



## FCC RELEASES NATIONAL BROADBAND PLAN

The Federal Communications Commission has released its National Broadband Plan, mandated by the American Recovery and Reinvestment Act, is a 360-page document that outlines a series of goals and potential actions for the FCC, federal executive agencies and Congress. The Plan aims to make broadband service ubiquitously available, to increase the percentage of the population that actually uses broadband, and to use broadband services to address key issues in public safety, health, education and other important areas of American life. The Plan is available from the FCC's web site at <http://www.broadband.gov/download-plan>, the news release announcing the Plan is available at [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DOC-296880A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-296880A1.pdf), and the joint statement of the five commissioners on broadband is available at [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/FCC-10-42A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-10-42A1.pdf). The commissioners' statements are available at [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DOC-296880A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-296880A1.pdf) (Genachowski), [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DOC-296880A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-296880A1.pdf) (Copps), [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DOC-296912A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-296912A1.pdf) (McDowell), [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DOC-296890A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-296890A1.pdf) (Clyburn) and [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DOC-296890A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-296890A1.pdf) (Baker).

### OVERVIEW

In response to a mandate from Congress in the 2009 stimulus package, the FCC began the process of developing the National Broadband Plan in April 2009, even before the nomination of Chairman Genachowski. The combination of the limited period of

time to create the Plan and the complexity of the issues led to an unprecedented series of requests for public comment, workshops and public hearings and produced a record that consisting of more than 70,000 pages.

The Plan focuses on four key areas:

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- Establishing competition policies: These policies would include addressing pricing and competition; modifying current set-top box rules; and providing consumers with more information on the services they purchase.
- Availability of spectrum and infrastructure: The Plan calls for making 500 megahertz of spectrum available for wireless service in the next ten years; increasing the ability of spectrum holders and users to repurpose spectrum; changing current rules on pole attachments and rights of way to reduce costs; and facilitating infrastructure construction.
- Enhancing availability and use of broadband: The proposed actions include modifying the current universal service fund to focus on broadband (both landline and mobile); expanding the current Lifeline and Link-Up programs to subsidize broadband service for low-income customers; and creating a “National Digital Literacy Corps” to assist in training youth and adults.
- Maximizing use of broadband to meet national priorities: The specific areas of interest include health care; education; energy and the environment; economic opportunity; government performance; and public safety.

Despite the great effort, in the end the Plan is merely an outline of steps (many highly controversial) that the FCC, other agencies, state and local governments, and Congress might take to achieve the goals it describes. The FCC did not vote on the Plan or adopt it as a framework for future action. That process will be left to specific rulemaking

proceedings, following a schedule that the FCC intends to release in the next several weeks. As described at the public meeting, it is likely that there will be somewhere between 50 and 100 individual proceedings initiated over the next twelve to eighteen months. Implementation of many of the proposals in the Plan could be years away, and some may never overcome political, legal, and practical obstacles.

#### LONG-TERM GOALS

The Plan adopts six long-term goals. These goals are, in many respects, unsurprising and in several cases are restatements of longstanding policy objectives. They are:

- Speedy service: At least 100 million homes with access to services with downstream speeds of 100 Mbps and upload speeds of 50 Mbps.
- Mobile innovation: The U.S. should “lead the world in mobile innovation” and have “the fastest and most extensive wireless networks.”
- Access: All Americans should have “affordable access to robust broadband service” and the ability to subscribe “if they so choose.”
- Community access: Community anchor institutions, including schools, hospitals and government entities, should have access to at least 1 Gbps service in all communities.
- Public safety: All first responders “should have access to a nationwide, wireless, interoperable broadband public safety network.”
- Energy: All Americans should be able “to track and manage their real-time energy consumption” via broadband services.

In many respects, these goals overlap. For instance, the first goal actually is described in terms of “affordable” service, not just service, at the specified speeds. While there has been criticism of some of the goals as too modest (notably the goal of making 100 Mbps service available), the mobile innovation goal is quite ambitious and will require significant resources from both the FCC and wireless providers to achieve.

