

Before the

FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Inquiry Concerning the Deployment of)
Advanced Telecommunications)
Capability to All Americans in a Reasonable) CC Docket 98-146
and Timely Fashion, and Possible Steps)
to Accelerate Such Deployment)
Pursuant to Section 706 of the)
Telecommunications Act of 1996)

To: The Commission

**REPLY COMMENTS OF
CENTER FOR MEDIA EDUCATION
OFFICE OF COMMUNICATION, INC., UNITED CHURCH OF CHRIST
MINORITY MEDIA AND TELECOMMUNICATIONS COUNCIL
THE CIVIL RIGHTS FORUM
CONSUMER FEDERATION OF AMERICA**

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SUMMARY

Section 706 of the 1996 Telecommunications Act presents the Commission with opportunity as well as obligation. The importance and breadth of the Commission's mission ensures that its implementation of Section 706 will likely reverberate far into the future.

Section 706 directs the Commission to take action to ensure that "all Americans" obtain access to "advanced telecommunications capability." These advanced capabilities can become the long-sought link between citizens who wish to participate in the life of their communities and with the democratic institutions that govern them. In a competitive environment, communications providers will give primary attention to developing markets for deep-pocketed customers, but the Commission must not forget that "all Americans" includes those with high and low incomes, and those who live in rural areas as well as inner cities. Indeed, all Americans will need the ability to participate in their communities and in their government.

CME et al. respond here to several arguments raised in the comments. *CME et al.* remind the Commission that, contrary to many parties' claims, flash-cut deregulation will not necessarily promote, much less achieve, the goals of Section 706.

First, purely commercial considerations will lead companies to avoid serving high cost areas, will not lead companies to target service toward individuals with little money to spend on communications services, and, will not combat stereotypical assumptions about which citizens will desire such services.

Second, Congress and the Commission have long recognized that some governmental action may be necessary to import competitive principles into a monopolistic environment.

CME et al. encourage the Commission to take a view of how best to deliver advanced telecommunications capabilities to individuals and families that is broader than the view expressed

in many of the comments. Not all Americans will receive access in their homes. It is likely that many citizens, particularly residents of rural areas and those with low-incomes, will be best served through computer centers located in schools, libraries, and community centers. While the universal service mechanism of the 1996 Act provides some support to schools and libraries, the important role of community centers in bringing service to all Americans has not, thus far, received sufficient attention. CME *et al.* encourage the Commission to consider providing assistance to such centers as it fulfills its mandate under Section 706.

CME *et al.* hope the Commission gives particular attention to another issue -- the potential monopolization of Internet access by franchised cable operators. Cable operators currently hold exclusive ownership of the conduit that may well prove to be the best, most-easily obtainable high speed access to the Internet. Cable operators make very plain their desire to extend the monopoly they already have to obtain greater control over the monopoly they wish to acquire -- control over the provision of search engines, default home pages, "pop-up" banners, prioritization and placement of content, and gateway access to the Internet. If cable operators are successful, the Commission may, in the future, be forced to break apart the cable bottleneck in much the same way that it is breaking apart the monopoly telephone network today. Allowing this bottleneck to solidify might recreate the conditions that lead Congress to rein in the cable industry with the 1992 Cable Act.

Rather than allow cable operators to entrench their monopoly position, the Commission should take a few, well-defined prophylactic measures to ensure that competition in the provision of Internet access and content is as vibrant and robust as it is today. If, in the future, alternative pipelines develop that provide adequate competition to cable-provided Internet access, these

protections will no longer be necessary. Without these protections, the Commission may have a much more difficult problem to address in the future.

Cable's monopoly status is of particular significance because Internet access providers engage in an editorial function: they have the power to select, organize, prioritize, and screen out the content Internet users view. If cable operators obtain monopoly control over high speed access to the Internet and then use that monopoly to control the content available to Internet users, our country's First Amendment principles are jeopardized. In the future, an individual's choice of ISP, default portal, or other yet-to-be-created interface will be as significant a choice as whether someone subscribes to the *Washington Times* or the *Washington Post*. Recent events demonstrate that, as Congress determines whether it will impeach the President of the United States, many Americans are getting their information about these proceedings from the Internet, instead of from other news sources. The Commission has an obligation to protect and preserve the First Amendment.

