

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
Federal-State Joint Conference)	
On Advanced Telecommunications)	CC Docket No. 99-294
Services)	
)	
)	
)	

ORDER

Adopted: October 8, 1999

Released: October 8, 1999

By the Commission:

I. INTRODUCTION

1. One of the principal goals of the Telecommunications Act of 1996¹ (the Act) is to stimulate competition for all telecommunications services, including advanced services, by promoting innovation and investment by all participants in the telecommunications marketplace.² We seek to create incentives for providers of advanced services to innovate and deploy new technologies more rapidly, ultimately resulting in increased choices for consumers of advanced services and in more widespread availability of those services, all at reasonable rates.

2. In this regard, both this Commission and each State commission are directed by

¹ Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996), *codified at* 47 U.S.C. §§ 151 *et seq.* Hereinafter, all citations to the 1996 Act will be in accordance with its codification in Title 47 of the United States Code. The 1996 Act amended the Communications Act of 1934, which we will refer to, as amended, as the “Communications Act.”

² Joint Statement of Managers, S. Conf. Rep. No. 104-230, 104th Cong. 2d Sess. 1 (1996) (*Joint Explanatory Statement*). We use the terms “advanced telecommunications services” and “advanced services” to mean “high-speed, switched, broadband telecommunications capability that enables users to originate and receive high-quality voice, data, graphics, and video telecommunications using any technology.” *See* 47 U.S.C. § 157(b). The term “broadband” is generally used to describe a transmission facility that can convey sufficient capacity or bandwidth to transport large amounts of information and can carry numerous voice, video, and data channels simultaneously. *See* NEWTON’S TELECOM DICTIONARY 109 (14th ed. 1998).

the 1996 Act to encourage the deployment of advanced telecommunications services to all Americans.³ Widespread availability of advanced services and broadband capabilities can increase our nation's productivity, create jobs, and improve our educational, social, and health care services. In order to reap the benefits of advanced technologies, however, we must move closer to achieving the goal of ensuring that these technologies and services can be accessed meaningfully by all Americans, whether they be located in urban or rural areas, economically disadvantaged, or have disabilities.

3. Through this Order, we convene a Federal-State Joint Conference pursuant to section 410(b) of the Communications Act⁴ to provide a forum for an ongoing dialogue between this Commission, the states, and local and regional entities regarding the deployment of advanced telecommunications capabilities. Ensuring that advanced telecommunications services will be made available to all Americans is an effort that will be undertaken on various levels—federal, state, local, and regional. The Federal-State Joint Conference on Advanced Telecommunications Services will further that goal by facilitating the cooperative development of federal, state, and local mechanisms and policies to promote the widespread deployment of advanced services.

II. BACKGROUND

4. Section 706 of the 1996 Act requires the Federal Communications Commission, as well as each State commission, to encourage the reasonable and timely deployment of advanced telecommunications capability to all Americans.⁵ As Congress directed, we have examined demand for advanced services and the current state of deployment and have undertaken various efforts to encourage more rapid and widespread deployment of advanced services.

5. Recognizing the concurrent obligation of the states to encourage the reasonable

³ The principal section of the 1996 Act concerning advanced telecommunications services is Section 706, Pub.L. 104-104, Title VII, § 706, Feb. 8, 1996, 110 Stat. 153, reproduced in the notes under 47 U.S.C. § 157.

⁴ 47 U.S.C. § 410(b).

⁵ 47 U.S.C. § 157(a).

and timely deployment of advanced services, the National Association of Regulatory Utility Commissioners (NARUC) has adopted a resolution endorsing the establishment of a Federal-

State Joint Conference on Advanced Telecommunications Services.⁶ As detailed below, such a Joint Conference would provide a forum in which to conduct an ongoing, cooperative dialogue regarding deployment, promote an exchange of information between and among state and federal regulatory agencies, and explore regulatory and deregulatory mechanisms that will facilitate the widespread availability of advanced telecommunications services.

III. ESTABLISHMENT OF THE JOINT CONFERENCE

6. Accordingly, in order to further the goals of the 1996 Act and encourage the deployment of advanced telecommunications services to all Americans, we now convene a Federal-State Joint Conference on Advanced Services (Joint Conference or Conference) pursuant to section 410(b) of the Communications Act. Section 410(b) provides that

[t]he Commission may confer with any State commission having regulatory jurisdiction with respect to carriers regarding the relationship between rate structures, accounts, charges, practices, classifications, and regulations of carriers subject to the jurisdiction of such State commission and of the Commission.⁷

We believe that the goal of facilitating the widespread deployment of and access to advanced services will be furthered by convening an ongoing conference pursuant to this provision. Federal-state cooperation is particularly appropriate in matters relating to the deployment of advanced services, which will necessarily move forward and be tracked at the state and federal levels. As discussed in more detail below, we expect that the Conference will monitor and collect data regarding the practices of carriers as they deploy advanced services throughout the nation. In addition, the Joint Conference will examine the relevant state and federal regulations to which carriers are subject and whether and to what extent those regulations are affecting the widespread deployment of advanced services.

