**Before the**

**FEDERAL COMMUNICATIONS COMMISSION**

**Washington, DC 20554**

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| In the Matter of  Communications Marketplace Report | )  )  ) | GN Docket No. 18-231 |

**COMMENTS OF NCTA – THE INTERNET & TELEVISION ASSOCIATION**

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**COMMENTS OF NCTA – THE INTERNET & TELEVISION ASSOCIATION**

NCTA – The Internet & Television Association (NCTA) submits these comments in response to the *Notice* issued by the Wireline Competition Bureau seeking information in connection with the Commission’s analysis of the communications marketplace as required by RAY BAUM’s Act.[[1]](#footnote-1)

# INTRODUCTION AND SUMMARY

Earlier this year, Congress adopted RAY BAUM’s Act as part of the Consolidated Appropriations Act.[[2]](#footnote-2) Among its requirements, RAY BAUM’s Act requires the Commission to issue a report on competition and regulatory barriers in the communications marketplace. Although the *Notice* only asks for information regarding fixed broadband services, RAY BAUM’s Act has no such limitation and, in fact, requires the Commission to prepare a comprehensive analysis that addresses all facets of the communications marketplace.

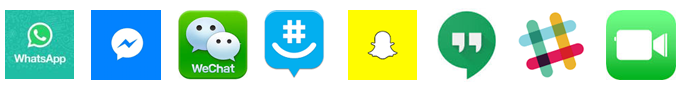
As NCTA explains in these comments, competition in this marketplace is delivering substantial benefits to American consumers and recent deregulatory actions by the Commission will ensure that these consumer benefits continue well into the future. There are, however, lingering obstacles to investment in communications facilities and services, such as unwarranted authorization and fee requirements imposed by local governments, that the Commission should address expeditiously by issuing a declaratory ruling in the *Wireline Infrastructure* proceeding.

# I. **THE COMMISSION IS REQUIRED TO ISSUE A COMPREHENSIVE REPORT ADDRESSING COMPETITION IN THE COMMUNICATIONS MARKETPLACE**

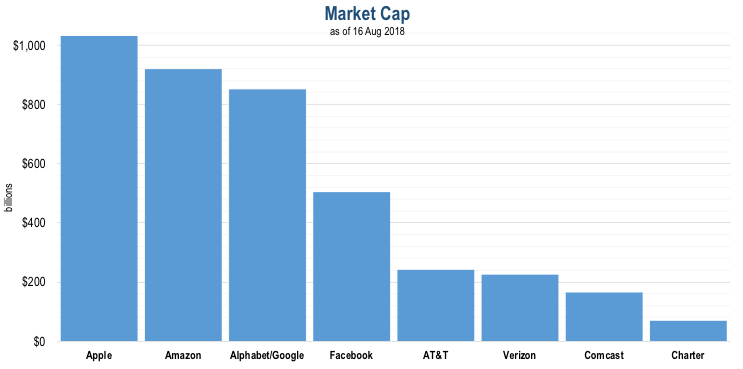
In adopting RAY BAUM’s Act, Congress expected the Commission to take a fundamentally new approach to reporting on the state of competition in the communications marketplace. In lieu of multiple separate reports on individual sectors of the marketplace, the statute requires the Commission to issue a single comprehensive report assessing “the state of competition in the communications marketplace, including competition to deliver voice, video, audio, and data services.”[[3]](#footnote-3) In particular, the Commission is required to consider “all forms of competition, including the effect of intermodal competition, facilities-based competition, and competition from new and emergent communications services.”[[4]](#footnote-4) In this section we elaborate on some of the implications of this new approach.

