Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of	)	
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A National Broadband Plan for Our Future	)	GN Docket No. 09-51
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To: The Commission

REPLY COMMENTS OF THE TELECOMMUNICATIONS INDUSTRY ASSOCIATION

In this proceeding, the goals of the Telecommunications Industry Association ("TIA") match those of the Commission: They both aim to facilitate the spread of information and communications technology ("ICT") and, in so doing, to improve American lives. TIA is the leading trade association for the ICT industry. Its 500 member companies manufacture or supply the products and services used in the provision of broadband and broadband-enabled applications. With roots dating back to 1924, TIA works to promote the deployment of fixed and mobile broadband, mobile wireless, information technology, networks, cable, satellite and unified communications systems. TIA members' products and services empower communications in every industry and market, including health care, education, security, public safety, transportation, government, the military, the environment and entertainment. TIA, on behalf of its member companies, have a vested interest in assisting the Commission create a long-term

National Broadband Plan and respectfully offers these reply comments in an effort to work with the Commission to meet that end.

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The Telecommunications Industry Association ("TIA") hereby submits its comments in response to the Commission's Notice of Inquiry regarding the creation of a National Broadband Plan.[1]

I. INTRODUCTION

The Telecommunications Industry Association (TIA) submits these reply comments in response to comments addressing the *National Broadband Plan for Our Future* Notice of Inquiry (NOI) issued by the Commission. In the comments submitted June 5, 2009, TIA proposed a Broadband Roadmap which enumerates six specific policy goals that can be used to advance broadband deployment and adoption: (1) the

[1] *A National Broadband Plan for Our Future,* Notice of Inquiry, FCC 09-31 (rel. Apr. 8, 2009) ("Broadband NOI").

stimulation of investment, innovation, and promotion of next-generation broadband networks and deployment and adoption; (2) the modernization of spectrum policy to ensure the highest value public interest use of spectrum; (3) the promotion of programs and initiatives that enable broadband communications for all Americans, particularly for our most vulnerable; (4) the adoption of policies favoring trade and liberalizing the cross-border flow of capital and labor; (5) the use of targeted, technology-neutral subsidies and tax breaks to favor research and deployment; and (6) the development of a broadband interoperable public safety network. TIA takes this opportunity to provide more detailed guidance on implementing the Roadmap through suggested timelines and mechanisms currently available to the Commission to achieve the goals outlined in the TIA roadmap.

As evidenced by the more than 1800 filings submitted in response to the Commission's initial requests for comments, the development of a National Broadband Plan is clearly considered an essential component for many facets of American life and fundamental to aiding the recovery of the American economy. TIA welcomes the opportunity to contribute to the development of a plan that will act as a framework to ensure broadband availability to *all* Americans, as well as ubiquitous broadband adoption. In order to achieve this goal, the Commission's plan must be "*focused, practical,* and *achievable*" and should not be side-tracked by ancillary debates, as noted by Chairman Copps.[2] TIA believes its Roadmap charts a course for achieving these goals.

[2] Statement of Acting Chairman Copps, A National Broadband Plan for Our Future at 2 (April 8, 2009); Remarks of FCC Acting Chairman Michael J. Copps, Pike & Fischer's Broadband Policy Summit V at 2 (June 18, 2009).

II. THE COMMISSION SHOULD INCORPORATE THE FOLLOWING SIX POLICY GOALS INTO ITS NATIONAL BROADBAND PLAN

a. The National Broadband Plan should stimulate investment, innovation, and promotion of next-generation broadband deployment and adoption.

The Commission should implement policies that stimulate investment, innovations, and the deployment and adoption of advanced information and communications technologies. The National Broadband Plan should be designed to meet these goals by ensuring that regulation of broadband networks is modest and predictable based on generally applicable laws and competition among providers to best protect consumers. Further, broadband investment and consumer adoption can best be achieved through an exclusively federal regime.

Open Proceedings & Timeframes

The Plan must address key barriers to broadband adoption. Numerous commenters noted the importance of addressing barriers to broadband adoption in addition to addressing broadband deployment.[3] Demand-side efforts should include, at a minimum, grants for programs that support adoption by low-income users and subsidies for laptops and other broadband-capable devices, as well as funding for computer and "digital literacy" projects and for programs that bundle the purchase of a PC and broadband subscription at discounted rates for students, rural, low-income, and vulnerable populations.[4] Various studies demonstrate that the perceived lack of need for broadband and a lack of computer ownership are top barriers to broadband adoption.

[3] *See, e.g.*, Alcatel-Lucent Comments at 25 (finding that the Commission should address adoption including "affordability, availability of relevant content and applications, broadband awareness, and digital literacy."); see also American Consumers Institute at 24 (noting that "[s]timulating demand will reduce fixed costs and lower user rates, thus resulting in higher usage and penetration. (24-25) Consumer welfare will also be increased, resulting in increased interest and incentives for suppliers.").

[4] *See* TIA Comments at 6-7.