7. The Commission's rules governing section 410(b) Joint Conferences are flexible

⁶ See *Resolution Endorsing a Federal-State Joint Conference on Advanced Services*, Sponsored by the Committee on Telecommunications, Adopted by the NARUC Board of Directors, July 23, 1999.

⁷ 47 U.S.C. § 410(b).

and will permit the Conference to begin immediately an open dialogue regarding how best to encourage the rapid deployment of advanced services to all Americans. Specifically, our rules state that this Commission may confer with any State commission regarding any matter that relates to the regulation of public utilities subject to the jurisdiction of either commission. The Commission has to date convened only one Joint Conference under section 410(b), which resulted in extensive federal-state cooperation in the development and implementation of Open Network Architecture (ONA).⁸

8. We believe that a Joint Conference is an appropriate vehicle for federal, state, and local cooperation with regard to the rapid and widespread deployment of advanced services. A Joint Conference provides a flexible forum in which to conduct an open dialogue, collect and exchange information, and consider initiatives that will encourage deployment. As was the case with the Joint Conference on ONA, this Conference will take a broad perspective and will not be required to produce a recommended decision on any one particular aspect of advanced services.⁹

9. We further conclude that the Conference shall be chaired by the Chairman of this Commission or his designee. Any or all of the four other Federal commissioners may participate in the Conference, as may representatives from up to five State commissions, whom we will invite following recommendations from NARUC. Meetings will be called by the Conference Chairman, who may establish a regular schedule for meetings after consultations with Conference members. In addition, the Conference at any point may decide to include any of its findings and recommendations in a written report to this Commission. Finally, the Commission shall revisit the need for and utility of the Joint Conference in two years time.

10. The Conference will provide a structure for a dialogue among federal, state, and, where appropriate, local agencies that we expect will facilitate the deployment of advanced services by minimizing potential inconsistencies and overlaps between federal and state policy. In particular, we anticipate that the Conference will examine how best to accelerate the deployment of affordable advanced services to rural, low-income, disabled, and other under-served telecommunications users.

11. The activities of the Joint Conference will include monitoring the ongoing

⁸ See *In the Matter of Filing and Review of Open Network Architecture Plans*, CC Docket No. 88-2, Memorandum Opinion and Order, 4 FCC Rcd 1 (1988).

⁹ See *Id.*, ¶ 221.

deployment of advanced services throughout the nation to determine where and what advanced services are being deployed and to identify a set of “Best Practices” that promote rapid deployment. In this regard, the Conference may utilize existing federal and state data collection procedures and conduct field hearings to collect information regarding ongoing programs to deploy advanced services. Any such information gathered shall be submitted to this Commission on a timely basis to assist us in our preparation of our annual Report on advanced services deployment. The Conference will also serve as a vehicle for the dissemination of information it collects to ensure that any “Best Practices” data compiled by the Conference is distributed to entities positioned to utilize the information effectively to deploy advanced services. In this regard, new entrants and small businesses in particular may benefit from the documented experiences of successful deployment strategies in different states and localities.

12. The Joint Conference will provide a forum for the coordination of federal-state initiatives to promote deployment of advanced services. By identifying commonalities and synergies among ongoing federal, state, and local programs that are successfully encouraging deployment, the Conference may facilitate interactions between state and federal governments that will result in more efficient deployment strategies. The activities of the Joint Conference, however, will not limit the ability of this Commission to take separate, independent action pursuant to section 706. The Conference can also develop mechanisms for coordinating federal and state initiatives to spur deployment, particularly in rural and low-income areas.

13. Finally, because section 410(b) provides a flexible vehicle for state-federal cooperation, we anticipate that, as appropriate, the Joint Conference will undertake efforts and utilize tools in addition to those discussed herein. We also expect that the Conference will seek the cooperation of private sector representatives, where necessary and appropriate, to assist in identifying and encouraging successful deployment strategies. It is our expectation that the cooperative efforts of the Conference will facilitate and encourage the actual deployment of advanced services so that our goal of bringing advanced services to all Americans can be realized.

IV. ORDERING CLAUSES

14. Accordingly, IT IS ORDERED, pursuant to section 410(b) of the

Communications Act of 1934, 47 U.S.C. § 410(b), that the Federal-State Joint Conference on Advanced Telecommunications Services be convened.

15. IT IS FURTHER ORDERED, pursuant to section 410(b) of the Communications Act of 1934, 47 U.S.C. § 410(b), that the Federal-State Joint Conference shall be chaired by the Honorable William E. Kennard and shall be comprised of any or all of the four other Federal commissioners and representatives from up to five State commissions, who shall be recommended by the National Association of Regulatory Utility Commissioners.

FEDERAL COMMUNICATIONS COMMISSION

Magalie Roman Salas
Secretary