## **The report should address the significant role that online services play in the communications marketplace**

Any meaningful analysis of the marketplace for communications services must account for the critical role of online services and the companies that provide them. As Commissioner O’Rielly explained in a recent blog, “current law prevents the Commission from having any role or oversight over numerous modern technologies central to many Americans’ communications habits. This universe is often called the app economy or gig environment, but we should also call it for what it really is: an FCC regulatory free arena.”[[5]](#footnote-5) To illustrate this point, Commissioner O’Rielly’s blog included the following infographic identifying the services and providers not subject to Commission regulation:

* **All over-the-top video offerings, including:**  
  
* **All instant messaging and online chat offerings, including:**  
  
* **All social media offerings, including:**  
  
* **All music streaming offerings, including:**  
  
* **All non-PSTN voice/video offerings, including:**  
  
* **All Internet Cloud offerings, including:**  
  

The infographic illustrates three points that are particularly relevant to the analysis required by RAY BAUM’s Act. First, many of the companies identified here, such as Google, Facebook, and Amazon, are among the largest, most dominant companies in the world. These tech giants are far larger than even the biggest companies offering voice, video, and data services within the Commission’s jurisdiction and they dwarf the vast majority of companies the Commission regulates:



With their enormous size and scale, these online giants have the wherewithal to enter and quickly become meaningful players in multiple adjacent markets.

Second, these online services are all competing successfully with traditional video and voice services that are still regulated by the Commission. For example, the marketplace for streaming video services has experienced explosive growth over the last few years, while the number of subscribers to traditional multichannel video services is declining.[[6]](#footnote-6) Similarly, the role of traditional voice services has been steadily shrinking while texting and social media clearly are ascendant forms of communication.

Third, ISPs’ enormous investment in building out and making high quality broadband Internet access services widely available paved the way for the success of these online services. As broadband providers continue to increase the reach and capability of their networks, these online service offerings will only become more potent competitors to regulated voice and video services.

## **The report should consider all communications services, including Internet access services below the 25/3 Mbps speed threshold**

In assessing the state of competition for broadband services, it is critically important that the Commission not limit its analysis to services that meet or exceed the 25 Mbps downstream/3 Mbps upstream (25/3) threshold that it uses to assess deployment of “advanced telecommunications capability” for purposes of its annual broadband progress report.[[7]](#footnote-7) Internet access services below the 25/3 threshold provide important capability to consumers, including the ability to perform critical functions on multiple devices, such as doing homework, submitting job applications, and using streaming video services.[[8]](#footnote-8) Even where higher speed broadband services are available, millions of consumers choose these lower speed options because they provide sufficient service at a lower price. The Commission’s unanimous decision to approve billions of dollars in subsidies under the Connect America Fund Phase II for services at 10 Mbps downstream/1 Mbps upstream (10/1) level confirms that these services are valuable to consumers, particularly consumers that otherwise would be unserved by broadband.[[9]](#footnote-9)

## **The report must consider intermodal competition**

As noted above, RAY BAUM’s Act explicitly requires the Commission to consider the effects of intermodal competition.[[10]](#footnote-10) The Commission has issued separate public notices seeking information on mobile broadband and fixed broadband,[[11]](#footnote-11) but the statute appropriately requires the Commission to address the interplay between these two sectors in its report. While the Commission previously has disagreed with the notion that mobile wireless broadband is currently a “full substitute” for fixed broadband,[[12]](#footnote-12) in this report the Commission should acknowledge that millions of Americans have concluded that mobile service meets all their needs and that many more are likely to do so in the future.[[13]](#footnote-13)

Moreover, wireline and wireless networks are converging in terms of network architecture and capabilities. Major wireless companies have made clear that 5G wireless services will be targeting residential broadband.[[14]](#footnote-14) At the same time, cable operators are taking steps to enter the mobile wireless market in a meaningful way.[[15]](#footnote-15) These trends may not be reflected in any of the current statistics the Commission considers in response to this *Notice*, but they are highly relevant to any assessment of competition in this marketplace.

# II. **COMPETITION IN THE COMMUNICATIONS MARKETPLACE IS DELIVERING TREMENDOUS BENEFITS FOR AMERICAN CONSUMERS**

In assessing the competitiveness of the communications marketplace, the Commission should focus on the tremendous benefits that competition is delivering to American consumers rather than merely counting the number of providers for a particular service in a particular location. At this point there should be no question that the “virtuous cycle” between broadband providers and online services has generated continually increasing benefits for American consumers. The Commission repeatedly has recognized the substantial benefits that consumers experience as broadband providers increase network capability and online services improve based on that increased capability.[[16]](#footnote-16)

Moreover, suggestions that this marketplace would provide insufficient incentives for broadband providers to deploy gigabit networks have proven to be completely erroneous.[[17]](#footnote-17) Cable operators have been consistently upgrading their networks for years, investing over $50 billion in the last three years alone, and by the end of 2018 they are expected to offer gigabit services reaching 70 to 75 percent of American households.[[18]](#footnote-18) There would be no reason for cable operators to invest in these upgrades if they were not competing aggressively in the broadband marketplace.