Based on the successful DTV education campaign, the Commission should craft a similar education campaign focused on broadband adoption that involves both public and private participation, with grants for public-private partnership programs that serve to increase broadband adoption. Innovative broadband demand stimulation programs can reduce fixed upfront equipment costs and lower user subscription rates, resulting in higher usage and penetration, especially in unserved and underserved.[5]

Insofar as any regulations are considered regarding broadband networks, the Plan should ensure that consumer protections are a significant part of any approach to network management. As manufacturers of the products and services used by consumers, TIA has a vested interest in the connectivity of devices and access to content. Further, broadband Internet access consumers must have meaningful information regarding aspects of their service plan, including upstream and downstream throughput speeds, bandwidth usage limitation, the use of technologies designed to block spam, viruses, or other content deemed to be harmful, and any other limitations associated with a particular service plan.[6] This will allow consumers to make informed decisions among competing providers and allow the Commission to rely on competition and consumer choice, rather than prescriptive regulation, to address claims of misconduct.[7] As the Commission has already recognized, as well as NTIA and RUS in their NOFA, the plan should also allow providers to remain free to employ generally accepted network management techniques.

The Commission can take some immediate steps to increase broadband deployment and adoption, while encouraging investment in broadband networks,

[5]Comments of the American Consumer Institute, National Broadband Plan NOI, pg 24-25.
[6] *In the Matter of Broadband Industry Practices,* Comments of the Telecommunications Industry Association, WC Docket No. 07-53, submitted June 15, 2007.
[7] TIA Comments at 12-13.

applications, and broadband-capable equipment and devices. TIA supports immediately extending the existing Lifeline and Link-Up programs to subsidize broadband Internet access services for low-income Americans. The Commission should grant the two petitions it has before it to extend these programs.[8] The Commission should continue to utilize the federal E-rate program, which has been very successful, and incorporate broadband utilization training for teachers, school administrators, and librarians into the program. Also, the Commission should clarify its Eligible Services List (ESL) to ensure that wireless data service is included so that recipients have access to a full range of broadband services.[9] Schools and public libraries can be valuable partners to help the government increase broadband adoption by familiarizing patrons and students with computers and uses of broadband. Other beneficial partnerships can include non-profit entities that have the reach into local communities as well as the support of private sector partners to implement innovative adoption programs.

Sound policymaking must be based on detailed, granular data and maps tracking broadband deployment and adoption rates. As the Commission has already been tasked to do by Congress, the Commission should develop a map tracking broadband deployment and adoption based on detailed, granular data. According to the timeframe established by NTIA,[10] this effort will be completed by substantially completed by June 30, 2010, although recipients will update their data for at least five years from the date of

[8] *See* Petition of Computer and Communications Industry Association for Rulemaking to Enable Low-Income Consumers to Access Broadband Through the Universal Service Lifeline and Link-Up Program (filed Oct. 7, 2008); Petition of TracFone Wireless, Inc. for Waiver, CC Docket No. 96-45 (filed May 4, 2009).
[9] Comment Sought on Draft Eligible Services List for Schools and Libraries and Universal Service Support Mechanism, Public Notice, CC Docket No. 02-6 (Rel. June 2, 2009).
[10] Notice: State Broadband Data and Development Grant Program, 74 Fed. Reg. 129 (July 8, 2009).

award, and will serve as a reference tool for current and future efforts to facilitate broadband investment and adoption.

The Commission can immediately begin assembling the broadband map based on data collected in its Form 477.[11] The Commission should evaluate the tiers used in Form 477 on annual basis in conjunction with its Section 706 report. Aligning the map with the tiered approach in Form 477 will accelerate the development of the map and recognizes the role various speeds play in a National Broadband Plan.

b. Advocate for forward looking spectrum management and the allocation of additional spectrum for advanced wireless services on a technology neutral basis.

As the Commission has recently made clear, wireless technologies are increasingly reaching into unserved and underserved areas and have the potential to quickly bridge the broadband divide in the U.S.[12] The Commission's spectrum management policies over the last decade have driven wireless deployment and enabled technology and service advancements for most Americans.[13] As Chairman Genachowski leads the Commission with the goal of pursuing "policies that promote job creation, competition, innovation and investment,"[14] TIA urges that the Commission continue its

[11] FCC Form 477 is due on before March 1. *See* 47 C.F.R. §43.01(d).

[12] Michael J. Copps, Acting Chairman, Federal Communications Commission, Bringing Broadband to Rural America, Report on a Rural Broadband Strategy, ¶ 10 (Rural Broadband Strategy Report) (rel. May 22, 2009) (detailing the benefits of expanding access to wireless broadband: "Wireless technologies are extending broadband into areas unreachable by cables and wires . . . . Many wireless [ISPs] have used [Wi-Fi] to offer fixed wireless broadband services in areas not reached by wireline technologies. . . . We expect to see further advancements on the wireless broadband front…)

[13] *See* Rural Broadband Strategy Report at ¶ 27 (estimating that mobile broadband networks cover 95.6 percent of the total U.S. population today).

[14] Remarks of Chairman Julius Genachowski, Federal Communications Commission, To the Staff of the Federal Communications Commission at 4 (June 30, 2009) ("Remarks of Chairman Julius Genachowski to the Staff of the Federal Communications Commission").

deliberate regulatory approach to rapidly bring wireless broadband services to unserved and underserved Americans in urban and rural areas alike.

