



## **FCC Must Use its Authority to Improve U.S. Broadband Access**

Last year, the U.S. Congress requested that the Federal Communications Commission craft a National Broadband Plan to address our nation's failure to bring fast, affordable broadband to all U.S. residents.. In order to implement that plan and achieve the goals set out by Congress, the Commission has proposed changing its legal framework for making broadband policy. In technical terms, it proposes classifying broadband as a "telecommunications" service under the Communications Act of 1934, a change from its current designation as an "information" service under the Act. This move is a critical first step in implementing the National Broadband Plan, restoring the United States as a global broadband leader, ending the digital divide, and protecting consumers.

Classifying broadband as a "telecommunications" service under Title II of the Communications Act ensures that the Federal Communications Commission, tasked with developing national communications policy by Congress, has the authority to oversee the most critical communications medium of our time.

Failure to restore this authority could nullify any FCC efforts to bring broadband to all U.S. consumers. It would force the agency to engage in endless litigation to implement basic broadband policies for which there is nearly universal consensus.<sup>i</sup>

### **Universal Broadband Access for Underserved Populations**

Changing the current classification would allow the FCC to modernize the Universal Service Fund (USF) to support the speed the deployment and adoption of broadband access nationwide: in rural communities, in low-income families, on tribal lands, and elsewhere. Greater access to high-speed Internet in these communities would increase high-quality education and job opportunities where they are needed most, as well as enhance the ability for these communities to be heard in a civil society.<sup>ii</sup>

### **Encouraging Adoption for People with Disabilities**

Without revisiting its current legal framework, the FCC's efforts to bring broadband access to persons with disabilities will also be hampered. If the Commission classifies broadband as a telecommunications service, it could ensure, for example, that those who are blind or deaf could receive text-to-speech software or necessary video equipment at subsidized rates.<sup>iii</sup> Pursuing the National Broadband Plan through the existing framework would not explicitly mandate this important provision.<sup>iv</sup>

## **FCC Oversight Is Needed to Ensure that Internet and Wireless Service Providers are Transparent in Billing**

Right now, broadband consumers are in the dark about whether or not they are getting the service they're paying for, struggle to understand their bills, and know little about how their Internet or wireless companies are using their personal data. Classifying residential broadband connectivity as a telecommunications service would shore up the FCC's legal authority to consider rules to ensure that ISPs deal fairly and transparently with consumers in terms of privacy of personal data and billing for services. Full disclosure of service data to consumers and the FCC will protect consumers from deceptive business practices and could spur competition amongst service providers by empowering consumers to take action when they feel their ISP, for example, has not provided the service consumers should expect.<sup>v</sup>

## **FCC Must Coordinate Deployment and Use of Broadband to Government, Healthcare and Public Safety Institutions**

The full benefits of a national broadband network would be better achieved if the U.S. has a universally available, high quality network.<sup>vi</sup> A central agency such as the FCC is necessary to steer the coordination of the complex initiatives outlined in the National Broadband Plan,<sup>vii</sup> such as public safety and emergency services communications services, information technology to make our health care system more efficient, and the development of "smart grids" that could automate energy conservation and repair service disruptions.<sup>viii</sup> Without the FCC holding proper authority on broadband and coordinating with other federal agencies, these essential initiatives might not effectively come into being.

## **About Us**

The Media and Democracy Coalition is a collaboration of more than three dozen non-profit groups that are committed to amplifying the voice of the public interest in debates over media and telecommunications policy. Visit [www.media-democracy.net](http://www.media-democracy.net)

The National Hispanic Media Coalition is a non-profit, media advocacy organization established in 1986 in Los Angeles, California. Our mission is to improve the image of American Latinos as portrayed by the media, increase the number of American Latinos employed in all facets of the media industry, and advocate for media and telecommunications policies that benefit the Latino community. Visit [www.nhmc.org](http://www.nhmc.org)

\*Created by the Media and Democracy Coalition & endorsed by the National Hispanic Media Coalition

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<sup>i</sup>Sridhar, Aparna. *The Truth About The Third Way: Separating Fact from Fiction in the FCC Reclassification Debate*. June 2010. Free Press

<sup>ii</sup>Benkler, Yochai et al. *The FCC's Authority Over Broadband Access: The Third Way – What Happens Next?* May 27, 2010. Accessed: June 4, 2010. <http://blogs.law.harvard.edu/mediaberkmann/2010/05/27/the-fccs-authority-over-broadband-access-the-third-way-what-happens-next/>

<sup>iii</sup>Ezell, Stephan, et al. *The Need for Speed: The Importance of Next-Generation Broadband Networks*. March 2009. The Information Technology & Innovation Foundation

<sup>iv</sup>Bowe, Frank G. and Schloss, Dr. Mervin Livingston. *Universal Service and the Disability Community: The Need for Ubiquitous Broadband Deployment*. 2006. Benton Foundation.

<sup>v</sup>Schlick, Austin. *A Third-Way Legal Framework For Addressing The Comcast Dilemma*. May 6, 2010. Accessed: June 4, 2010. <http://www.broadband.gov/third-way-legal-framework-for-addressing-the-comcast-dilemma.html#book-9>

<sup>vi</sup>FCC. *Broadband Action Agenda*. Accessed: June 15, 2010. <http://www.broadband.gov/plan/broadband-action-agenda.html>

<sup>vii</sup>Budde, Paul. *Mapping the Broadband Future*. June 8, 2010. Business Spectator. Accessed: June 15, 2010. <http://www.businessspectator.com.au/bs.nsf/Article/National-broadband-network-NBN-Telstra-iinet-Optus-pd20100607-67A3S?OpenDocument&src=sph>

<sup>viii</sup>Gil de Bernabé y Varela, Fernando. *Consumer Broadband: The Path to Growth and Profitability*. 2004. Cisco Systems, Inc., IBSG

<sup>viii</sup>Benkler, Yochai et al. *The FCC's Authority Over Broadband Access: The Third Way – What Happens Next?* May 27, 2010. Accessed: June 4, 2010.

<sup>viii</sup>Ezell, Stephan, et al. *The Need for Speed: The Importance of Next-Generation Broadband Networks*. March 2009. The Information Technology & Innovation Foundation