The National Broadband Plan: What It's All About

In mid March, the FCC issued its long awaited National Broadband Plan to Congress. Although the substance may not be the stuff that dreams are made of (Actually that's not true. At 376 pages of policy-speak, I expect this is exactly the stuff that sleep, if not dreams, is made of), this monumental undertaking tackled a number of issues that will impact us all over the next 10-15 years. While recognizing that drafting is one thing and implementation is an entirely different matter, there's a good deal to be digested, both in terms of what has been proposed, and who has been tasked with getting the jobs done. The entire plan is available at **http://download.broadband.gov/plan/national-broadband-plan.pdf.**

The plan contains six primary areas of focus: high speed internet access, reallocation of spectrum in the 500 MHz range, improving digital literacy, creation and support of a national emergency network, reform in the areas of Universal Service and reciprocal compensation (how carriers settle up with each other for terminating calls that originate on other networks), and healthcare communications.

First among the plan's goals is to bring affordable, high capacity, high speed (100 Mega bits per second) internet to those who do not have it. According to the FCC, currently, only 65% of Americans use high speed broadband. There are nearly 14 million people without internet access, while millions of others have chosen not to access broadband at home, either because of the cost of access, cost of equipment necessary to make it of any use, or lack of interest. Additionally, only 42% of individuals with disabilities use broadband, and only the smallest of minorities of those living on Tribal lands (5%) have access at all. High speed internet access is no longer a luxury, but a necessity—particularly for those who are seeking work and cannot search for a job

online. High speed internet access is critical for government units, non-profits and business entities as well. To be competitive in the current market, it's as essential as (and often more so) a basic telephone.

Secondly, the reallocation of additional wireless spectrum is another essential element of the plan. Spectrum is a limited resource, and as such, it's imperative that it be used as efficiently as possible. Much of the spectrum in the 500 MHz band is currently under the control of broadcasters who let it lie fallow in the interest of "white space" between channels. By requesting voluntary cooperation with associated financial incentives from broadcasters in between 20 and 40 markets to surrender some of their spectrum , it is anticipated that a significant amount of spectrum could be reallocated between users of both licensed and unlicensed wireless devices. This process, which will not happen overnight, will require decision-makers to weigh technology, economics and public safety. In a recent interview, Blair Levin, the FCC's National Broadband Plan director, indicated that this process will "bring market signals into the allocation of spectrum."

Under the heading of "Digital Literacy," the FCC plan will encourage the raising of the level of broadband adoption from the current 65% to 90%. In addition, a Digital Literacy Corps has been proposed to provide training and community outreach to both schools and seniors. Under the plan, broadband will be added to the FCC's Lifeline and Link Up programs which provide subsidized services to those in need. Given that 62% of Americans use the internet as their primary source for information and that 65% of American jobs require at least some use of the internet, this focus on training and education is critical not only to the success of the plan itself, but to the country as a whole.

The inability for connectivity between first and other emergency responders made evident during the disastrous storms of Hurricanes Katrina and Rita, in addition to other significant disasters, has made it evident to those living through those difficult days and months, as well as to those who were watching the storms and recovery unfold, that there is a great need for a nationwide, interoperable, wireless public safety network. Currently, there is no nationwide E911 policy or standard, let alone any other nationwide system supporting first responders in the field. The newly proposed Emergence Response Interoperability Center (ERIC) which is included in the plan, is an essential step in addressing the concerns of first responders of all stripes, along with the millions of people that they help in times of emergency.

Although most people glaze over when they see the line item on a communications bill for Universal Service (currently an fee above and beyond actually usage charges of a staggering 15.3% for Q2 2010), the fact is that the amount assessed and the varied (read: increasingly serendipitous) collection of telecommunications services it is currently assessed against, is increasingly convoluted (and that's a nice way of saying it). Long a topic of passionate discourse for those embedded in the world of telecom law and policy, the proposed revisions will enable the monthly line item to be assessed more equitably than it has been as the existing telecommunications technology and law and policy have evolved in different directions. The revised fund, which is likely to be renamed "Connect America," will focus first on spending its resources to deploy broadband and support ongoing operations. The ultimate goal will be to enable (both technologically and financially) broadband deployment to 99% of American households.

In addition, under this reform proposal, the system of intercarrier compensation, which providers use to "settle up" for calls originated on one company's network and

terminated on another, and where there are associated costs with each segment, will also be reworked to close some existing loopholes and provide a more efficient system than that which currently exists. The FCC will also work to create a separate fund to support mobile broadband. The plan also "encourages" the federal government to speed the deployment of wired broadband by modifying pole-attachment rules, governed by the FCC, to lower costs and resolve disputes among and between traditional telephone and cable providers with greater speed and ease than has been the case historically.

Finally, the last major element of the plan addresses issues of ready access to health care information, while creating and maintaining a strong, flexible regimen for the governance and maintenance of individual privacy. By supporting initiatives that ensure that all health care providers have access to affordable high capacity broadband, the FCC believes that significant savings can be achieved. Specifically, the plan directs a revamping of the Rural Health Care Program, an upgrade of Indian Health Services' broadband network, the creation and ongoing support of economic incentives for broader health IT adoption and innovation, and the loosening of the full Nelson which currently secures health care data without sacrificing patient privacy.