Open Proceedings & Timeframes

Increased deployment of broadband services depends on effective use of scarce spectrum. As many Commenters have noted, a key step to best managing spectrum is identifying through a spectrum inventory and subsequently making additional federal and non-federal spectrum available for wireless broadband services.[15] Moreover, Commissioner Copps has made clear that there is a need for "a thorough inventory of the spectrum [the Commission] has already licensed, examining how, why, and where it is used….The Commission could then consider various ways to redeploy this spectrum for more efficient use…."[16] Congressional leaders have also strongly endorsed initiating a spectrum inventory.[17] With widespread agreement that a spectrum inventory is the first step to advancing wireless broadband availability and technologies, such an inventory should be performed quickly and possibly in coordination with the NTIA's effort to

[15] *See*, *e.g.*, Southern Company Services, Inc. Comments at 6-8; (stating that "a 'spectrum inventory' could be a valuable tool to assist the Commission and Congress in improving the nation's spectrum management policies and priorities"); *see also* Intel Comments at 20-21 (emphasizing the need for locating and freeing up new spectrum for more efficient and valuable wireless services, and recognizing that a precursor for such action is a spectrum inventory); *see also* National Rural Telecommunications Cooperative and DigitalBridge Communications Comments at 16 (noting that the lack of available, affordable spectrum is the most significant impediment to the roll out of advanced wireless broadband services in rural areas); *see also* Google Comments at 16-17.

[16] Rural Broadband Strategy Report at ¶ 150.

[17] *See*, *e.g*, Press Release: Kerry, Snowe Call for Inventory of Airwaves (Mar. 19, 2009). (Senator John Kerry stating that, "Our public airwaves belong to the American people, and we need to make certain we are putting them to good use in the best interests of those citizens;" Senator Olympia Snowe stating that, "as radio spectrum is already a scarce yet valuable resource in many areas, we must ensure that this public good is allocated and used efficiently for the needs of the American people."). *See also* Statement of Representative Jay Inslee, 155 Cong Rec E 1560, 1561 (June 24, 2009) (observing that, "[m]eeting the broadband infrastructure objectives desired by the American people and outlined by President Obama will require the allocation of additional spectrum for commercial use. In order for consumers to experience the next generation of voice and broadband wireless services, the government must identify more sources of spectrum. Once the government has auctioned spectrum to carriers, it is in everyone's interest to see that consumers benefit from new services as quickly as possible.").

create a broadband map by February 2011 as required by the Recovery Act.[18] Were the NTIA and the Commission able to work toward the broadband mapping and spectrum inventory initiatives together, it is reasonable to believe that both can be completed by February 2011.

A spectrum inventory should go hand-in-hand with the Commission's ongoing efforts toward globally harmonized spectrum. As noted by both wireless carriers and manufacturers, such spectrum allocations dramatically increase broadband service access and roaming capabilities, reduce manufacturing and consumer costs, and provide increased regulatory certainty regarding the future value of investments.[19] Consistently, the Commission has developed a "goal of global harmonization of spectrum usage by enabling innovations that can be used both here and abroad, lessening the overall developmental costs of new and innovative technologies."[20]

New wireless services and spectrum allocations will drive innovative wireless technologies and services that can quickly reach unserved and underserved Americans. Continuing the Commission's efforts to make spectrum available upon thorough technical evaluations will have a significant impact upon market access and service quality. TIA applauds the Commission for its actions on the rules for, and resulting recent licenses granted, in the AWS 1 proceeding.[21] TIA hopes that AWS 3

[18] Recovery Act § 6001(1).
[19] *See* Comments of AT&T at 142 (noting that the Commission should implement mechanisms to ensure that all future spectrum allocations are harmonized internationally to the greatest extent possible); *see also* Ericsson Inc. Comments at 19-20.
[20] *See* Amendment of Part 2 of the Commission's Rules to Allocate Additional Spectrum to the Inter-Satellite, Fixed, and Mobile Services and to Permit Unlicensed Devices to Use Certain Segments in the 50.2-50.4 GHz and 51.4-71.0 GHz Bands, Report and Order, FCC 00-442, ¶ 36 (Dec. 22, 2000).
[21] *See* Wireless Telecommunications Bureau Grants Advanced Wireless Services Licenses, Public Notice, DA 09-1244 (rel. Jun. 3, 2009).

auction rules are adopted quickly.[22] TIA continues to advocate for resolving any interference concerns with regard to the AWS 3 spectrum, and urges the FCC to balance the promise of innovative technologies and services promised by making the AWS 3 spectrum available with the technical concerns raised by some parties. It is TIA's hope that any technical concerns can be resolved so that an auction can occur by September of 2009. This timing could alow the AWS 3 auction to occur by early spring, 2010, based upon the timing of prior auction schedules.[23]

