

# BROADBANDCENSUS.COM'S weekly report

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9/8/2009

**Broadband policy didn't take a breather in August: besides the raft of broadband stimulus application and a new wireless investigation at the Federal Communications Commission, the FCC has been clocking the hours on its series of broadband workshops. The agency has held 21 of 27 such fact-finding panels.**

## THE WEEK'S LINKS

### For and Against

The **Los Angeles Times** reports on network neutrality, pointing out that according to **Ben Scott**, policy director for **Free Press**, network neutrality is "what every Internet user takes for granted when they go online." <http://www.latimes.com/business/la-fi-lazarus30-2009aug30,0,3436552.column?page=1>

Those dissenting from the network neutrality view include Clinton administration economic advisor **Robert Shapiro** and former **Federal Reserve** economist **Kevin Hassett** at the **Georgetown Center for Business and Public Policy** who argue that, "If costs are shifted more heavily to those who use the most bandwidth and, therefore, are most responsible for driving up the cost of expanding network capabilities, the digital divergence among the races and among income groups can be eliminated much sooner." [http://arstechnica.com/telecom/news/2009/09/can-flexible-broadband-pricing-fix-the-digital-divide.ars?utm\\_source=rss&utm\\_medium=rss&utm\\_campaign=rss](http://arstechnica.com/telecom/news/2009/09/can-flexible-broadband-pricing-fix-the-digital-divide.ars?utm_source=rss&utm_medium=rss&utm_campaign=rss)

### Defining Broadband

Defining broadband is one of the subjects that the FCC is currently asking about at a series of workshops they are holding on the National Broadband Plan. [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DA-09-1992A1.doc](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-09-1992A1.doc) Many organizations are weighing in on the subject, including the **National Association of Telecommunications Officers and Advisors** [https://portal.neca.org/portal/server.pt/gateway/PTARGS\\_0\\_0\\_307\\_206\\_0\\_43/http%3B/prodnet.www.neca.org/wawatch/wwpdf/831natoa.pdf](https://portal.neca.org/portal/server.pt/gateway/PTARGS_0_0_307_206_0_43/http%3B/prodnet.www.neca.org/wawatch/wwpdf/831natoa.pdf), the **National Association of State Utility Consumer Advocates** [https://portal.neca.org/portal/server.pt/gateway/PTARGS\\_0\\_0\\_307\\_206\\_0\\_43/http%3B/prodnet.www.neca.org/wawatch/wwpdf/831nasa.pdf](https://portal.neca.org/portal/server.pt/gateway/PTARGS_0_0_307_206_0_43/http%3B/prodnet.www.neca.org/wawatch/wwpdf/831nasa.pdf), and the **Organization for the Promotion and Advancement of Small Telecommunications Companies**. [https://portal.neca.org/portal/server.pt/gateway/PTARGS\\_0\\_0\\_307\\_206\\_0\\_43/http%3B/prodnet.www.neca.org/wawatch/wwpdf/831opastco.pdf](https://portal.neca.org/portal/server.pt/gateway/PTARGS_0_0_307_206_0_43/http%3B/prodnet.www.neca.org/wawatch/wwpdf/831opastco.pdf)

The **Center for Democracy & Technology**, as reported by the **Benton Foundation**, says that broadband must be "defined and promoted in such a way as to ensure that its deployment will offer the full benefits of basic unrestricted Internet access, and not just narrower, purpose-built services..." <http://benton.org/node/27539>

### BROADBAND BREAKFAST CLUB RESUMES NEXT WEEK

BroadbandCensus.com announced a new series of the Broadband Breakfast Club, "Setting the Table for the National Broadband Plan." The first breakfast takes place at Clyde's of Gallery Place on Tuesday, September 15, at 8 a.m. and will lay the groundwork for panels on the role of broadband in healthcare, the environment, the digital divide, and distance learning. **Register** at <http://broadbandbreakfast.eventbrite.com>