Finally, *CME et al.* encourage the Commission to take prompt action in response to the information it has received in this proceeding. The Commission should pay no heed to self-serving calls for paralysis in the absence of perfect information. In this world of lightening-fast technology development and innovation, the Commission would never act if it waited until the current industry trends played themselves out before it undertook to serve the public interest.

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REPLY COMMENTS

**I. THE FCC HAS THE AUTHORITY TO ADDRESS THE DEPLOYMENT OF
ADVANCED TELECOMMUNICATIONS SERVICES**

The Commission should reject calls to adopt cramped interpretations of its authority to take action in this area.¹ As this proceeding continues, additional arguments with respect to the Commission's ability and authority to respond to the market failures presented herein will develop. The Commission must reject, however, any suggestion that it is unable to address the provision of advanced telecommunications services.

¹ See, e.g., Comments of Time Warner at 6-7; Comments of Cablevision Systems at 5-6;

Comments of Comcast Corporation at 6-7; Comments of MediaONE at 3-4.

A. The FCC Retains Broad Authority To Act.

Even though section 706 is not a grant of authority to take certain types of action, it does nothing to deprive the Commission of the power granted to it in the rest of the Communications Act. Commenters like Time Warner argue that the terms of Section 706 prohibit the FCC from using regulation to promote deployment of advanced services.² This argument is based on a misreading of Section 706.³ CME, *et al.* interpret the language of the section as a clear and unambiguous grant of authority to the FCC to take action if such action will “remove barriers to infrastructure investment.”⁴

B. Deregulation Without a Public Interest Benefit Is Not Sufficient to Encourage the Deployment of Advanced Telecommunications to All Americans

² Notice of Inquiry 98-146, Comments of Time Warner at 8.

³ *See* The Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56, §706 (1996) [hereinafter 1996 Act]. Section 706(a) states:

The Commission...shall encourage the deployment on a reasonable and timely basis of advanced telecommunications capability to all Americans...by utilizing...price cap regulation, regulatory forbearance, measures that promote competition in the local telecommunications market, *or other regulating methods that remove barriers to infrastructure investment* (italics added).

⁴ 1996 Act at 706(a).

The twin guiding principles of the Telecommunications Act of 1996 were

to spur competition through deregulation and to assure universal service in the advanced telecommunications environment. To deregulate without commensurate assurances of providing universal service, particularly to rural and urban underserved communities, would be contrary to the intent of Congress. As *CME et al.* argued in their initial comments, the market may not likely provide reasonable access to advanced telecommunications services, as indicated by the history of cable television deployment. Until federal regulations banned “redlining,”⁵ many poor, inner city residents did not have access to the clarity and variety of programming offered by cable television.⁶ Once cable was required to be available to poor, inner city populations, cable companies found that the markets they had ignored in the past were in fact their most profitable.⁷ Advanced

⁵ See 47 U.S.C. 541(a)(3) (“In awarding a franchise or franchises, a franchising authority shall assure (sic) that access to cable service is not denied to any group of potential residential cable subscribers because of the income of the residents of the local area in which such group resides.”).

⁶ See, e.g., Sidney W. Dean, Jr. and Eric Schmuckler, *Unfair Cable TV Prospects*, NEW YORK TIMES, A19 (August 29, 1983) (“Acceding to pressure from cable television operators and borough politicians, New York City signed contracts on July 19 for cable TV franchises that condemn the outer boroughs to second-rate cable service until 1998. As agreed upon in negotiations between cable companies and a team of city negotiators, these systems will effectively exclude poorer residents[.]”).

⁷ See Jorge Reina Schment, *Thorough Americans: Minorities and the New Media* 17, in, INVESTING IN DIVERSITY (1998). (citing Statistics on pay TV subscriptions supplied by Joe Lawson, Vice President of Affiliates Marketing Department, Black Entertainment Television, Inc.).

African Americans subscribe to premium cable at nearly twice the rate of White households (45% to 26%), while Latino households fall in-between (35%). Twenty-two percent of HBO's subscribers base comes from African-American households, amounting to 42% of all African-American homes. African Americans order agin in -between. Moreover, 70% of African-American cable households subscribe to pay service, compared to about half that for all other households. *Id.*

telecommunications capability could be similarly embraced by inner city residents. The price of computers is plummeting, thereby making the requisite hardware affordable for most Americans,⁸ and the price of Internet access is comparable to the price of cable. Further, the Internet and other advanced telecommunications capabilities are interactive and provide at least as much entertainment as, and far more information, than cable television. The FCC should take appropriate action to make sure advanced telecommunication services are deployed to low income communities.