Indeed, broadband providers have continued to increase the capability of their broadband services even as the widespread availability of such services has enabled the development of online video and voice services that compete with broadband providers’ traditional services. For example, millions of consumers have “cut the cord” and replaced multichannel video services with streaming video services.[[19]](#footnote-19) Yet cable operators continue to invest in broadband network upgrades because they recognize that consumers highly value the ability to use these online services.

These trends show no signs of abating as *all* broadband providers continue to invest in expanding and improving their networks, leading to growing coverage and competition. At lower speeds, consumers now have a plethora of choices from providers using a wide variety of technologies. In February 2018, the Commission reviewed the latest broadband deployment statistics (now more than 18 months old) and found that 98 percent of developed census blocks had at least two fixed providers offering 10 Mbps or greater broadband service, and that 82 percent had at least three such providers.[[20]](#footnote-20) Notably, these figures were up from 90 percent and 66 percent, respectively, in the prior year’s report.[[21]](#footnote-21)

For speeds at or above the 25/3 “advanced telecommunications capability” threshold, choices may be more limited but competition is growing. The majority of Americans already have at least two choices at these speeds, and over time satellite and 5G will considerably expand the options available.[[22]](#footnote-22) As noted above, the major wireless providers have made clear that they intend to use 5G services to compete directly with residential broadband services offered by cable operators, and low earth orbit satellite broadband technology is expected to grow exponentially in the next decade.[[23]](#footnote-23)

With respect to gigabit services, developments in this segment of the marketplace over the last few years are extremely promising. As noted above, cable operators are expected to offer gigabit services reaching 70 to 75 percent of American households by the end of this year.[[24]](#footnote-24) The widespread availability of gigabit services promises to unleash a new round of innovation from online services, continuing the virtuous cycle. And as consumer demand for cable’s new gigabit services increases, there is no doubt that additional providers will enter the market as well – notably, gigabit services are one of the many promises of new 5G networks.

# III. **THE COMMISSION SHOULD CONTINUE TO PROMOTE DEPLOYMENT AND COMPETITION FOR ALL SECTORS OF THE MARKETPLACE**

In addition to reporting on the state of the communications marketplace, RAY BAUM’s Act requires the Commission to assess whether regulation poses a barrier to “competitive entry into the communications marketplace or to the competitive expansion of existing providers of communications services.”[[25]](#footnote-25) As described in this section, in recent years the Commission has made significant strides to streamline regulation, but there are a variety of state and local regulations that continue to serve as barriers to the competitive expansion by cable operators that the Commission should address expeditiously. In addition, while the Commission should actively encourage competition in the marketplace, it should end the practice of providing subsidies to incumbent LECs operating in areas where they face competition.

## **The Commission has taken important steps in recent years to promote deployment and competition**

The Commission consistently has recognized that the regulatory landscape can be a key consideration as companies consider the size and timing of new investments in the communications marketplace, and that deregulatory actions can improve the business case for new investment.[[26]](#footnote-26) Over the last two years, the Commission has taken a number of important deregulatory actions that will serve to promote increased deployment and competition, including the following:

***Restoring Internet Freedom Order***. The Commission’s 2017 decision to return to a light-touch regulatory regime for broadband Internet access services under Title I, rather than treating these services as telecommunications services subject to common carrier regulation under Title II, creates a strong foundation for continued network investment by broadband providers.[[27]](#footnote-27) By eliminating the overhang of potential rate regulation and significant regulatory uncertainty created by other common carrier requirements, companies are more likely to increase the size and pace of new network investments.

***Business Data Services Order***. The 2017 decision to deregulate the rates for business data services (BDS) in areas where competition exists or is likely to develop, and to reject Chairman Wheeler’s proposal to regulate virtually all BDS, including packet-based services offered by competitive providers, will pave the way for significant new investment.[[28]](#footnote-28) Since that order, cable operators have continued to expand their networks to reach commercial customers and recent data demonstrates that the number of commercial buildings connected to fiber is increasing at record levels.[[29]](#footnote-29) These examples illustrate the positive effect that eliminating regulatory obstacles can have on new investment in communications networks.