The manufacturers and providers who seek to make wireless broadband services and technologies available to even more Americans in the immediate future recognize that a market-based, pro-competitive regulatory environment will most effectively promote the rapid deployment and adoption of wireless broadband services, technologies, devices, and applications in unserved and underserved areas.[24] Such an environment reflects Congress' intent in the 1996 Telecommunications Act to ensure that a "pro-competitive, deregulatory national policy framework" was applied to the communications industry.[25] The Commission has responded to Congress' goals by establishing a regulatory framework that has promoted

[22] *See* Service Rules for Advanced Wireless Services in the 2155-2175 MHz Band, WT Docket No. 07-195, Service Rules for Advanced Wireless Services in the 1915-1920 MHz, 1995-2000 MHz, 2020-2025 MHz and 2175-2180 MHz Bands, WT Docket No. 04-356, Further Notice of Proposed Rulemaking, FCC 08-158 (rel. June 20, 2008) (FNPRM).

[23] *See, e.g.*, Auction of Broadband Radio Service (BRS) Licenses Scheduled for October 27, 2009, Notice and Filing Requirements, Minimum Opening Bids, Upfront Payments, and Other Procedures for Auction 86, DA 09-1376, (Rel. Jun. 26, 2009) (reflecting approximately a four-month period between the establishment of auction rules and the commencement of the BRS auction); see also Auction of FM Broadcast Construction Permits Scheduled for September 1, 2009 Notice and Filing Requirements, Minimum Opening Bids, Upfront Payments, and Other Procedures, AU Docket No. 09-56, (Rel. Apr. 17, 2009) (reflecting approximately a five-month period between auction rules being established and the auction itself).

[24] *See, e.g.*CTIA The Cellular Association Comments at 35 (crediting the Commission's encouragement of a competitive wireless environment for the remarkable growth in the wireless market); *see also* Consumer Electronic Association Comments at 9 (emphasizing that "[m]arket-driven, facilities-based competition is the best way to promote the rapid deployment of broadband technologies and increase consumer demand. As the result of the Commission's nurturing and cautious regulatory approach to information services, the Internet has exploded. Today, consumers have access to an unprecedented array of content, services, and applications, accessible through an ever-increasing diversity of products. From the availability of routers to Wi-Fi enabled handsets, consumers are benefiting from this competitive marketplace.")

[25] Preamble, Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996).

wireless competition and promoted the widespread availability of wireless technology, equipment and devices, and competitive service.[26]

c. A National Broadband Plan should provide broadband communications to all Americans, including consumers in low income and rural areas and those with disabilities.

It is critical that a National Broadband Plan focus on extending broadband services to all Americans no matter their geographical, economic, or social status. Regardless of different views on how to achieve this, ensuring broadband access and adoption by all Americans is clearly the goal sought by all who provided comments on the FCC's development of a National Broadband Plan. It is irrefutable the numerous benefits that stem from broadband deployment and adoption, such as increased employment, healthcare, educational, and civic opportunities. The only question that remains is how to best bring these opportunities to those who thus far may not have the opportunity, such as citizens living in rural areas, those who cannot afford broadband, or Americans living with disabilities. It is paramount that the National Broadband Plan promotes expansion of broadband services to schools, libraries, universities, and healthcare providers.[27]

Open Proceedings & Timeframes

There are actions the Commission can take immediately to begin addressing lack of

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[26] *See, e.g.*, First Report and Order and Further Notice of Proposed Rule Making, *Amendment of the Commission's Rules to Permit Flexible Service Offerings in the Commercial Mobile Radio Services*, 11 FCC Rcd 8965, 8966 ¶ 1 (1996) (allowing spectrum licensees to offer all types of fixed, mobile, and hybrid services). The Commission explained this policy was designed to ensure that wireless providers could effectively "respond to market demand…[and] increase competition in the provision of telecommunications services"); *see also* Report and Order, *Biennial Regulatory Review—Amendment of Parts 0, 1, 13, 22, 24, 26, 27, 80, 87, 90, 95, 97, and 101 of the Commission's Rules to Facilitate the Development and Use of the Universal Licensing System in the Wireless Telecommunications Services*, 13 FCC Rcd 21027, 21031 ¶ 4 (1998) (streamlining licensing rules for all wireless services to "introduce new entrants more quickly into this already competitive industry).

[27] TIA Comments at 30; *See, e.g.*, Comcast Comments at 62 (encouraging the Commission to use deployment to schools, libraries, hospitals, and other public facilities as a benchmark in the National Broadband Plan); EDUCAUSE, Internet2 and ACUTA Comments at 6 (suggesting a goal of 100 Mbps to 1 Gbps for smaller anchor institutions like schools and libraries; and multi-Gigabit speeds for larger anchor institutions such as colleges and hospitals as a broadband benchmark).

broadband availability and adoption by these citizens. Foremost, the Commission must transition the Universal Service Fund so that it includes broadband. The support for this proposition is overwhelming, asserted by members of Congress[28] and the Commission in its Rural Broadband Strategy.[29] Further, at least fifty parties, representing consumers, service providers, equipment manufacturers, and public interest coalitions filed comments in favor of this, and a great number of these explicitly support allowing Lifeline and Link-Up funds to be used for broadband services.[30] As TIA has stated in the past, the Commission could make the transition of the USF High-Cost fund from narrowband to broadband in five years.[31]