Some advanced telecommunications capability providers assume the cost of serving underserved populations will far outweigh the benefit to their bottom line, and so, based on their assumptions choose not to provide such capability to underserved populations. It does not matter whether the assumption is accurate or not. Deregulation of companies who practice this form of redlining will not ensure that rural and poor urban communities will have access to advanced telecommunications services. It may, however, encourage competition within wealthy communities. However, those communities are less likely to be left behind in the digital age. CME *et al.*, therefore, recommend that the Commission consider establishing deployment schedules which target these communities first and develop incentives to encourage the deployment to these areas.

See also Price Colman, *Diversity Takes Center Stage at TCI Meeting*, BROADCASTING AND CABLE, Vol.128, No.26, 1998 WL 10544408 (June 22, 1998) (quoting TCI chairman John Malone, responding to allegations regarding redlining by TCI: "We're in the business to serve all our customers, and minority customers are among our best."); *see also* Monica Hogan, *Smooth HDTV Rollout Depends on Harmony*, MULTICHANNEL NEWS, 1998 Westlaw 9741075 (February 9, 1998) (paraphrasing and quoting Richard Wiley, former chairman of the FCC Advisory Committee on Advanced Television Services: "Low-income people don't have the option of flying to New York to see Broadway shows. 'Sometimes home entertainment is all they have.'").

⁸ *See* Stephen Manes, *Prices Were Among the Best Improvements at PC Expo Show*, NEW YORK TIMES ON THE WEB (June 23, 1998) (stating that the prices of personal computers are "plummeting in just about every area of the computer world," and "\$600 computers in the brand names you have heard of will be commonplace before the end of the year.").

II. PAYING HEED TO CABLE OPERATORS' CALLS FOR DELAY WILL PREVENT THE COMMISSION FROM FULFILLING ITS OBLIGATIONS UNDER SECTION 706.

Although caution in Commission action may sometimes be appropriate, Time Warner's request that the Commission devise a detailed and lengthy questionnaire regarding the current deployment of advanced telecommunications service that will be distributed to *all* cable operators is clearly nothing but a thinly-disguised attempt to deter the Commission from undertaking its responsibility to address what might be the most important issue in this proceeding.⁹ Similar opposition by other cable operators should also be recognized for their strategic merit, rather than as realistic policy recommendations.¹⁰ Section 706 requires the Commission to evaluate the market and to take action based on that evaluation. The appropriate next step for the Commission is to release a Notice of Proposed Rulemaking, without delay, seeking comment on the steps it might take to address the most critical issues raised in the NOI.

III. THE COMMISSION SHOULD CAREFULLY CONSIDER THE ISSUES SURROUNDING INTERNET ACCESS VIA CABLE INFRASTRUCTURE

The Commission must adopt rules that set the stage to encourage innovation and diversity. All commenters agree, in theory, that competition is the best method to achieve improved services, technologies, and a free exchange of ideas.¹¹ Contrary to the cable providers' position, however, the

⁹ See Comments of Time Warner at 3-5, n.4.

¹⁰ See, e.g., Comments of MediaOne at 2.

¹¹ See, e.g., Comments of Time Warner Cable at 9-10; Comments of MediaOne at 13; Comments of Comcast Corporation at 12-13; Comments of MindSpring at 3-4; Comments of AOL at 2-4.

Commission's failure to act in this instance will not necessarily produce competition. Ironically enough, Time Warner cites the current regulatory treatment of enhanced and information services as a model for cable-provide Internet access.¹²

A. Hands-Off Treatment of Monopolists Does Not Facilitate Competition, Innovation, or Exposure to Diverse Viewpoints

¹² See Comments of Time Warner at 10.

The light regulatory treatment accorded enhanced and information services was made possible by the restrictions placed on the monopoly owners of the telephone infrastructure over which those services are provided. In a similar way, in the 1992 Cable Act, Congress found that competition in video programming services was entirely foreclosed because vertically-integrated cable operators have an incentive to favor their own programming.¹³ Congress thus adopted program access rules to promote competition. Past experience with telephone and cable service demonstrates, because a monopoly does not face competition, it will not produce innovative services, lower prices, or improved technology; and by extension will not produce a vibrant marketplace of ideas.