As part of the goal-setting process, the FCC also described some interim milestones. For instance, the FCC anticipates making 50 Mbps downstream/20 Mbps upstream service widely available by 2015 and deploying 300 MHz of spectrum for wireless broadband service within the next five years.

#### THE CURRENT ENVIRONMENT

The Plan begins its analysis with the current environment. In general, the Plan concludes that the availability of broadband and applications that take advantage of broadband have been beneficial to the country. It also addresses some trends, including the near-ubiquitous use of the Internet for business; the rise of machine-to-machine communication (such as OnStar’s accident notification system); ongoing speed increases; and ongoing increases in adoption by consumers.

The analysis also notes some areas of concern. These include privacy; lagging deployment of broadband in areas that do not yet have service; variances between advertised and actual speeds of service; availability of spectrum; and low levels of adoption by the poor and ethnic minorities.

#### COMPETITION AND INNOVATION POLICY

To encourage competition and innovation, the Plan identifies three particular areas of focus: network competition, devices, and applications.

##### *Networks*

The Plan recognizes that industries with high fixed costs tend to have small numbers of facilities-based competitors. Based on concerns about the likely state of competition over time, the Plan makes six specific recommendations.

First, to encourage competition, the Plan recommends that the FCC, NTIA and Congress act to make more spectrum available for wireless broadband. This spectrum, as discussed below, would be for use by existing and new wireless providers.

Second, to ensure that the FCC understands the market going forward, the Plan recommends that the FCC and the Bureau of Labor Statistics gather much more data about broadband services, including price, churn, market share and market-specific location information.

Third, the Plan proposes that the FCC act to ensure that consumers have more specific information about broadband services, including actual speeds and capabilities. These steps would include developing standards for measuring and reporting data, publishing information on performance, and requiring disclosures of performance levels.

Fourth, the Plan recommends that the FCC undertake a comprehensive review of its wholesale competition regulations and take expedited action to ensure that inputs are available for services provided to small businesses. Part of this review would focus

on special access services. This review also could include modifications to the current rules for unbundled network elements and revisiting the FCC’s current policies on retirement of copper loops.

Fifth, the Plan concludes that the FCC should clarify the interconnection rights and obligations of service providers, with a particular focus on encouraging providers to shift to IP-to-IP interconnection. One particular area of concern is rural interconnection.

Finally, the Plan recommends that the FCC act in its pending proceeding on data roaming to ensure that customers have seamless access to data services.

*Devices*

The focus of the Plan’s analysis of devices is on set-top boxes and CableCARD issues. There is, in fact, no consideration of other devices, such as cable modems. The Plan proposes two actions:

- The FCC should initiate a proceeding to require “a gateway device or equivalent functionality” in all new subscriber homes or all homes where set-top boxes are replaced, starting by the end of 2012. These gateway devices would allow customers to have access to non-cable content, principally via the Internet.
- The FCC should address what the Plan identifies as “CableCARD issues,” including access to linear channels and transparency in pricing.

*Applications*

The main issue identified in the Plan’s discussion of applications is privacy. The Plan notes that many consumers are concerned about the security and use of

their private information when it is provided online, and that there are legitimate reasons for those concerns. The Plan suggests a series of responses to these concerns.

First, it makes several recommendations concerning the overall security of information provided online, including suggesting that the rights of consumers concerning their online data be clarified; that Congress adopt legislation to “spur development of trusted ‘identity providers’”; and that the FCC and the FTC work to develop rules on the sharing of consumer-provided information.

Second, the Plan proposes that the federal government devote additional resources to combating identity theft, including through the existing OnGuard Online program.

Third, the Plan suggests that the FCC support broader national online security policy, working with the Department of Homeland Security and other agencies.

Fourth, the Plan proposes an interagency working group to focus on child online safety. One goal of the working group would be to launch a national education and outreach campaign.