The Commission should extend and make permanent the Rural Health Care Pilot Program and take three specific actions for the Program. First, the Commission should immediately raise the current cap on funding available. Second, the Commission should expand the Pilot Program to include remote health care monitoring that will extend services to, and enable independence at home, for those living with chronic disease, the elderly, people living with disabilities, and homebound patients. Third, the Commission should adopt the Pilot Program on a permanent basis.[32] The American Hospital Association recently submitted a letter supporting TIA's efforts on this issue, urging the FCC to make the RHCPP

[28] "Basic broadband service is no longer a luxury, but it is a necessity and a national broadband plan should reflect this transformation as fundamentally important as electricity and water. While billions of private dollars have been invested in broadband access across the country, and billions in additional public dollars will be invested in the coming years, some communities in the most rural areas may continue to lack broadband access in the future. Due to these instances, it is imperative that a national broadband policy addresses these unique cases and attempts to develop sustainable solutions around these very remote communities. Lastly, a national broadband policy must recognize the need for reform of the Universal Service Fund (USF) that has been instrumental in bringing phone service to nearly every American. USF reform must be technology neutral and recognize that broadband should be a supported service and special efforts should be made to provide predictable, targeted support to achieve the final goal of universal service." Rep. Bart Stupak, Letter to the Federal Communications Commission from the Congressional Rural Caucus (June 26, 2009) *available at* http://leeterry.house.gov/Article_Detials.aspx?NewsID=2245

[29] Report on Rural Broadband Strategy at ¶137, GN Docket No. 09-29 (rel. May 22, 2009).

[30] *See, e.g.*, Comments of Alcatel-Lucent at 19; *see also* Comments of AT&T at 48; *see also* Comments of CTIA at 39-43; *see also* Comments of Free Press at 242-243, 250, 254-256; *see also* Comments of OPASTCO at 19-20, 34.

[31] *In the Matter of High-Cost Universal Service Support*, Comments of Telecommunications Industry Association, WC Docket No. 05-337, submitted April 17, 2008.

[32] TIA Comments at 25-26.

permanent.[33]

A voluntary Industry-Government partnership will best bring broadband networks and technology to hard-to-reach Americans, including those with disabilities. A primary example of such coordination is the report developed by the Telecommunications and Electronic and Information Technology Advisory Committee (TEITAC), which provided recommendations on refreshing guidelines under Section 508 of the Rehabilitation Act and was submitted to the U.S. Access Board in April 2008.[34] The Access Board approved a motion at its July 17, 2009 meeting to release a draft of the proposed rules, developed based on the recommendations in the report, for public comment. Upon release of the rules adopted by the Access Board, TIA suggests that the FCC initiate its own rulemaking procedure to review guidelines under Section 255 after the Access Board has completed its rulemaking. This will maximize coordination efforts between government, industry, and the disability community.

The Commission could also encourage collaboration between the public and private sectors on improving accessible communications by considering the possibility of developing an information clearinghouse. The clearinghouse would list currently available accessible technologies, to be maintained on accessible website. The clearinghouse would act as a tool for consumers to assess devices and features based on an individual's particular needs and act as a communications bridge between the disability community and industry. TIA urges the Commission to establish a series of meetings to discuss accessibility issues, possibly under the auspice of the Consumer Advisory Committee, similar to the Technical Working Group

[33] "We join others, like the Telecommunications Industry Association, who ... have urged swift action on the RHCPP, which subsidizes the construction of high-speed networks that link public and not-for-profit health care facilities to a dedicated broadband backbone consisting of almost 70 projects around the country," Letter from the American Hospital Association to Chairman Genachowski, WC Docket No. 02-60 (submitted July 2, 2009).

[34] Telecommunications and Electronic Information Technology Advisory Committee Report to the Access Board: Refreshed Accessibility Standards and Guidelines in Telecommunications and Electronic and Information Technology *available at* http://www.access-board.gov/sec508/refresh/report/ (submitted April 3, 2008).

on Digital Closed Caption and Video Description Issues.[35]

d. The Commission should look at Foreign Markets to inform its National Broadband Plan and should promote open and fair market access for broadband companies.

The National Broadband Plan should take an expansive view toward participation in the global economy and look beyond the Commission to other areas of government and even the world to ensure it creates a plan that will put America at the forefront of the international broadband industry. The newly implemented broadband data collection and reporting obligations that will include an international comparison in the Commission's annual broadband report will provide a good foundation to understanding the international broadband market.[36] The Commission should go beyond collecting statistical data and consider ideas from other countries' successful broadband initiatives and incorporate those ideas that could promote a more comprehensive broadband industry in the U.S.[37] While the experiences of other countries in the deployment and adoption of broadband must be part of drafting the National Broadband Plan, the Commission needs to take into account differences such as topography, population density and economic systems that may not allow for certain foreign broadband models to be successfully implemented in the United States.