### A PUBLIC, TRANSPARENT BROADBAND MAP BETA

In conjunction with the release of a beta version of a broadband map of Richland County, South Carolina, BroadbandCensus.com also announced a FREE press conference/webinar to discuss its methodology in building the map. The webinar will take place on Tuesday, September 15, at 2 p.m. ET. **Register** at <http://broadbandmaps.eventbrite.com>. **See the map** at <http://broadbandcensusmaps.com>, and **remember to use the Firefox or Safari web browsers.**

### BROADBAND CZAR TOUTS 'DYNAMIC' FCC PROCESS

The FCC's national broadband will not be "self-executing," cautioned agency broadband czar Blair Levin, speaking in Washington. Since the job of the commission is to give options to decision-makers, the FCC's process is merely the start of a "dynamic process" including Congress and other agencies. **For more**, see <http://broadbandcensus.com/2009/09/fcc-broadband-czar-says-agency-plan-is-start-of-dynamic-process/>

CONTINUES ON BACK

## SHOP TALK

**WASHINGTON, September 7, 2009** - The record from the workshops on the national broadband plan that is being prepared by the Federal Communications Commission is growing larger and larger, as the agency has concluded 21 of the 27 sessions it had planned.

The list of topics has also grown, as the agency last week added several more on: the role of content in the broadband ecosystem, spectrum policy issues, diversity and civil rights, and a second panel on broadband for people with disabilities.

This week's panel, on September 9, considers the consumer context for broadband, and is currently scheduled to include presentations by **John Horrigan**, the consumer research director for the FCC's broadband initiative, as well as **Marc Berejka**, formerly of **Microsoft** and now a senior policy advisor at the **National Telecommunications and Information Administration**, as well as **Robert Cannon**, a key FCC behind-the-scenes player, who holds the title of senior counsel for internet law.

Also scheduled to testify is **Michael Wroblewski**, deputy director of the Office of Policy Planning at the Federal Trade Commission. The FTC, of course, is the other agency in town that historically has had some responsibility over all matters internet. On Friday, the FTC issued a statement calling attention to the agency's own filing in the FCC's broadband proceeding.

In particular, the FTC highlighted the importance of price competition in a consumer-focused broadband policy. "Competition pressures producers and service providers to offer customers the most attractive array of choices with respect to price, quality, and other options," reads the FTC statement. <http://www.ftc.gov/opa/2009/09/fccnbp.shtm>

"At the same time, consumer protection policy promotes informed decision-making by customers and requires sellers to provide meaningful, timely information about their products and services," said the FTC.

*BroadbandCensus.com* has also begun extensive coverage of the FCC's broadband policy workshops. Below are excerpts from the stories published on

BroadbandCensus.com. Full coverage is available through the links below.

**WASHINGTON, September 3, 2009** - A Federal Communications Commission broadband workshop this week addressed "big ideas" with the "potential to substantially change the Internet," in which a range of prominent thinkers attempted to peer into the future of connectivity.

Although there is reason why internet service speeds remains at the center of the policy discussion, "speed of broadband is not the only essential topic of expansion," said **David Clark**, professor and senior research scientist at the **MIT Computer Science and Artificial Intelligence Laboratory**. "However, it is the most obvious."

Increasing speeds of broadband have created a domino effect on applications.

A concern brought up by **Van Jacobsen**, research fellow at **Palo Alto Research Center**, is that advancing broadband speeds do not ensure higher

quality of security. That will need to be addressed as new services roll out, he said.

"Internet is a big part of our lives," said Jacobsen. We use it for online banking, to pay bills and to check updates on our checking account.

When you want to transfer funds

online, are you giving your account number to the bank or to the host that is supposedly representing your bank?" For more, see <http://broadbandcensus.com/2009/09/big-ideas-on-broadband-likely-to-push-threshold-of-user-adoption-say-fcc-experts/>

**WASHINGTON, September 2, 2009** - The Federal Communication Commission's workshop on how to best benchmark broadband for evaluating the various dimensions of broadband across geographic areas highlighted the difference between measuring the current network versus focusing on internet users' needs.

BROADBANDCENSUS.COM HAS ALSO BEGUN EXTENSIVE COVERAGE OF THE FCC'S BROADBAND POLICY WORKSHOPS.



