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LAW

REVIEW OF RECENT EVENTS IN
THE TELECOMMUNICATIONS ARENA

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FCC Delivers National Broadband Plan to Congress

The Federal Communications Commission ("FCC") on March 16, 2010, delivered to the United States Congress a National Broadband Plan (the "Plan") that puts into motion an ambitious agenda for broadband deployment. *Connecting America: The National Broadband Plan* (rel. Mar. 16, 2010); also available at http://download.broadband.gov/plan/national-broadband-plan.pdf.

The Plan was the FCC's response to Congress' directive under the American Recovery and Reinvestment Act that the FCC develop a broadband plan to ensure that every American has access to broadband capability. *See* American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, § 6001(k), 123 Stat. 115, 515-16 (2009). Congress also required that this plan include a detailed strategy for achieving affordability and maximizing the use of broadband to advance "consumer welfare, civic participation, public safety and home security, community development, health care delivery, energy independence and efficiency, education, employee training, private sector investment, entrepreneurial activity, job creation and economic growth, and other national purposes."

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The 300-plus-page Plan makes recommendations to, among other things, ensure that America has a world-leading broadband ecosystem for both fixed and mobile services; promote inclusion to ensure that all Americans have access to the opportunities broadband can provide; and maximize the use of broadband to include national priorities.

Among the many recommendations are:

- Make 500 megahertz of spectrum newly available for broadband.
- Establish low and more uniform rental rates for access to poles, and simplify and expedite the process for service providers to attach facilities to poles.
- Create the Connect America Fund (CAF).
- Transition the "legacy" High-Cost component of the USF.
- Reform intercarrier compensation
- Broaden the USF contribution base.
- Expand the Lifeline and Link-Up programs.
- Ensure every American has the opportunity to become digitally literate, including launching a National Digital Literary Corps for training.
- Ensure health care providers have access to affordable broadband.
- Improve connectivity to schools and libraries by upgrading the FCC's E-Rate program.
- Modernize the electric grid with broadband.
- Support broadband choice and small businesses' use of broadband.
- Support deployment of a nationwide, interoperable public safe mobile broadband network with funding of up to $6.5B in capital expenditures over 10 years.
- Promote innovation in the development and deployment of next-generation 9111 and emergency alert systems.

In addition to these detailed recommendations, the Plan recommends that the country adopt and track several goals, which include ensuring that at least 100 million U.S. homes have affordable access to actual download speeds of at least 100 megabits per second and actual upload speeds of at least 50 megabits per second, and that every American community has affordable access to at least 1 gigabit per second broadband service to anchor institutions such as schools, hospitals and government buildings.

Half of the recommendations in the Plan are offered to the FCC. The remaining half of the recommendations are offered to the Executive Branch, Congress, and state and local governments. To begin implementation, the FCC for its part will publish a timetable of proceedings to implement Plan recommendations within its authority; publish an

evaluation of plan progress and effectiveness as part of its annual 706 Advanced Services Inquiry; and create a Broadband Data Depository as a public resource for broadband information.