- 1. Internet Access Provided Via the Cable Infrastructure May Well Be the Only Significant Provider of High Speed Internet Access for Residential Consumers**

¹³ See, e.g., Senate Rep. 102-92 (1991) at 26 (stating that “it doesn’t take a Ph.D in Economics to figure out that the guy who controls a monopoly conduit is in a unique position to control the flow of programming traffic to the *advantage* of the program service in which he has an equity investment . . .”).

The Commission cannot predict which medium, if any, will prove to be the dominant medium over which most Americans obtain Internet access. At this time, however, as demonstrated in the comments, cable-provided Internet access has many advantages, and may become the dominant delivery mechanism for high speed access. Digital Subscriber Line technology, the second-leading contender, does not benefit from the “always-on” and other technological advantages of cable Internet access.¹⁴

It is highly possible, particularly over a shorter-term transition period, that any Internet user who does not want to be left using second-rate technology will be forced to buy Internet access from his or her local cable operator. For those users, and during that time period, cable operators will be the monopoly owners of the only residential high speed access to Internet. This possibility cannot be ignored.

Cable operators’ decision to refuse to sell access over its conduit to AOL and MindSpring demonstrates that cable operators are not operating in a competitive environment for high speed Internet access. AOL and MindSpring wish to be cable operators’ paying customers for high speed conduit, just as they purchase telephone conduit today.¹⁵ What could cause cable operators, as rational economic actors, to turn away customers? Clearly it is the prospect of monopoly rents that they can extract by self-dealing. Cable operators wish to earn revenue by monopolizing the content each subscriber views. This is hardly a new concept: it is the basis of the cable business model.

¹⁴ See, e.g., Comments of MindSpring at 4; Comments of AOL at 8.

¹⁵ See *id.* at 11; See also Comments of MindSpring at 21.

While it may be to the cable operators' economic advantage to turn away customers, such behavior thwarts the benefits of competition, both in technological innovation and in the marketplace of ideas. If cable operators are successful in stifling competition, the victim will be the public that loses choice and diversity. More fundamentally, this is a model that will compromise the very character of the Internet by substituting controlled access from a single provider for the unlimited and freewheeling competition to provide access to the Internet that exists today.

2. Because Cable Providers Have No Incentive to Create a Technologically-Open System, the Commission Must Take Action to Give Them Such an Incentive

The monopolistic position of cable operators also removes any incentive those operators might have to create technologically-open systems. It appears that some cable operators argue that cable infrastructure is incapable of supporting more than one content provider or ISP.¹⁶ The cable operators' position in this instance must incorrectly presume that the technological innovation and creative problem-solving that characterizes much of the telecommunications industry does not apply to cable-Internet technology. A company with the economic incentive to do so will most likely master this supposedly insurmountable technological problem. For example, a company called CWS is marketing a low-end cable Internet access service to smaller cable operators. Although CWS's technological solution may not be directly applicable to @Home's network because it uses technology that is different from @Home's technology, CWS's offering allows customers to choose any ISP they

¹⁶ See, e.g., Comments of AT&T at 12; see also Comments of MindSpring at 28.

wish.¹⁷ Because CWS is not an infrastructure owner, and because it is marketing to smaller, unaffiliated cable operators, it has every reason to devise technological solutions that are more flexible than the technology offered by an entity with the ability to leverage a monopoly position in the market.

Cable operators may argue that the "brains" of their Internet-access networks are contained in a "black box" that cannot be separated into different functional components. They do or will argue that their network is different from the telephone network, and thus cannot accommodate customer choice between ISPs.¹⁸ In the era of software-driven technology, almost no obstacle is insurmountable. Software can always be rewritten. Whether software is written to serve one purpose or another depends on the outcome the software developers seek to achieve. If cable providers wish to obtain software that cannot accommodate a variety of ISPs, that is the software they will pay to develop.

B. Protecting Citizens' Ability to Receive Information from Diverse Sources Requires Competition in Internet Access Provision.

1. Internet Service Providers Heavily Influence Citizens' Selection of Content and Their Perspective on World Events.

In the future, an individual's choice of ISP, default portal, or other yet-to-be-created interface will be as significant a choice as whether someone subscribes to the *Washington Times* or the *Washington Post*. Further, recent events demonstrate that, as Congress determines whether it will

¹⁷ Donna Petrozzello, *CWS Logs Into Internet Access*, BROADCASTING & CABLE at 60 (October 5, 1998).