Fifth, the Plan recommends that the government investigate establishing a national framework for taxing digital goods and services. The intent of this proposal is to simplify compliance for small entities operating online.

*Other Issues*

The Plan devotes a few pages to other issues. They include the pending network neutrality proceeding, the transition from a circuit-switched telephone network and

how to leverage innovation and investment internationally. The Plan makes no recommendations in these areas, but does note that related topics are addressed either in pending proceedings or elsewhere in the Plan.

## SPECTRUM

Spectrum is central to many of the goals of the Plan, and the discussion of spectrum encompasses nearly one-fifth of the document. The Plan makes recommendations for understanding spectrum usage better, for reallocating existing spectrum, for making spectrum available for FCC priorities and for creating a more coherent spectrum policy framework.

### *Spectrum Usage*

The central recommendation in this area is to “[e]nsure greater transparency” about spectrum allocation and use. The first step is the implementation of the “spectrum dashboard,” a tool for understanding what spectrum is allocated and in use, but there also are recommendations that the FCC and NTIA “create methods” to measure spectrum use and that the FCC review spectrum allocations every three years.

### *Reallocation of Spectrum*

The Plan proposes that the FCC ask Congress for authority for “incentive auctions” that would give existing spectrum holders some of the proceeds of the sale of their spectrum for new uses and to fund other efforts to “facilitate incumbent relocation.” In addition, the Plan suggests that the FCC ask Congress for authority to impose user fees on both private and federal holders of spectrum, presumably to create incentives for certain

spectrum users to surrender their spectrum. The Plan also suggests that the FCC revisit its secondary market policies to determine whether they are effective.

### *Making Additional Spectrum Available*

The Plan’s most significant recommendation in this area is to make 500 MHz of spectrum available to wireless services over the next ten years, with 300 MHz available in the next five years. This spectrum would include 120 MHz from the television band (that is, 20 of the 50 currently allocated television channels), and 180 MHz identified from other bands.

Next, the Plan proposes that the FCC modify its rules to permit increased spectrum sharing for point-to-point microwave services. These services are used for wireless backhaul.

Third, the Plan suggests that the FCC take steps to further innovative uses of spectrum. These would include opening up a new nationwide band for unlicensed use; concluding the TV white spaces proceeding; encouraging “opportunistic uses” of spectrum; and working to “advance the science of spectrum access.”

Finally, the Plan recommends that the FCC work with the NTIA, the International Telecommunications Union and Tribal communities as part of an effort to develop a more comprehensive approach to spectrum allocation issues.

## AVAILABILITY

This section of the Plan addresses many of the FCC’s substantive goals for broadband availability of broadband service, starting with an initial goal of actual download and upload speeds of 4 Mbps and 1 Mbps. To reach these goals, the Plan defines a three-

stage process, with a timeline, and proposes additional steps to facilitate specific elements of that process.

#### *Stage One (2010-2011)*

The Plan proposes that the FCC focus on changes to its universal service program during this period. The suggested changes range from improving performance and accountability to creating two new funds to support development of rural landline broadband service (the “Connect America Fund”) and 3G wireless service (the “Mobility Fund”). As part of this process, the Plan also proposes that the FCC work to create “a glide path” for intercarrier compensation that eliminates per-minute charges in the long term and that middle-mile costs and pricing be reviewed.

#### *Stage Two (2012-2016)*

The Plan recommends that the FCC start distributing money from the Connect America Fund and begin the transition away from per-minute rates for intercarrier compensation during this five-year period. The Plan also recommends that the FCC expand the contribution base for universal service at this time, although it takes no position on how this should be done.

#### *Stage Three (2017-2020)*

During this period, the Plan proposes that the FCC manage the size of the universal service fund to keep it at 2010 levels (in constant dollars), complete the shift from the current high-cost fund to the Connect America Fund and complete the phase-out of per-minute intercarrier compensation.

