



Before the
Federal Communications Commission
Washington DC 20554

In the Matter of)
)
Inquiry Concerning the Deployment of)
Advanced Telecommunications)
Capability to All Americans in a Reasonable) GN Docket
No. 07-45
and Timely Fashion, and Possible Steps)
to Accelerate Such Deployment)
Pursuant to Section 706 of the)
Telecommunications Act of 1996)

COMMENT ONE (OF 3): SPEED OF BROADBAND.

THE FCC'S 200KBPS DEFINITION OF BROADBAND FAILS THE
STATUTORY REQUIREMENTS OF SECTION 706 OF THE TELECOM
ACT OF 1996

by
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SUMMARY: The FCC is in violation of the Telecom Act's section 706, which defines advanced telecommunications as the capability of sending and receiving high-quality video services. The FCC's standard since 1998 has been 200Kbps, which can not handle high-quality video. The FCC dummed down the definition for political reasons and thus harmed America's broadband and economic future.



Teletruth is a nationwide, independent customer alliance focusing on telecom, broadband and Internet issues. Board members New Networks Institute is a market research and analysis firm, LTC Consulting is a forensic telecom auditing firm. We have been active in front of the FCC filing comments, complaints, Data Quality Act and Regulatory Flexibility Act challenges since 1994.

NOTE: We have filed multiple comments in this proceeding so as to not confuse the FCC about its violation of Section 706 of the Telecom Act pertaining to the speed of 'advanced' network services' and broadband.

- A) The FCC 200K violates the Telecom Act's Definition of Advanced Services, and/or Broadband.

The FCC defines advanced network services as 200 Kbps.

“In the past, the Commission has used the terms “advanced telecommunications capability” and “advanced services” to describe services and facilities with an upstream (customer-to-provider) and downstream (provider-to-customer) transmission speed of more than 200 kilobits per second (kbps). The Commission has also used the term “high-speed” to describe services and facilities with more than 200 kbps capability in at least one direction.

However, the FCC is supposed to have set the benchmark for America's broadband as “high-speed... that enables users to originate and receive high-quality... video telecommunications.”

“(c) DEFINITIONS- For purposes of this subsection: (1) ADVANCED TELECOMMUNICATIONS CAPABILITY- The term `advanced telecommunications capability' is defined, without regard to any transmission media or technology, as high-speed, switched, broadband telecommunications capability that enables users to originate and receive high-quality voice, data, graphics, and video telecommunications using any technology.”

200KPBS can NOT deliver high-quality video in any direction. Period.



B) Pick One: Shocking? Blind? Avoidance of the Truth? Intention to Deceive?

It is incredulous to us that the FCC doesn't use the entire definition of section 706 in this Notice of Inquiry but actually avoids the part of the definition that says – *“originate and receive high-quality voice, data, graphics, and video telecommunications using any technology.”*

We seek comment on how we should define “advanced telecommunications capability” for purposes of this inquiry. Since 1999, the Commission has used the terms “advanced telecommunications capability” and “high-speed, switched, broadband telecommunications capability,” but has not definitively specified what speeds should be encompassed within these terms. In the past, the Commission has used the terms “advanced telecommunications capability” and “advanced services” to describe services and facilities with an upstream (customer-to-provider) and downstream (provider-to-customer) transmission speed of more than 200 kilobits per second (kbps). The Commission has also used the term “high-speed” to describe services and facilities with more than 200 kbps capability in at least one direction. Given the rapid technological changes in the marketplace, we seek comment on the need to alter the definitional framework utilized in prior inquiries.”

C) Going Backwards at High Speeds: The 1992 Definition of Broadband was 45MBPS in both directions.

The FCC has failed to collect accurate speed information pertaining to broadband and ignored the definition that was America's standard in 1992. Here is the definition of “Broadband Digital Service” in the New Jersey Order from 1993, as well as a link to the actual page. Here's a page from the New Jersey 1993 order: 1993 NJBPU Par 1¹

<http://www.newnetworks.com/nj45mbpspar1.htm>

"Broadband Digital Service — Switching capabilities matched with transmission capabilities supporting data rates up to 45,000,000 bits per second (45mps) and higher, which enables services, for example, that will allow residential and business customers to receive high definition video and to send and receive interactive (i.e., two way) video signals."



This same definition was used as the standard by the Bell phone companies, including Verizon (Bell Atlantic and NYNEX) and even SBC. Southwestern Bell's plan was to digitize Texas with fiber optics as well as wire all schools, hospitals, etc., with a fully interactive, two-way, 45 megabit service. As the Act states:²

“INFRASTRUCTURE COMMITMENT TO CERTAIN ENTITIES. It is the intent of this section to establish a telecommunications infrastructure that interconnects public entities described in this section. The interconnection of these entities requires ubiquitous, broadband, digital services for voice, video, and data within the local serving area.

“On customer request, the electing company shall provide broadband digital service that is capable of providing transmission speeds of ***up to 45 megabits per second or better*** for customer applications...”

And why 45mpbs. In 1992 that was the speed which allowed for high definition video to be sent with no compression or distortions.

Yet, none of the FCC's Advanced Network Reports examined these state definitions, which were part of the state laws and in New Jersey, is still on the books.

D) We Told You So.

Since 1999, New Networks Institute *(and later Teletruth) brought this to the attention of the FCC. Maybe it is time to actually read the comments that are submitted and address the issues raised. A few documents submitted to the FCC pertaining to the speed issue:

White paper delivered to the FCC in 1999

<http://www.newnetworks.com/alonefccrefute4.html>

Data Quality Act denied February 2007

Complaint: <http://www.newnetworks.com/fcccomplaint200k.htm>

Rejection: <http://www.teletruth.org/docs/FCCBroadbandDQA.pdf>

Conclusion: The consequences of having dummed down America's benchmark standard was to lower the bar for the definition of broadband so



as to show more circuits --- just not very fast ones --- in service. It allowed DSL, which considered an inferior service to what was promised in 1992 as it would be an inhibitor to growth to use the older technology, to become America's standard, not fiber based, 45mbps services.

Without a video-based standard, the phone companies were able to simply pocket the billions per state that was collected and not be held accountable, as no one noticed that America now had a definition the technological equivalent of two cans and string.

And without this higher-standard, it is now clear that America lost an entire generation of new services, new competition, and new economic growth. America is 15th in the world

The FCC should immediately set the current standard of 'advanced network services' to the original 1996 definition – High-quality video in both directions, as the lower-threshold of 'broadband'. 45mbps should be the mid-threshold, and competing with Asia, at 100MBPS should be America's standard post 2007

See our other comments for more details.

¹ "In the Matter of the Application of New Jersey Bell Telephone Company For Approval of Its Plan for an Alternative Regulation, Decision," State of New Jersey Board of Public

Utilities, Docket Number T092030358, April 14, 1993

² "An ACT Relating to the Regulation of Telecommunications Utilities, Etc.," H.B. No.

2128, Texas, Effective September 1, 1995