

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
A National Broadband Plan for Our Future	)	GN Docket No. 09-51
	)	
Notice of Inquiry	)	
	)	

**Comments of Utopian Wireless Corporation**

Utopian Wireless Corporation (“Utopian”) hereby submits these comments in response to the above captioned Notice of Inquiry (“*NOI*”) in which the Federal Communications Commission (“FCC” or the “Commission”) seeks comments on its proposed approach to developing a national broadband plan and definitions of key terms for that plan. Utopian specifically comments on how the FCC should define “broadband.” As noted by the Commission, in order to develop a successful plan, the FCC must clearly understand the current broadband problem.<sup>1</sup> To do so, the Commission should, in partnership with the Department of Commerce’s National Telecommunications and Information Administration (“NTIA”) and the Department of Agriculture’s Rural Utility Services (RUS), adopt a more modern definition of broadband. Defining broadband on antiquated notions of the same will result in a national broadband plan that quickly becomes out-of-date (a waste of the Commission’s time and resources and taxpayer money).

Current FCC terms such as “advanced telecommunications capability,” “broadband,” and “high-speed Internet,”<sup>2</sup> should be eliminated and replaced with terms that fit current understandings of broadband. Today, the major distinction in broadband capacity is between

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<sup>1</sup>As the Commission notes in its *NOI*, the plan adopted “must reflect an understanding of the problem, clear goals for the future, a route to those goals, and benchmarks along the way.” *NOI* at para 8.

<sup>2</sup> *NOI* at para 16.

mobile and fixed services. Mobile broadband services “allow mobility or portability but may have lower throughputs” than fixed broadband services.<sup>3</sup> Utopian proposes the Commission recognize these two distinct types of broadband exist today: the emerging portable/mobile nomadic broadband (e.g., WiMAX type services) and fixed broadband (e.g., wireline or point-to-point microwave type services). Both types of broadband should not be considered duplicative and should be defined in terms of speed. Portable/mobile nomadic broadband should be defined as having a minimum download speed of 3 megabits per second (Mbps). Fixed broadband should be defined as having a much higher minimum download speed of 20 Mbps.<sup>4</sup> Speed is essentially what broadband means, contrary to what monopoly service providers may claim.

As Utopian noted in its comment to the NTIA regarding the allocations of the 2009 American Recovery and Reinvestment Act’s broadband stimulus funding,<sup>5</sup> the Commission should be wary of incumbent monopoly service providers lobbying for slower speeds or no minimum speeds at all. Such entities are not incented to update their current outdated systems and would prefer their competitors stay out of the market on the false belief that the broadband service market is saturated. Any comments from incumbent providers which suggest the Commission should not associate a particular speed requirement with the definition of broadband should be construed by the Commission for what they are – cries to maintain the status quo of the current broadband market and discourage policies that advance competition and broadband ubiquity (to the detriment of their antiquated monopoly networks).

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<sup>3</sup> *Id.* at para 19.

<sup>4</sup>Utopian proposes these speeds for the Commission to use in its initial definition of broadband capability; the Commission may update these speeds from time to time as the respective technologies mature. These are the same speeds Utopian proposed in its Comment before the NTIA. See Joint Request for Information, *American Recovery and Reinvestment Act of 2009 Broadband Initiatives*, Docket No. 090309298-9299-0, Comment filed by Utopian Wireless Corporation (Apr. 13, 2009).

<sup>5</sup> *Id.*

For the foregoing reasons, Utopian urges the Commission to adopt the above, more modern definition of broadband for purposes of developing its national broadband plan.

Respectfully submitted,

UTOPIAN WIRELESS CORPORATION

By 

V. Noah Campbell

Director

Tel: (240) 821-9700, ext. 207

vcampbell@utopianwireless.com

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