¹⁸ See Comments of AT&T at 12.

impeach the President of the United States, many Americans are getting their information about these proceedings from the Internet, instead of from other news sources.¹⁹

Thus, CME *et al.* agrees with MindSpring when it states that an ISP's selection of content to feature on home pages and development of search engines can be equivalent to making editorial

¹⁹ Lisa Napoli, *The Post-Lewinsky Winner is the Web*, NEW YORK TIMES at C7 (September 28, 1998).

decisions.²⁰ These editorial decisions are, in part, what customers purchase when they select an ISP or a portal. Currently, citizens may choose among AOL, MindSpring, Erol's, and many others; they may begin their Internet sessions using Yahoo, AltaVista, or Snap. Each of these services distinguishes themselves, in part if not in total, by the content that it selects and brings forth to the viewer. Corporations such as NBC and Disney, well-known for their provision of content, are creating portals to provide information to viewers.²¹ This corporate rush to create portals demonstrates the industry's judgement that they will play a critical role in guiding viewers through the Internet in their selection of content. The presentation, organization, and screening of information will be the critical role Internet service providers will perform as the U.S. completes its entry into the Information Age.

2. The First Screen a Viewer Sees, and the Service a Viewer Uses to Search for Information, is the Most Important Screen on the Internet.

²⁰ See Comments of MindSpring at 15-17.

²¹ *Disney Plans Internet Hub with Infoseek*, LOS ANGELES TIMES at D2 (September 22, 1998); Saul Hansell, *NBC Buying a Portal to the Internet*, NEW YORK TIMES at D1 (June 30, 1998).

Some may argue that, as long as customers may always reach any Internet site by typing in an Internet URL address, the identity of the initial browser or search engine is irrelevant. The very intensity with which the cable industry is willing to fight the battle to retain control over the gateway provided on cable Internet systems belies the truth of that argument. The financial agreements between portal providers and advertisers belie the truth of that argument. The decision to create portals by increasing numbers of corporations belie the truth of that argument. These observations demonstrate a critical fact: the first screen a viewer sees, and the service a viewer uses to sift through information, is the most important, and thus the most valuable, screen on the Internet.²²

In the present model, each ISP and portal has an equal opportunity to compete for a customer. Each one has the option of being selected as a customer's default choice. The model for cable operators' provision of Internet access, on the other hand, requires a consumer to take the cable operators' portal or gateway as part of Internet access. The equal opportunity of ISPs to compete for being the default provider of information and searching applications is removed, and all the pro-competitive benefits of the current system are lost.

3. The Danger that Content Selectors May Choose to Screen Out Certain Information in the Future Is Real.

²² See Saul Hansell, *Technology*, NEW YORK TIMES, June 29, 1998 (stating the "experience shows that most people use whatever pops up on the first screen they see.").

Parties may argue that no Internet access provider, including cable operators, will be able to successfully market a service that denies its customers access to portions of the Internet. It is hardly a foregone conclusion, however, that cable operators may not want to limit the information customers receive via their cable modem connection in the future. For example, many citizens today would like to limit children's access to certain content on the Internet, and many of these citizens may themselves wish to avoid such content. *CME et al.* welcome policies that promote parental and individual choice, and have strongly supported technologies that enhance viewer choice, such as *voluntary* Internet content filtering. *CME et al.*, however, objects to such choices being imposed on viewers from a third party. A cable operator offering the only viable technology for Internet access and has a monopoly over that service will be the entity selecting what Internet users may view.

Who can predict whether cable operators may find it a competitive benefit to limit the information its subscribers receive? For example, for several years well-known search engines have favored particular corporations in exchange for financial remuneration.²³ While this is a form of content-control that can be remedied through competition, it cannot be remedied if Internet users are wedded to a single gateway choice.²⁴ If the Commission takes no action at this time, and allows the cable industry to choose the regulatory treatment of its Internet access services, nothing will prevent cable operators from limiting content their subscribers see via the Internet in the same way that cable operators select cable channels today.

²³ See, e.g., *The Time to Partner with Online Services is Now*, ISP BUSINESS NEWS (May 18, 1998); *Search Engine Vendors Adopt New Strategies*, INTERNET WEEK (August 2, 1996).

²⁴ See Comments of MindSpring at 17.

It is most likely that the actions by Internet access providers to limit available information will be subtle. They will consist of search engines that do not pick up certain web sites, it will consist of placement and decisions to feature certain sites instead of others. While these decisions and choices are wonderful if each provider chooses its own format and screening criteria and citizens choose the provider that meets his or her needs, such decisions and choices become intrusive and destructive when they are forced down citizens' throats as the only viable option for Internet access.