Also, the United States must stay ahead of the global curve in terms of new and innovative technologies by liberalizing international trade in the IT sector. The Commission should use the National Broadband Plan to encourage Congress to support fair and open international trade markets. Many members of Congress have already seen the benefits that

[35] TIA Comments at 29.
[36] Broadband Data Improvement Act of 2008, Pub. L. No. 110-385, 122 Stat. 4097 (codified at 47 U.S.C. §§1301-04).
[37] *See* TIA Comment at 32-24 (providing examples of success broadband initiatives throughout the globe).

can be derived from promoting free trade agreements, including increased market access, predictable business climates, and increased bilateral investments.[38] Additionally, it is vital that the Commission and the U.S. government adopt technological neutrality not only in the National Broadband Plan, but internationally, to encourage further economic growth and stability.

Open Proceedings and Timeframes

Expanding some of the Commission's domestic policy efforts to an international level may promote broadband penetration levels in the U.S. and abroad. This may include a facilitating efficient use of spectrum on a global scale. TIA lauds the Commission's efforts toward global harmonization through its preparation for the 2011 World Radiocommunication Conference. The Commission has convened a Federal Advisory Committee (WRC-11) to provide to the Federal Communications Commission (FCC) advice, technical support, and recommended proposals to proffer at the World Radio Conference. As WRC-11 continues its work, collaboration with the State Department, NTIA, and the International Telecommunications Union (ITU) will further its efforts and provide clear proposals for 2011 WRC. Should the Commission meet its current target date of July 16, 2010 to submit proposals,[39] the Commission should be well suited to provide meaningful contributions at World Radiocommunication Conference in October 2001 to further the goal of global spectrum harmonization.

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[38] Senator Kay Bailey Hutchinson (R-TX). 155 Cong Rec S 3328, 3333 (Statement of Sen. Hutchinson) (stating "As we face economic hardships, trade presents a tremendous opportunity to sustain and create jobs, expand economies, and stimulate growth. We must resist the temptation to close our borders and engage in protections, which always ends p harming our economy.") *See also* Senator Max Baucus (D-MT) Press Release. Senate Committee on Finance Office of the Chairman Max Baucus, Baucus Comments on Trade and Treasury Nominations (June 5, 2009) *available at* http://finance.senate.gov/press/Gpress/2009/prg060509.pdf (stressing the importance of U.S. exports and trade agreements to the recovery of the economy).

[39] *See* WRC-11 Preparatory Timeline, Federal Communications Commission, Mar 31, 2009 (available online at: http://www.fcc.gov/ib/wrc-11/wac/wac_2/ (last visited August 17, 2009)

e. The Commission should support policies promoting research and development in the communications space.

If the United States wants to retain its leadership position in the world in regards to communications research, the government must provide further funding of next generation, network focused research and development, especially as the rest of the world continues to move ahead at a faster pace than the U.S.[40] Congress has already stressed its support of further research and development, and the role it plays in bolstering the American economy. Specifically, former Chairman Daniel Inouye emphasized the importance of technological advancements when he said, "[T]echnological innovation is the lifeblood of U.S. economic growth and well-being. To achieve growth and success, the United States must continue to support the two critical components necessary during the early stages of the innovation ecosystem; education and basic research…Many countries are look to overtake us to claim technological and economic superiority. While we continue to lead, we cannot take this lead for granted."[41] Further, the Administration has particularly touted the significance of future development in the areas of science and technology.[42]

Open Proceedings and Timeframes

The government should consult with industry where the limited financial resources could be best utilized. The Broadband Plan should include a recommendation that Congress continue to fully fund the America COMPETES Act.[43] Further, the Commission should address this issue in its National Broadband Plan Staff Workshops and continue to act as a

[40] *See* TIA Comments at 34.
[41] Senator Daniel Inouye (D-HI) 153 Cong Rec S 4825, 4825-26 (Statement of former Chairman Inouye) (2007).
[42] *See* 155 Cong Rec H 620, 626 (Statement of Speaker Pelosi) (2009) (stating "On the steps of the Capitol, President Obama pledged to 'build the roads and bridges, the electric grids and digital lines that feed our commerce and bind us together' and to 'restore science to its rightful place,'. . . . Today, we are acting swiftly and boldly to do just that. To assert America's role as a world leader in a competitive global economy, we are renewing America's investments in basic research and development . . . and in deploying new technologies into the marketplace.")
[43] *See* Benton Foundation Comment at 12-14.

forum for public-private coordination on this issue. The Commission should follow the lead of Congress and the White House and use the National Broadband Plan to evaluate how the federal government, through more federal funding, as well as increased collaboration and participation by industry, can encourage the necessary commitment to long-term research.

f. Promote the development of an interoperable public safety network capable of protecting all communities in the event of further domestic disasters.