#### *Potential Congressional Action*

The Plan recommends that Congress consider increasing subsidies for broadband service in several areas. First,

the Plan suggests a special appropriation to accelerate the Connect America Fund program. Second, the Plan suggests expanding existing grant-loan programs, such as the Rural Utility Service programs, and the Community Connect Program. Third, the Plan proposes creation of a Tribal Broadband Fund to support broadband adoption on Tribal lands.

The Plan also recommends that Congress adopt legislation that ensures that state, regional and local governments can build broadband networks and that permits the FCC to use the existing E-rate and rural health care programs to connect to anchor institutions on Tribal lands.

#### *Other Actions*

The Plan suggests that federal and state policies be designed to facilitate use of government networks as an efficient solution for connectivity by anchor institutions. This approach would be part of an “institutional framework” for federal and state governments to assist anchor institutions in obtaining connectivity, training and services.

#### **ADOPTION AND UTILIZATION**

Although service is widely available, the Plan notes that 35% of the population does not purchase broadband at home, and that the proportions of minority, poor, and disabled households that do not purchase service are much higher. The Plan makes a series of recommendations to increase adoption of broadband services in these populations. Potentially the most significant of those proposals is the expansion of the existing Lifeline and Link-Up programs, which today are limited to traditional telephone service, but the Plan

also concludes that the government should convince those who are not purchasing broadband by choice to join the marketplace.

#### *Increasing Access for Low-Income Households*

The centerpiece of this section of the Plan is a proposal to expand the Lifeline and Link-Up programs. The Plan suggests requiring carriers that participate in those programs to apply discounts to any service plan that includes basic voice service, including bundled voice and Internet plans and to support pilot programs that explore long-term broadband support solutions.

The Plan also suggests that the FCC consider ways it could create a low-cost wireless broadband service, including mandating that certain spectrum be used for such a service.

#### *Promoting Adoption*

The Plan suggests a series of steps to promote adoption by those who do not have technical knowledge or who do not see why broadband is valuable. These include creating a National Digital Literacy Program; supporting public-private partnerships to improve adoption and to reach out to elderly populations; and exploring how mobile broadband access could act “as a gateway to inclusion.”

#### *Accessibility*

The Plan notes that there are specific barriers to access by people with disabilities and proposes several steps to address those barriers. They include creating a federal-level working group on accessibility issues; and FCC-level accessibility forum; and revising current accessibility and universal service statutes to facilitate support for people with disabilities.

#### *Work with governments and private entities*

The Plan recommends additional steps to facilitate cooperation in broadband adoption efforts. These include supporting regional efforts to build capacity; promoting independent evaluation of broadband adoption programs; having NTIA establish a clearinghouse to promote best practices; and coordination with Tribal governments.

#### **NATIONAL PURPOSES**

Most of the last half of the Plan is devoted to specific applications for broadband services. The Plan refers to this section as addressing “national purposes.”

#### *Health Care*

Given the significance of health care to the President’s agenda, it is no surprise that this is the first national purpose discussed in the Plan. The Plan concludes that there are potentially great benefits to using broadband in the health care context, and makes a series of recommendations to “unlock the value of broadband.”

The first recommendations relate to developing a strategy for “e-care” technologies, which are used to exchange medical data and images. The areas of focus are the value of e-care; reimbursement reforms to create incentives to use e-care; and setting a path for adoption of e-care. These recommendations are intended to be acted upon by Congress and the Department of Health and Human Services.

Second, the Plan proposes that Congress, the states and federal agencies modernize regulation to assist in the adoption of information driven health practices and technologies, known as “health IT.” These

changes would include reducing regulatory barriers to using health IT solutions and clarification by the FCC and FTC of the requirements for approval of health IT devices.

Third, the Plan recommends that steps be taken to make medical data more useful. These steps including establishing standards for sharing medical data, creating incentives for using those standards and providing consumers with access to and control over their medical data.