National Cable & Telecommunications Association



INTERNATIONAL BROADBAND ELECTRIC COMMUNICATIONS

**Richard Clarke**, assistant vice president of public policy at **AT&T**, said that the FCC should benchmark broadband very broadly. This would allow the agency to cope with different classes of user necessity and service differentiation across user capabilities and time of day. Clarke also argued that the FCC must establish benchmarks that do not vary over time.

Taking a different point of view was **Harold Feld**, legal director of **Public Knowledge** and **Catherine Sandoval**, Assistant Professor of Law, **Santa Clara University**. Feld and Sandoval said that the focus of benchmarks should be upon the American citizens' right to use broadband – and should not be limited by usage, availability or cost.

They also said that FCC benchmarks must somewhat be adaptive to the changing needs of consumers, and will inevitably change over time. **For more, see** <http://broadbandcensus.com/2009/09/metrics-workshop-measuring-current-network-versus-internet-users-needs/>

**WASHINGTON, September 1, 2009** – State and local governments said during a Federal Communications Commission workshop that extending broadband is important for economic development purposes.

Among the programs discussed at the workshop were those with the past goal of expanding broadband services into areas which were once inaccessible to any form of internet service, and providing education for these services.

"Areas of the country that don't have access to broadband services of at least 10 Megabits [per second (Mbps)] in the next five years will be as economically disadvantaged as those areas in the first half of the 20<sup>th</sup> century that did not have paved roads or electricity," said **Ray Baum**, commissioner of the **Oregon Public Utilities Commission**.

He said that 10 Mbps was the minimum necessary as the base of broadband for services, including health care and education. **For more, see** <http://broadbandcensus.com/2009/09/10-mbps-broadband-necessary-for-state-economic-development-says-naruc-official/>

**WASHINGTON, August 27, 2009** – Experts speaking at the Federal Communications Commission's August 27 broadband workshop on technology applications puzzled over the reasons for the United States' lagging internet speed vis-à-vis other global competitors.

**Tim Napoleon**, chief digital media strategist at **Akamai Technologies**, said that Seoul, South Korea, has the fastest average broadband service of the world, with average speeds of 11 Megabits per second (Mbps).

"There are issues concerning the connectivity of networks for devices," said **Evan Young**, senior director of product telemarketing of **TiVo**. "One of these issues is the access of signal for using the networks."

Young said that when certain devices are only provided with certain networks the consumer's choice of services is limited. Devices connected to fixed and mobile wireless networks have an average speed of 3.8 Mbps, he said. **For more, see** <http://broadbandcensus.com/2009/09/one-aspect-of-us-lagging-broadband-speeds-may-be-device-network-compatibility-say-panelists/>

FELD AND SANDOVAL SAID THAT THE FOCUS OF BENCHMARKS SHOULD BE UPON THE AMERICAN CITIZENS' RIGHT TO USE BROADBAND – AND SHOULD NOT BE LIMITED BY USAGE, AVAILABILITY OR COST.

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The mission of the Benton Found is too articulate a public interest vision for the digital age and to demonstrate the value of communication for solving social problems.

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## THE WEEK'S LINKS...

Many Internet providers are arguing for a lower bar however. <http://www.reuters.com/article/internetNews/idUSTRE5806LY20090902> and [http://www.broadcastingcable.com/article/339091-NCTA\\_FCC\\_Should\\_Stick\\_To\\_Existing\\_Broadband\\_Definition.php?rssid=20065\\_](http://www.broadcastingcable.com/article/339091-NCTA_FCC_Should_Stick_To_Existing_Broadband_Definition.php?rssid=20065_)

Jumping ahead, but probably not too soon, the **CTIA – The Wireless**

**Association** is proposing a definition of mobile broadband. [https://portal.neca.org/portal/server.pt/gateway/PTARGS\\_0\\_0\\_307\\_206\\_0\\_43/http%3B/prodnet.www.neca.org/wawatch/wwwpdf/831ctia.pdf](https://portal.neca.org/portal/server.pt/gateway/PTARGS_0_0_307_206_0_43/http%3B/prodnet.www.neca.org/wawatch/wwwpdf/831ctia.pdf)

