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**Congress of the United States
House of Representatives**

March 1, 2010

COMMITTEES

AGRICULTURE COMMITTEE

CHAIRMAN, SUBCOMMITTEE ON
DEPARTMENT OPERATIONS,
OVERSIGHT, NUTRITION, AND FORESTRY

FINANCIAL SERVICES COMMITTEE

NATURAL RESOURCES COMMITTEE

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CONGRESSIONAL HISPANIC CAUCUS

CHAIR, CORPORATE AMERICA TASK FORCE

COMMUNICATIONS, TECHNOLOGY,
AND THE ARTS TASK FORCE

BLUE DOG COALITION

The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

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Dear Chairman Genachowski:

I thank you for meeting with the Congressional Hispanic Caucus (CHC) to share your ideas about the National Broadband Plan and to listen to our concerns. As I mentioned in our meeting, below are the questions that were shared with you. I would greatly appreciate a written response before March 16, 2010.

I shared the following questions with you directly:

1. Hispanic advocacy groups have voiced their concerns that there is a lack of agency support of funding for assistance for media and telecomm ownership by women and minorities. What are your plans to address these concerns?
2. Please explain specifically how the FCC fully investigated the impact of proposed rules on minority Internet usage and how this information was included in the National Broadband Plan that will be submitted to Congress in a few weeks?
3. What is the FCC doing about addressing the need for multilingual broadcasts during national or regional emergencies?
4. Why is it that only 4% of advertising investment goes to Hispanic media, when Hispanics represent 15% of the population? Can you explain why this gap exists? Hispanic media should be getting its fair share in parity with our percentage of the population.
5. In regards to diversity within the FCC, what are you as Chairman doing specifically to bring in more Hispanics to fill substantive senior level positions in your agency? Within your offices, the other Commissioners' offices, consultants etc.? How can the CHC work with you on this?
6. After you submit the National Broadband Plan, what are the next steps for the FCC and how will Congress be involved?
7. In my District, we have 14% unemployment, my constituents want jobs. The National Broadband Plan as you said, can be an "engine for creating jobs". How will you ensure that the National Broadband Plan creates good paying, union jobs that can in turn spur the local economies in every District, not just in Silicon Valley?
8. Is the FCC partnering with any Hispanic advocacy groups or other Hispanic organizations to address the needs of the Hispanic community? If so, which ones?

9. The pending court proceedings with Comcast have cast some questions on the strength and authority of the net neutrality principles used by the FCC. If the decision comes down unfavorably to the FCC, the enforcement of the principles may be in question. Do you think that Congress should really be the one to legislate what the rules should be for net neutrality?

The following questions were included in the meeting's discussion:

Broadband:

- 1) What mechanisms are being built into the National Broadband Plan to ensure progress towards closing the digital divide is monitored, and that corrections or adjustments can be made as needed?
- 2) Based on news reports, I understand that the FCC is considering re-classifying Internet services under Title II of the Communications Act (they are currently classified as Title I.) Can you elaborate on this decision?
- 3) Please elaborate on the research and examinations of minority Internet usage used to draw conclusions on how to best roll out a broadband plan for the Hispanic community?
- 4) Latino advocacy groups have voiced strong concerns about the draft Framework for the Broadband Plan released by the FCC in December of 2009. Specifically, the Framework lacked a single mention of minorities or the digital divide. Can you share with us why these two topics were not included?

Net-Neutrality:

- 1) A recent report by the American Consumer Institute showed that in 2008 core network companies (like Verizon, AT&T, Comcast, Time Warner) almost doubled the rate of job creation of content and application providers (such as Google and Amazon). Considering this disparity within the industry, how will net neutrality affect investment incentives and job creation opportunities?
- 2) The FCC has faced a handful of net neutrality issues that to this date were addressed on a case by case basis. Yet, the FCC is proactively changing the landscape on net neutrality. Can you elaborate more on the reasoning for these changes?
- 3) When and how will the FCC respond to the issues raised by Hispanic and other civil rights organizations regarding Net Neutrality?
- 4) Before adopting any network neutrality rules, will the Commission conduct studies, including peer-reviewed research, to ensure that any Net Neutrality rules do not—even unintentionally—widen the digital divide or push farther into the future the day when the divide is closed?

Comcast/NBC Merger:

- 1) What are the FCC's plans to ensure that there is equitable representation of minorities in the new entities created through the Comcast/NBC merger, specifically for the inclusion of Hispanics on the Board of Directors and other senior level management positions?
- 2) Comcast has offered commitments about Hispanic inclusion within the merged corporation. What are the FCC's plans to ensure that these types of commitments are kept?
- 3) Outside groups fear that the voluntary condition proposed by Comcast to launch new independent programmers is mostly symbolic and would have no impact on existing independent Latino programmers struggling to secure distribution. Would you be willing to work with the Congressional Hispanic Caucus to refine Comcast's voluntary condition and make it more meaningful to the Latino community?

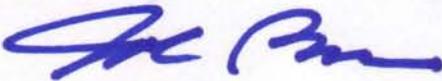
- 4) Will Comcast be able to use its vertically integrated position to deny rival distributors access to or raise the cost of programming?
- 5) Will Comcast be able to use its vertically integrated position to favor the programming of NBCU at the expense of independent programmers?

Other:

- 1) Regarding diversity within FCC, how many senior level positions are held by Hispanics? What types of programs have you implemented specifically to address the lack of Internet use and affordable access for the Hispanic community?
- 2) Hispanics are one of the top consumers of wireless broadband. Any threat to investment and innovation will greatly hurt our Hispanic constituents. We have heard from many Hispanic advocacy groups about their concerns and the potential negative and unknown impact on their communities. How can we ensure that the incentives remain for the companies that create good, permanent jobs for our people?

Access to broadband is an essential tool for our young students, schools, health facilities, and local governments. Moreover, in order for our small businesses to remain competitive, they must be able to access a wider client base over the Internet to keep up with the pace of commerce. I look forward to your written response to these questions and to further working with you in the future.

Sincerely,



JOE BACA, Congressman
43rd Congressional District