Fourth, the Plan suggests that the FCC restructure its funding for health care by refocusing on deployment of broadband to health care facilities that are unserved; broadening the scope of eligible medical facilities; requiring institutions to meet outcomes-based performance measures; and publishing a regular report on the status of broadband for health care. As part of this restructuring, the Plan proposes that Congress consider whether for-profit institutions should be eligible for some funding.

#### *Education*

The Plan considers broadband to be “an important tool to help educators, parents and students meet major challenges in education.” To make broadband a more valuable tool, the Plan makes recommendations to promote online learning, to promote access to data, and to modernize educational broadband infrastructure.

The recommendations for online learning are expansive. They first address how to make digital educational content more readily available, including through

changes in copyright law to create special educational licenses for digital content. Next, they propose specific support for online learning, including increasing the number of courses that can be taken online by K-12 and post-secondary students. Third, they propose approaches to increasing digital literacy and to targeting science, technology, engineering and mathematics training.

The proposals for access to data seek to create standards for all types of data related to education, including student records, financial information and RFPs for state and local educational agencies. The purpose of these proposals vary – the student data is intended to assist educators in evaluating student needs, while the RFP recommendation is intended to facilitate open bidding.

The educational infrastructure suggestions in the Plan, unlike the other proposals, largely focus on the FCC and changes to its E-rate program. These changes include facilitating off-hours use of E-rate-funded services in schools; modifying the E-rate program to fund more services and increase funding availability; and publishing more data on use of E-rate funds. The Plan also suggests Congressional funding to provide high-speed connectivity to community colleges.

#### *Energy and the Environment*

The Plan represents one of the FCC’s few forays into energy policy issues. The most important recommendations concern integration of broadband and Smart Grid technologies and consumer access to and control of their own “digital energy information.”

Many of the Smart Grid proposals are fairly amorphous. For instance, the Plan suggests that states make it easier to use commercial service providers for Smart Grid communications, that the FCC and NTIA consider Smart Grid requirements as they search for new spectrum, and that the Department of Energy “study the communications requirements” associated with Smart Grid technologies. The Plan, however, also suggests that the North American Reliability Council clarify its security requirements and that Congress amend the Communications Act to permit utilities to use the public safety 700 MHz wireless network. In addition, the Plan recommends that the Rural Utilities Service make loans for Smart Grid projects a priority.

For consumers, the Plan proposes requiring utilities to provide access to and control of digital energy information, such as consumption, price and billing data via the Internet, and proposes that FERC adopt specific standards for access to this data and that the Department of Energy consider data accessibility in its grant-making processes.

Finally, the Plan proposes steps to address sustainable information and communications technologies, through a proceeding on energy efficiency and environmental impact of FCC-regulated entities and through improving the efficiency of federal government data centers.

#### *Economic Opportunity*

This section of the Plan considers how to use broadband to benefit the economy in general. The focuses include small and medium businesses; job training and

placement; telework; and local and regional economic development. The proposals in this area do not involve action by the FCC.

The proposals for small and medium businesses largely address existing government programs and how they can be adapted to use broadband services. The ideas in the Plan include additional training in information technology; making broadband applications available in existing small business support programs; and additional funding for broadband tools and training for entrepreneurial development programs.

The Plan proposes that the Department of Labor expand its efforts to bring employment assistance programs online and to facilitate individualized job training through broadband services.

There are two recommendations relating to telework – elimination of tax and regulatory barriers by Congress and promotion of telework within the federal government.

The Plan also suggests that the government take steps to facilitate the use of broadband in economic development. These steps would include including broadband availability “as a central component” in development planning and programs; creation of an online information center for regional development managers; and use of National Science Foundation technology transfer grants to spur development.

#### *Government Performance*

The Plan argues that the government has “fallen behind the private sector in using broadband to deliver services, and it is time to catch up.” To do so, it proposes that government agencies adopt measures to

improve connectivity, efficiency, cybersecurity and service delivery.