Commenters ranging from public safety, manufacturers, and state entities agree with Chairman Genachowski that we must prioritize delivering "public safety communications networks with the best technology to serve our firefighters, police officers, and other first responders."[44] As members of Congress have also made clear, it is vital that our first responders can utilize commercially-available technologies on a robust network that will afford them seamless broadband voice and data capabilities.[45] TIA applauds the Commission's dedication to establishing an interoperable broadband public safety network as reflected in its ongoing rulemaking efforts with regard to the 700 MHz D Block Auction.[46]

Open Proceedings & Timeframes

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[44] Remarks of Chairman Julius Genachowski to the Staff of the Federal Communications Commission at 4; s*ee also* APCO Comments at 5-6; *see also* California Public Utilities Commission at 48 (stating that "[d]eployment of broadband for public safety purposes should be a priority under the national broadband plan."); *see also* Motorola Comments at 3 (emphasizing the need to address the unique broadband needs of public safety and homeland security).

[45] *See* Statement of Representative Rick Boucher, 155 Cong Rec H 584, 587 (Jan. 28, 2009) (stating that "[w]e have a clear need to deploy fully interoperable telecommunications on a nationwide basis so that a fire department from one community can talk to a fire department or rescue squad or law enforcement agency from another community when they all converge on an event somewhere;" *see also* Statement of Senator Amy Klobuchar, 155 Cong Rec S 154, 155 (Jan. 7, 2009) (noting that the "fact that our Nation's police, fire, and other first responders, including those in our rural areas, still do not have access to such a network more than 7 years after the tragic events of September 11 is simply unacceptable.").

[46] *See generally* Service Rules for the 698-746, 747-762 and 777-792 MHz Bands, WT Docket No. 06-150, Third Further Notice of Proposed Rulemaking, FCC 08-230 (rel. Sept. 25, 2008) (3rd D Block FNPRM).

While TIA and others believe that building a public-private interoperable public safety network is a valid approach,[47] TIA believes that the Commission's recent efforts to evaluate all options to determining the most effective and timely way to establish a public safety network is much needed and reflective of the economic circumstances this nation faces.[48] This action also reflects the urgency of this issue; under the FCC's current proposal for a shared broadband network, D Block licensees may take up to fifteen years after the D Block rules are established and the auction concludes to fully build out the broadband network that public safety will use.[49] TIA therefore points out that – based on length of time it would take to build out the network under the proposal mentioned above – if auction rules for the D Block were promulgated by December 2009 and the D Block Auction were held by June 2010, 90% of the lowest-population rural areas in this country would be covered by a public safety network by 2025. With the lives of citizens and first responders at stake, decisive and swift action should be taken.

III. PLOTTING THE BROADBAND ROADMAP

The Commission has a unique chance to establish a transparent strategic National Broadband Plan to ensure that *all* Americans have access to affordable high-quality broadband and to enable ubiquitous consumer adoption of such services. TIA urges the Commission to incorporate the six goals enumerated in these comments into the National Broadband Plan to achieve universal broadband deployment and adoption. The Commission should use specific measurement tools to achieve these goals by establishing

[47] *See* APCO Comments at 5-6.
[48] *See* Communications Daily, Notebook at 6 (April 30, 2009) (stating that Commissioner Copps was preparing a memo for Chairman Genachowski to list options regarding the D Block auction and the creation of an interoperable public safety network).
[49] *See* 3rd D Block FNPRM at ¶ 149 (proposing a tiered build-out approach that would require 90% coverage in the least populated areas within 15 years of the grant of a license).

benchmarks, timetables, and measurable thresholds, such as subscribership and penetration statistics, into the Plan. The Commission should also commit to initiating and/or completing specific proceedings and convening key stakeholders to help move forward with many of the important initiatives outlined herein. For the plan to be, most effective, it is critical that the Commission put in place an agenda that very clearly lays out steps for moving forward over the next three years.[50] In Appendix A, TIA includes a detailed chart that provides specific timelines, open dockets, and proceedings that will enable the Commission to achieve the goals outlined in the TIA Roadmap (Appendix B). In conclusion, TIA's members are committed to working with the Commission to deploy high-quality broadband services and enable consumer adoption of such services that "can help to restore American's economic well-being and open the doors of opportunity for more Americans no matter who they, where they live, or the particular circumstance of their lives."[51]

IV. CONCLUSION

For the foregoing reasons, TIA encourages the Commission to adopt a Broadband Plan consistent with the recommendations set out above.

Respectfully submitted,

TELECOMMUNICATIONS INDUSTRY ASSOCIATION

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[50] TIA Comments at 39.
[51] Broadband NOI at ¶1.

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APPENDIX A

TIA Roadmap Chart for FCC's National Broadband Plan

FCC Action/Proceeding	Timelines
1. Stimulate Investment, Innovation, and Promotion of Next-Generation Broadband Deployment and Adoption	
Develop a National Broadband Plan (GN No. 09-51)	2/17/2009 (per FCC National Broadband Plan due to Congress)
Evaluate broadband tiers annually based in conjunction with Section 706 report	2/03/2010 (FCC Section 706 Report due to Congress)
Develop a detailed, granular broadband mapping tool tracking availability and uptake	2/17/2011 (per the American Recovery and Reinvestment Act)
Hold hearings on broadband adoption and utilization strategies	8/19/09 (per FCC National Broadband Plan Staff Workshop on Adoption and Utilization)
Act on Petitions regarding Lifeline and Link-Up (WC Docket No. 03-109)	2/17/2013 (per TIA three-year Roadmap)
Implement broadband adoption campaign	2/17/2013 (per TIA three-year Roadmap)
Adopt rules creating pro-investment federal regime for regulations of IP-enabled offerings (WC Docket No. 04-36)	2/17/2013 (per TIA three-year Roadmap)
2. Adopt Forward-Looking Spectrum Management Polices and Allocate Additional Spectrum for Advanced Wireless Services on a Technology-Neutral Basis	
Conduct a spectrum inventory by February 2011.	2/17/2011 (Broadband Mapping deadline established in ARRA)
Reinforce its commitment to global spectrum harmonization in the National Broadband Plan	7/16/2010 (as established by WRC-11)