***Infrastructure Reforms***. In 2017, the Commission commenced proceedings designed to reduce or eliminate obstacles to new deployment of broadband networks.[[30]](#footnote-30) In a series of orders, the Commission has streamlined pole attachment and discontinuance procedures,[[31]](#footnote-31) preempted unnecessary environmental and historical regulation of small wireless facilities,[[32]](#footnote-32) and taken a variety of other steps to speed new deployment. As described in the following section, the Commission should continue looking for opportunities to making deployment easier, faster, and less expensive.

## **The Commission should preempt and declare unlawful state and local regulations that are barriers to deployment of broadband**

The Commission has appropriately focused on eliminating regulatory obstacles to broadband deployment. These obstacles exist for both wireline and wireless providers and the Commission should address them all. In particular, in the *Wireline Infrastructure* proceeding, NCTA identified a number of significant concerns regarding unwarranted regulation by local governments.[[33]](#footnote-33) For example, we explained that a number of communities in Oregon have imposed revenue-based fees on broadband and telecommunications services provided by cable operators in violation of the statutory limits on cable franchise fees contained in Section 621 of the Communications Act.[[34]](#footnote-34) We also identified a variety of other problems, such as unwarranted authorization requirements and excessive permitting requirements, that are interfering with the deployment of new plant.[[35]](#footnote-35) The validity of NCTA’s concerns about regulatory roadblocks recently was confirmed by a different community in Oregon that advanced the radical suggestion that a franchised cable operator should be required to “apply for a telecom franchise” before it can deploy Wi-Fi equipment in rights-of-way for which it already has authority to deploy a cable system.[[36]](#footnote-36)

All of these policies place unnecessary and unlawful obstacles on the ability of cable operators to expand broadband services for the benefit of consumers. For example, when a cable operator chooses to expand Wi-Fi capability in its network, it enables consumers to use their video and broadband services outside of the home with no additional burden on the public right-of-way. The fact that some local governments view this type of investment in the community as an excuse to require an additional franchise or impose new fees is a serious problem, and Commission action urgently is needed before these misguided policies are adopted by more communities. In particular, as NCTA has explained, the Commission can and should expeditiously address these concerns by issuing a declaratory ruling in the *Wireline Infrastructure* proceeding.

## **All subsidy programs should be targeted to unserved areas and made available to all provider**s

NCTA fully supports the Commission’s efforts to encourage more competition in the broadband marketplace, but these efforts should be competitively and technologically neutral to the greatest extent possible. One area where the Commission sometimes falls short of this goal is in its effort to close the digital divide and make broadband available to all Americans. Although the goal of closing the digital divide is laudable, some existing programs impede that goal by subsidizing one set of competitors (incumbent LECs) at the expense of all other providers.

The Commission has found that market-based mechanisms such as competitive bidding “ensure the most efficient and effective use of public resources” and in recent years it has implemented competitive bidding for many of its high-cost universal service support programs.[[37]](#footnote-37) The strong interest in the Connect America Fund Phase II auction confirms that this is a highly effective approach. The Commission should follow this approach for all high-cost support instead of expanding the size of legacy incumbent-only programs. As NCTA explained in recent comments, “Given the demonstrated success of the Commission’s policy decision to rely on competitive bidding as the most efficient way to distribute support, it is inexplicable that the Commission is now seeking comment on potentially increasing the amount of support given exclusively to a limited subset of providers, without regard to the fact that other providers may be able to offer broadband to rural consumers more efficiently and affordably in these areas.”[[38]](#footnote-38) Going forward, as the Commission considers how to advance its goal of bringing broadband to unserved areas, it should not provide new funding for legacy programs that enable overbuilding of existing networks or that are limited to a particular class of companies.

# CONCLUSION

The communications marketplace is experiencing robust competition across all services and delivering substantial benefits to American consumers and businesses. The Commission should continue to create a regulatory environment that encourages more deployment by eliminating unnecessary regulation. In particular, the Commission should quickly move forward with a declaratory ruling in its *Wireline Infrastructure* proceeding prohibiting local governments from imposing duplicative franchise requirements on broadband and other new services provided over the same network, and it should implement competitive bidding procedures in all of its high-cost universal service programs.

