the process of identifying the best way forward to ensure a solid and narrowly tailored legal foundation for implementing key recommendations of the National Broadband Plan -- such as refocusing the federal universal service program on promoting broadband deployment and adoption, ensuring consumers have access to relevant information about their broadband services, customer privacy, and access for people with disabilities – as well as for preserving the open Internet.

Today’s Notice of Inquiry asks for public comment on issues including:

- Whether the Commission’s “information service” classification of broadband Internet service remains legally sound and adequate to support effective performance of the Commission’s responsibilities;
- The legal and practical consequences of classifying broadband Internet connectivity as a “telecommunications service” to which all the requirements of Title II of the Communications Act would apply; and
- A “third way” under which the Commission would reaffirm that Internet content and applications remain generally unregulated under Title I of the Communications Act; identify the Internet connectivity service that is offered as part of wired broadband Internet service as a telecommunications service; and forbear under Section 10 of the Act from applying all provisions of Title II other than the small number that are needed to implement fundamental universal service, competition and market entry, and consumer protection policies.

The Notice also seeks comment on the appropriate classification of terrestrial wireless and satellite broadband Internet services, as well other issues.

Comments from the public are due on July 15, 2010, and reply comments are due on August 12, 2010. The Notice of Inquiry, as well as instructions for parties wishing to provide comments to the FCC, will be available at broadband.gov.

Action by the Commission, June 17, 2010, by Notice of Inquiry (FCC 10-114). Chairman Genachowski, Commissioners Copps and Clyburn with Commissioners McDowell and Baker dissenting. Chairman Genachowski, Commissioners Copps, McDowell, Clyburn and Baker issuing statements.

Docket No.: GN Docket No. 10-127

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