## Once we have it, what do we do with it?

Whether 5Mbps or 100Gbps, once we have it, we've got use it. What will go through those pipes? People are starting to ask. **Gigi Sohn**, president of **Public Knowledge**, is encouraging the FCC to "closely examine any practice that discourages users from viewing Internet video, to the advantage of an ISP's own video offerings." She adds that **TV Everywhere** "could discourage innovation if it requires, encourages or allows programmers and content providers to sign exclusive deals with cable companies." <http://www.publicknowledge.org/node/2619> **Michael Kokernak** on

**MediaPost.com** has similar concerns. [http://www.mediapost.com/publications/?fa=Articles.showArticle&art\\_aid=112847](http://www.mediapost.com/publications/?fa=Articles.showArticle&art_aid=112847)

**Amazon** knows what it doesn't want you to see on the Internet:

someone else's books. Amazon has filed a legal brief with the US District Court in New York objecting to **Google's** copyright settlement with the

**Authors Guild and the Association of American**. [http://online.wsj.com/article/SB125190951188080095.html#mod=todays\\_us\\_marketplace](http://online.wsj.com/article/SB125190951188080095.html#mod=todays_us_marketplace) Ironically, **Cleantech Group**

argues that it is Amazon's own Kindle, and similar devices, that will help to curb pollution from the production of printed books and reduce carbon-emission levels. <http://cleantech.com/news/4867/cleantech-group-finds-positive-envi>

## Spectrum, Spectrum who has got the Spectrum?

What kind of decisions will the policy makers be deciding? Who gets the spectrum for is one. Why? Partly because of the controversy over **AT&T** being accused of overselling bandwidth to support its exclusive agreement to host **Apple's** iPhone, which is now being called the "Hummer of cell

phones." <http://gigaom.com/2009/09/02/how-the-iphone-is-driving-a-wireless-bandwidth-boom/> and [http://www.nytimes.com/glogin?URI=http://www.nytimes.com/2009/09/03/technology/companies/03att.html&OQ=\\_rQ3D1Q26refQ3Dtodayspaper&OP=7254c560Q2FQ2AQ25i-Q2A0gcklqgQ23Q3BQ2AQ3BPPQ3AQ2APQ3AQ2AP,Q2AQ23icn9gBg\)DQ2Acg6Ze93ikQ2AP,eQ23Q234nQ236B](http://www.nytimes.com/glogin?URI=http://www.nytimes.com/2009/09/03/technology/companies/03att.html&OQ=_rQ3D1Q26refQ3Dtodayspaper&OP=7254c560Q2FQ2AQ25i-Q2A0gcklqgQ23Q3BQ2AQ3BPPQ3AQ2APQ3AQ2AP,Q2AQ23icn9gBg)DQ2Acg6Ze93ikQ2AP,eQ23Q234nQ236B) (free subscription required)

**Blair Levin**, who is leading the FCC's National Broadband Plan effort, has indicated that current spectrum holders will have to justify their holdings. "I want you to be worried," he told telecom executives and lobbyists at their regular **Udwin Breakfast Group**. <http://www.nasdaq.com/asp/stock-market-news-story.aspx?storyid=200909021223dowjonesdjournal000509&title=update-airwaves-key-to-internet-buildout--fcc-official>

Other issues being proffered to policy makers include accusations that large players, such as AT&T, **Verizon** and **Sprint Nextel**, are unfairly dominating the marketplace. <http://techdailydose.nationaljournal.com/2009/09/wire>

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BroadbandCensus.com is a premium provider of news, information and events about broadband technology and internet policy. BroadbandCensus.com is at the forefront of understanding and explaining the implementation of the \$7.2 billion broadband stimulus package on the federal, state and local level. Since January 2008, BroadbandCensus.com has been building a public, transparent and freely accessible database about local broadband speeds, prices, availability, reliability and competition.

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