FCC Action/Proceeding	Timelines
through its Federal Advisory Committee (WRC-11) to provide proposals for the 2011 World Radio Conference by July 16, 2010.	
Resolve technical concerns and promulgate AWS-3 auction rules by September of 2009. Hold the AWS-3 auction by early spring, 2010. (WT Docket No. 04-356)	9/30/2009
3. Provide Broadband Communications to All Americans, Including Consumers in Low Income and Rural Areas and Those Living with Disabilities	
Reform USF high-cost program to transition to a Broadband Fund (CC Docket No. 05-337)	2/17/2015 (if enacted at submission of National BB Plan and transitioned over five years as TIA proposes)
Allow Lifeline and Link-Up funds to be used for broadband services	2/17/2013 (per TIA three-year Roadmap)
Hold hearings on broadband access by the disability community	8/13/09 (FCC National Broadband Plan Staff Workshop on Disability)
Initiate NPRM based on Access Board's rules refreshing Section 508 and Section 255	Date should be based on Access Board timeline when approved by staff
Establish Advisory Committee to establish an accessibility clearinghouse	2/17/2013 (per TIA three-year Roadmap)
Extend and make permanent the RHCPP (WC Docket No. 02-60)	6/30/2010 (RHCPP funding expiration date)
Establish a program for remote patient services, which would include funding for wireless devices, under the RHCPP	2/17/2013 (per TIA three-year Roadmap)
4. Look at Foreign Markets to Inform the National Broadband Plan and to Promote Open and Fair Market Access for Broadband Companies	
Implement information from Form 477 into National Broadband Plan	03/01/2010 (Form 477 is due to the FCC on or before this date)
Hold hearing on international broadband strategies	8/18/2009 (FCC National Broadband Plan Staff Workshop on International Broadband)

FCC Action/Proceeding	Timelines
5. Support Policies Promoting Research and Development in the Communications Space	
Address research and development in the communications space at FCC National Broadband Plan Staff Workshops	9/03/2009 (Conclusions of FCC National Broadband Plan Staff Workshops)
6. Promote the Development of a Broadband Interoperable Public Safety Network Capable of Protecting All Communities	
Resolve issues of viability of a public-private interoperable broadband public safety network and promulgate auction rules for the D Block, thereby creating an interoperable public safety network by 2025. (WT Docket No. 06-150)	12/31/2009 (allowing for the 15 years the FCC estimated it would take to build out an interoperable public safety communications network)

APPENDIX B

TIA ROADMAP

I. TIA Vision for a Roadmap
   a. Economic and societal benefits of broadband
   b. Set forth roadmap: goals, action items, timeline

II. Plotting the Roadmap
   a. *Enhancing efforts to stimulate investment, innovation, and promotion of next-generation broadband deployment*
      1. Deliberate regulatory approach
      2. Facilitate broadband adoption
      3. Reasonable network management principles
      4. Data collection: broadband mapping, definitions, and capabilities
      5. Stable regulatory environment: Federal preemption
   b. *Advocating for forward-looking spectrum management, the allocation of additional spectrum for advanced wireless services on a technology-neutral basis, and the smooth digital television transition*
      1. Additional spectrum resources
      2. Globally harmonized spectrum allocation
      3. Market-based regulatory approach
   c. *Providing communications to all Americans, including access to consumers in low income and rural areas and those with disabilities*
      1. USF reform to include broadband distribution
      2. Extend and make permanent the Rural Health Care Pilot Program
      3. Continue Recovery Act funding efforts through additional grants
      4. Voluntary industry standards to assist those with disabilities
      5. Interagency, accessibility symposium with public/private participation
   d. *Facilitating open and fair market access for U.S. companies by promoting full, fair and open trade and competition in international markets*
      1. Learn from international broadband strategies
      2. Liberalization of ICT on a technology-neutral basis
   e. *Increasing the amount of federal funding towards efforts to deploy broadband in rural areas, communications network-specific basic research, tax credits and expensing provisions, among other initiatives that foster investment and innovation*
      1. Direct research towards next generation network issues
      2. Additional funding for long-term, pro-competitive, basic research
   f. *Promoting the development of an interoperable public safety network capable of protecting all communities in the event of further domestic disasters*
      1. Need for interoperable broadband and LMRS system
      2. Interoperability of public safety systems and devices
      3. Prompt determination of shared network viability

III. Timeline
   a. Ensure transparency through clear agenda and benchmarks
   b. Target specific action items over next three years