Respectfully submitted,

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1. Public Notice, *Wireline Competition Bureau Seeks Comment on the State of Fixed Broadband Competition*, GN Docket No. 18-231, DA 18-784 (rel. July 27, 2018) (*Notice*). [↑](#footnote-ref-1)
2. Consolidated Appropriations Act, 2018, Pub. L. No. 115-141, Div. P – Repack Airwaves Yielding Better Access for Users of Modern Services Act of 2018, 132 Stat. 348, 1087 (2018) (RAY BAUM’s Act). [↑](#footnote-ref-2)
3. 47 U.S.C. § 163(b)(1). [↑](#footnote-ref-3)
4. 47 U.S.C. § 163(d)(1). [↑](#footnote-ref-4)
5. FCC Blog, Commissioner Michael O’Rielly, *Regulatory Free Arena* (June 1, 2018). [↑](#footnote-ref-5)
6. *See, e.g., Chart of the day: The incredible rise of Netflix, from mailboxes to Letterman*, Recode (Jan. 23, 2018), <https://www.recode.net/2018/1/23/16857600/netflix-hulu-cable-streaming-tv-movies-david-letterman-chart>. [↑](#footnote-ref-6)
7. *Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion*, GN Docket No. 17-199, 2018 Broadband Deployment Report, 33 FCC Rcd 1660, 1667, ¶ 21 (2018 Broadband Deployment Report). [↑](#footnote-ref-7)
8. For example, Netflix recommends that downstream speeds of 5 Mbps are sufficient for HD-quality video streaming. *See* Netflix, Internet Connection Speed Recommendations, <https://help.netflix.com/en/node/306>. [↑](#footnote-ref-8)
9. *Connect America Fund*, WC Docket No. 10-90, Report and Order, 29 FCC Rcd 15644, 15649, ¶ 17 (2014). Similarly, when the Commission reformed the Lifeline program to support broadband, it used the same 10/1 threshold as the minimum service level eligible for support. *See Lifeline and Link Up Reform and Modernization*, WC Docket No. 11-42, Third Report and Order, Further Report and Order, and Order on Reconsideration, 31 FCC Rcd, 3962, 3993, ¶ 86 (2016). The Commission recently updated that standard to 18 Mbps downstream and 2 Mbps upstream. Public Notice, *Wireline Competition Bureau Announces Updated Lifeline Minimum Service Standards and Indexed Budget*, WC Docket No. 11-42, DA 18-739 (July 18, 2018). [↑](#footnote-ref-9)
10. 47 U.S.C. § 163(d)(1). [↑](#footnote-ref-10)
11. *Notice* at 1; Public Notice, *Wireless Telecommunications Bureau Seeks Comment on the State of Mobile Wireless Competition*, WT Docket No. 18-203, DA 18-663 (rel. June 26, 2018). [↑](#footnote-ref-11)
12. 2018 Broadband Deployment Report at ¶ 18. [↑](#footnote-ref-12)
13. *See, e.g.,* *Evolving Preferences – Consumer Preferences Tilting Towards Mobile Broadband*, Internet Innovation Alliance (July 17, 2018), <https://internetinnovation.org/special-reports/consumer-preferences-tilting-towards-mobile-broadband/>; Comments of the Free State Foundation, WT Docket No. 18-203, at 10-14 (filed July 26, 2018). [↑](#footnote-ref-13)
14. *See, e.g., Applications of T-Mobile US, Inc. and Sprint Corp for Consent to Transfer of Control of Licenses and Authorizations*, WT Docket No. 18-197, Description of Transaction, Public Interest Statement, and Related Demonstrations at 63 (June 18, 2018) (“5G technologies are expected to provide a much closer substitute to high-speed BIAS because they will give carriers the capacity to handle customer demand for large amounts of data; carriers will provide data speeds and latency that are generally consistent with or exceed what consumers can get with Wi-Fi networks attached to fixed broadband; and they will charge prices per GB that will make it affordable to use mobile rather than fixed broadband.”); *For Better or Worse, Verizon Bets the Farm on 5G, Fierce Wireless* (July 24, 2018) (“Vestberg reiterated that in-home residential broadband—where Verizon will use 5G to beam internet services into fixed locations like homes and offices—is just one of many types of services that Verizon will provide through 5G.”), <https://www.fiercewireless.com/5g/editor-s-corner-for-better-or-worse-verizon-bets-farm-5g>. [↑](#footnote-ref-14)