The proposals for connectivity are designed to use federal clout to make service available to non-federal users. They include using federal agencies as anchor tenants in unserved or underserved areas; permitting state and local governments to participate in federal communications services contracts; and using federal funding to encourage broadband deployment and initiatives.

The Plan's recommendations for improving government efficiency largely revolve around coordination among government agencies, with the Office of Management and Budget or the Federal CIO Council taking the lead on most issues. Perhaps the most interesting recommendation is for the adoption of social media for internal agency use.

Most of the recommendations for cybersecurity also rely on collaboration within the federal government, but they also contemplate public-private partnerships. The Plan suggests that the FCC should "work with Internet service providers" to create "robust" cybersecurity defenses and should offer technical assistance to participating ISPs.

The proposals for service delivery center on two principles. First, there are proposals to create centralized approaches to address concerns like authentication and access to personal data held by the government. Second, the Plan suggests steps to make it easier for government to deliver services, with a particular focus on means-tested benefits for low-income Americans. The Plan also proposes that Congress revisit the

Privacy Act to address technological issues that were not contemplated when that law first was enacted.

#### *Civic Engagement*

The Plan envisions civic engagement as covering a wide range of activities, including citizen involvement in government and dissemination by the government and media. Its proposals on this topic are equally broad.

The first steps proposed by the Plan center around increasing the availability of government information. The Plan proposes to put as much government information as possible online, in machine-readable and easily-accessible forms, as well as to create tools to facilitate the ability of citizens to have information sent to them by the government.

Next, the Plan recommends that the government "build a robust digital media ecosystem." This would be accomplished in large part by creating a video archive of government material and material contributed by public and broadcast media. The Plan proposes that Congress amend the Copyright Act to facilitate contribution of private materials, and also proposes that Congress increase funding for public media to assist in broadband distribution of content.

Third, the Plan suggests that the federal government broaden its connection with the public. The means for doing so would include using social media and creating an "Open Platform Initiative" within the White House Office of Science and Technology.

Finally, the Plan recommends using digital means to facilitate voting, including

electronic voter registration, voting records portability and creation of a pilot project for secure Internet-based voting for members of the military serving overseas.

*Public Safety*

The Plan concludes that broadband will have a critical role in public safety in the future, and not just as a communication tool for first responders. In addition to considering public safety communications, the Plan also analyzes cybersecurity, protection of infrastructure and emergency communication by and to the public.

The first recommendations relate to facilitating broadband public safety communications. The most important goal of the Plan is to create a “nationwide interoperable public safety wireless broadband communications network” to be used by first responders. In addition, the Plan proposes a survey of public safety broadband infrastructure and devices and inclusion of broadband satellite service in emergency preparedness plans.

The cybersecurity proposals have some overlap with the proposals in the government performance section of the Plan. The Plan suggests that the FCC establish a cybersecurity certification regime, and that the FCC and the Department of Homeland Security create a cybersecurity reporting system. In addition, the Plan suggests development of a “road map” to create a strategy for enhancing cybersecurity.

The Plan’s strategy for protection of infrastructure starts with adopting outage reporting requirements for broadband services. It also includes evaluation of network resilience and preparedness, both

in general and with a specific focus on broadband communications. In addition, the Plan proposes that the FCC and the National Communication System create a priority access and routing Plan for broadband, which likely would be similar in concept to the existing communication priority program for telecommunications services.

The Plan’s proposals for emergency communication concentrate on the development of next generation 911 and alert and warning systems. It anticipates that the National Highway Traffic Safety Administration would take the lead on 911 issues, and that the FCC would address issues relating to IP-based communication and next generation alert systems. The Plan, however, also recommends that Congress enact a federal regulatory framework for emergency communication.

**IMPLEMENTATION**

The Plan declares that it “is in beta, and always will be.” This statement is intended to convey the idea that the Plan will not be a static document, as it will evolve over time as circumstances change.

Consequently, the intended implementation of the Plan includes ongoing evaluation of how well it is working and what should be changed.