C. To Preserve First Amendment Principles, Simple, Prophylactic Rules are Needed for the Transition Period Until Broadband Access is Subject to Competitive Pressures.

The Commission must adopt several simple safeguards to govern, at a minimum, the time during which Internet access via the monopoly cable infrastructure is the only high-speed access available to residential consumers. For example, AOL's proposal to require equal, non-discriminatory access by all ISPs would be a good measure that falls far short of imposing full network unbundling on cable operators.²⁵ If competition develops, the protections instituted to address the monopolistic provision of Internet access can be removed. It will be much easier to adopt rules now to promote competition than to allow a monopoly to solidify and to break it up later.

As CME *et al.* discussed in its comments, Internet users are not only subscribers, but also *citizens*, using the Internet to receive information about political issues, government-distributed

²⁵ See AOL comments at 10-11; *see also* MindSpring comments at 28-30 (proposing an equal access model).

information, and local matters. The Commission must preserve the current status of the Internet as an environment for free expression and civic discourse, as well as other means of communication.

If the Commission wishes to ensure that this medium, which the Supreme Court has determined is worthy of the highest First Amendment protection, *Reno v. ACLU*,²⁶ remains a free and democratic medium, the Commission must ensure that cable operators are not allowed to monopolize the content subscribers may view over their cable-provided Internet access.

IV. THE COMMISSION SHOULD ADDRESS THE NEEDS OF ALL AMERICANS AND SUPPORT LIBRARY AND COMMUNITY CENTERS

The recent studies that provide demographic and geographic data on Internet usage in the home are superb in identifying the "digital divide." Comments of CME *et al.*, and DC PSC also argue for the need for advanced services to create jobs and to have access to government, community, and health information. CME *et al.* cannot emphasize strongly enough that, for rural and urban underserved communities, interactive advanced telecommunications services represent absolute survival through economic development, critical basic and occupational education, delivery of basic health and human services, and preservation of community and cultural identity.

A. THERE IS A GREATER NEED FOR MEDIA AND TECHNOLOGY ACCESS CENTERS THAN FOR INTERNET ACCESS IN THE HOME

CME *et al.* agree substantially with the Comments of the American Library Association who argue until all Americans can afford computers and modems, libraries and schools will provide the only meaningful access to advanced telecommunications capability for some significant number of

²⁶ 117 S.Ct. 2329 at 2344 (1997)

Americans. However, greater emphasis must be placed on supporting educational and community media and technology centers. Simply providing Advanced telecommunications services within communities does not mean that poor families will be able to afford even basic Advanced telecommunications services. Though there is an assumption that Advanced telecommunications services will be delivered to all communities, as noted in the comments, only about 86% of Hispanic and Black households have home telephone service.

B. THE COMMISSION SHOULD ADDRESS THE NEEDS OF ALL AMERICANS.

While the NOI properly recognizes the needs of rural Americans, CME *et al.* Agrees with the DC PSC that the likelihood that one will have access to advanced telecommunications capability depends on many factors. Geographic location is one of those factors, but income, education and age are, as the NTIA study showed, far more significant.

CME *et.al.* recognizes, that, while poor rural and urban neighborhoods may share a low standard of living and limited education, the rural poor are additionally disadvantaged by the lack of population density, more difficult access to rights-to-way, and, often times, geographic barriers of mountains and rivers.

CONCLUSION

As the Commission contemplates how to fulfill the mandate under 706, it ought consider its obligations and duties to make sure “all Americans” are indeed afforded access to advanced

telecommunications services. The Commission should consider that rural and low-income citizens may remain unserved if the Commission relies solely on market forces to control the deployment of advanced telecommunications services. In light of the fact that many poor and rural homes lack computer and other equipment necessary to access advanced telecommunications, the Commission should consider means of providing assistance to schools, libraries, and community centers as an alternative means of accessing advanced services.

Furthermore, the Commission should not delay, but rather take prompt action to make sure that citizens are afforded the freedom to choose their Internet access provider. Moreover, the Commission should adopt well-defined prophylactic measures to prevent cable operators from using their monopoly status to control the provision of high speed Internet access and further limit citizens rights to choice. *CME et al* urge the Commission to act promptly to install those steps that will help speed the deployment of advanced services to all Americans in a reasonable and timely manner.