15. *See e.g., Comcast wireless growth outpaces rivals*, Mobile World Live (July 26, 2018), <https://www.mobileworldlive.com/featured-content/top-three/comcast-wireless-sub-growth-outpaces-rivals/>; *Charter Launches Spectrum Mobile*, Multichannel News (July 3, 2018), <https://www.multichannel.com/news/charter-launches-spectrum-mobile>. [↑](#footnote-ref-15)
16. *Restoring Internet Freedom*, Declaratory Ruling, Order, and Report and Order, 33 FCC Rcd 311, 415, ¶ 171 (2018) (*RIF Order*) (“[E]dge providers, including OVDs, are complementary to ISPs’ broadband business, and reducing the value of these complementary products would harm ISPs by reducing demand for their services.”);*Protecting and Promoting the Open Internet*, GN Docket No. 14-28, Report and Order on Remand, Declaratory Ruling, and Order, 30 FCC Rcd 5601, 5753, ¶ 347 (2015) (“This widespread penetration of broadband Internet access service has led to the development of third-party services and devices and has increased the modular way consumers have come to use them. As more American households have gained access to broadband Internet access service, the market for Internet-based services provided by parties other than broadband Internet access providers has flourished.”). [↑](#footnote-ref-16)
17. *See, e.g.,* Blair Levin, Achieving Bandwidth Abundance: The Three Policy Levers for Intensifying Broadband Competition, 68 Fed. Comm. Law J. 397, 410 (2016) (“In the summer of 2009, the National Broadband Plan team looked at the data and realized that for the first time since the beginning of the commercial Internet, there was no national carrier with plans to deploy a better network than the current best available network. The data suggested, and subsequent experience confirmed, that current market forces would not drive deployment of world-leading wireline networks in the United States.”); Eduardo Porter, *Yanking Broadband from the Slow Lane*, New York Times (May 7, 2013) (“What’s most worrying is that the handful of companies offering high-speed broadband to American consumers may have little incentive to expand their networks, increase their speeds and lower their prices.”). [↑](#footnote-ref-17)
18. *See, e.g., Charter’s ‘Summer of Gig’ Promotion Brings Spectrum Gigabit to 6 Million More Locations*, Telecompetitor (Aug. 10, 2018) (“Charter now reports Spectrum gigabit service is available to 70% of their footprint.”), <https://www.telecompetitor.com/charters-summer-of-gig-promotion-brings-spectrum-gigabit-to-6-million-more-locations/>; *Gig-speed Internet from Xfinity is here. This changes everything*., Comcast website (showing nationwide gigabit rollout), <https://www.xfinity.com/gig>. [↑](#footnote-ref-18)
19. *How Netflix Went from Pioneer to Powerhouse*, BBC News (July 22, 2018) (“About 79% of US households paid for cable or satellite service, according to a September 2017 survey by the Leichtman Research Group. That compared to a peak of 88% in 2010.”), <https://www.bbc.com/news/business-44904368>. [↑](#footnote-ref-19)
20. Federal Communications Commission, *Internet Access Services: Status as of December 31, 2016*, at 6, Figure 4 (Feb. 2018), <https://docs.fcc.gov/public/attachments/DOC-349074A1.pdf> (“February 2018 IAS Report”). [↑](#footnote-ref-20)
21. Federal Communications Commission, *Internet Access Services: Status as of December 31, 2015*, at 6, Figure 4 (Nov. 2016), <https://docs.fcc.gov/public/attachments/DOC-342358A1.pdf>. [↑](#footnote-ref-21)
22. February 2018 IAS Reportat 6, Figure 4. Moreover, these numbers understate the current reality in the marketplace. Data from December 2016 does not capture the billions of dollars that have been invested in 2017 and 2018, which has produced increased speeds, increased expansion to unserved areas, and increased competition. [↑](#footnote-ref-22)
23. *Frost & Sullivan: Small communications satellites to surge by 2030*, FierceWireless (Aug. 13, 2018), <https://www.fiercewireless.com/tech/frost-sullivan-small-communications-satellites-to-surge-by-2030>. [↑](#footnote-ref-23)