*Specific Steps to Implementation*

The Plan contains relatively little discussion of how it will be implemented. It does, however, make several recommendations:

- The Executive Branch should establish a council to coordinate implementation of the Plan.
- The FCC should “quickly publish a timetable of proceedings” to implement

the portions of the Plan within the agency’s jurisdiction, as well as annual evaluations of progress on the Plan.

- The FCC should create a repository for broadband data and continue to use Broadband.gov as a public resource.
- The FCC should publish a “Broadband Performance Dashboard” to allow the public to track whether the goals of the Plan are being accomplished.

The FCC already has announced that it will issue the timetable of proceedings, which will include a schedule for the next twelve to eighteen months. It is likely that the FCC will adopt the other recommendations as to its actions, because those can be accomplished without action by the full Commission.

#### *Evaluation*

The Broadband Performance Dashboard will be the primary tool for evaluation of how well the FCC has met the goals of the Plan. The FCC will need to define those goals more specifically as the Plan is implemented. Nevertheless, the Plan includes a sample evaluation matrix that incorporates the goals described in the Plan document.

That matrix also includes metrics for determining whether goals are met. For instance, in evaluating progress towards the goal of 100 million households with 100 Mbps downstream/50 Mbps upstream service, the matrix considers average actual speeds, the number of households with access and the price for the service, and indicates potential sources of data, including a revised broadband reporting form. As the Plan indicates, the development of these metrics will be

critical to a fair evaluation of whether the goals are being met.

#### **IMPLICATIONS**

The Plan is very ambitious, and it sets out a wide-ranging role for the FCC in the ongoing development of broadband service in the United States. As was apparent at the FCC meeting announcing the Plan, there are significant substantive disagreements among the Commissioners about the proper role for the FCC, with the Republicans generally favoring less involvement. Because the Plan is not an all-or-nothing proposition, but instead will be implemented through dozens of rulemaking proceedings, it is likely that these disagreements will not all be highlighted at once and that, in the end, substantial areas of agreement will emerge as well.

In many ways, the Plan is merely a springboard for further FCC action in many of the areas that it covers. Indeed, on topics like universal service in high cost areas, the Plan essentially sums up a debate that already has been running for many years. In other areas, including reallocation of spectrum to wireless services, the Plan seems to be creating new urgency that did not exist even a few months ago when broadcasters transitioned to digital service.

It also is important to recognize how much of the Plan depends on actions by other entities, notably Congress and the Executive Branch. While it is likely that at least some of the recommendations for actions by other federal agencies already are incorporated into those agencies’ agendas, they still will have their own priorities and potentially conflicting goals. It also may be difficult to obtain

Congressional action, which may constrain the FCC's ability to reshape the 700 MHz band or to expand the Lifeline and Link-Up programs as far as it would like.

Even considering how much of the Plan is in the hands of other entities, the FCC has created a heavy agenda for itself. Given the number of new proceedings the FCC anticipates will be opened in the next few months, it is likely that many other issues will continue to languish. Indeed, the best way to get action may be to convince the FCC that a particular concern facilitates implementation of the Plan.

#### **NEXT STEPS**

The FCC has completed its action on the Plan, and technically is not required to do anything else. Nevertheless, it is likely that there will be significant activity in the weeks to come.

First, both houses of Congress are conducting hearings on the Plan. The

Commissioners will be attending those hearings, which are likely to explore, in part, what steps Congress might take to implement the Plan and what power the FCC has to move forward on its own.

It also is likely that the FCC will begin to issue notices of proposed rulemaking to implement aspects of the Plan in the next few weeks. Given the number of proposals that have to be addressed, this process could continue for several months. It likely will be the highest level of activity at the FCC since the enactment of the Telecommunications Act of 1996, and there is a good chance that the FCC will open many more new proceedings than it did to implement that statute. In this way, the flurry of public notices and workshops concerning the development of the Plan may well have served as a prologue to the intensity of the activity to follow adoption of the Plan.