24. The incredible deployment of gigabit services by cable operators will not be fully captured by the Commission’s current broadband map. Specifically, the Commission’s arbitrary definition of gigabit services as those offering 100 Mbps upload speeds will radically understate the progress cable operators have made in expanding the availability of such services. The Commission should revisit this definition before releasing a new version of the map. [↑](#footnote-ref-24)
25. 47 U.S.C. § 163(b)(3). [↑](#footnote-ref-25)
26. *RIF Order*, 33 FCC Rcd at 364, ¶ 88 (“The Commission has long recognized that regulatory burdens and uncertainty, such as those inherent in Title II, can deter investment by regulated entities and, until the *Title II Order*, its regulatory framework for cable, wireline, and wireless broadband Internet access services reflected that reality.”). [↑](#footnote-ref-26)
27. *Id*. at 368, ¶ 98 (“In light of the foregoing record evidence, we conclude that reclassification of broadband Internet access service from Title II to Title I is likely to increase ISP investment and output.”). [↑](#footnote-ref-27)
28. *Business Data Services in an Internet Protocol Environment*, WC Docket No. 16-143, Report and Order, 32 FCC Rcd 3459, 3462, ¶ 4 (“Indeed, there is a significant likelihood that ex ante pricing regulation will inhibit growth and investment. In such circumstances, we should not continue unnecessary regulations, much less extend them to new services or providers.”) (2017). [↑](#footnote-ref-28)
29. *See, e.g., Charter’s Enterprise Unit Earmarks $1B-Plus for Fiber Plan*, Multichannel News (May 14, 2018), <https://www.multichannel.com/news/charters-enterprise-unit-earmarks-1b-plus-fiber-plan>; *More than half of U.S. buildings connected to fiber: Vertical Systems Group*, Lightwave Online (Apr. 6, 2018) (“‘More commercial U.S. buildings were newly lit with fiber during 2017 than in any other year since we initiated this research in 2004. The number of net new fiber lit buildings increased across every building size segment, and most substantially for medium size sites,’ said Rosemary Cochran, principal at Vertical Systems Group. ‘Deployments will continue to accelerate because fiber is both a strategic asset for delivery of wireline business services, as well as a necessity for enabling 5G.’"), <https://www.lightwaveonline.com/articles/2018/04/more-than-half-of-u-s-buildings-connected-to-fiber-vertical-systems-group.html>. [↑](#footnote-ref-29)
30. *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84, Notice of Proposed Rulemaking, Notice of Inquiry, and Request for Comment, 32 FCC Rcd 3266 (2017); *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, WT Docket No. 17-79, Notice of Proposed Rulemaking and Notice of Inquiry, 32 FCC Rcd 3330 (2017). [↑](#footnote-ref-30)
31. *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84, Report and Order, Declaratory Ruling, and Further Notice of Proposed Rulemaking, 32 FCC Rcd 11128 (2017). [↑](#footnote-ref-31)
32. *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, WT Docket No. 17-79, Second Report and Order, FCC 18-30 (2018). [↑](#footnote-ref-32)
33. *See* Letter from Rick Chessen, NCTA, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 17-84 (June 11, 2018). [↑](#footnote-ref-33)
34. *Id.* at 3-7. [↑](#footnote-ref-34)
35. *Id.* at 3-9. [↑](#footnote-ref-35)
36. Letter from Mark Shepard, City Manager, Corvallis, Oregon, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 17-84 (July 26, 2018). [↑](#footnote-ref-36)
37. *Connect America Fund*, WC Docket No. 10-90, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663, 17727, ¶ 165 (2011) (“We conclude that the Connect America Fund should ultimately rely on market-based mechanisms, such as competitive bidding, to ensure the most efficient and effective use of public resources.”). [↑](#footnote-ref-37)
38. Comments of NCTA—The Internet & Television Association, WC Docket No. 10-90 at 2 (May 25, 2018). [↑](#footnote-ref-38)