

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC**

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

**REPLY COMMENTS OF THE FIBER-TO-THE-HOME COUNCIL
IN THE NOTICE OF INQUIRY**

The Fiber-to-the-Home Council (“FTTH Council”),¹ through its undersigned counsel, hereby respectfully submits its reply comments to the Federal Communications Commission (“Commission”) in response to the Notice of Inquiry (“*Commission Notice*”) issued in the above-captioned proceeding.² In these reply comments, the FTTH Council focuses on one issue: defining broadband capability. In the just issued *Notice of Funds Availability*,³ the Rural

¹ The FTTH Council is a non-profit organization established in 2001. Its mission is to educate the public and government officials about fiber-to-the-home (“FTTH”) and to promote and accelerate FTTH deployment and the resulting quality of life enhancements FTTH networks make possible. The FTTH Council’s members represent all areas of the broadband access industry, including telecommunications, computing, networking, system integration, engineering, and content-provider companies, as well as traditional service providers, utilities, and municipalities. As of today, the FTTH Council has more than 210 entities as members. A complete list of FTTH Council members can be found on the organization’s website: <http://www.ftthcouncil.org>.

² *In the Matter of A National Broadband Plan for Our Future*, Notice of Inquiry, GN Docket No. 09-51, Rel. April 8, 2009.

³ *Broadband Initiatives Program; Broadband Technology Opportunities Program; Notice*, Department of Agriculture, Rural Utilities Service, Department of Commerce, National

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Utilities Service and National Telecommunications and Information Administration define “broadband” as “providing two-way data transmission with advertised speeds of at least 768 kilobits per second (kbps) downstream and at least 200 kbps upstream to end users.” The FTTH Council is gravely troubled by this backward-looking definition – which is based on performance characteristics many times below the average or median provided to end users today and far below what broadband service providers are deploying and planning to deploy. By establishing such a low threshold, this definition harms individual users, forestalls economic development, and places us at a disadvantage globally. The FCC should not make the same error. In crafting the national broadband plan, the Commission should instead adopt a forward-looking vision that will propel broadband deployment and use and the many benefits that flow from such a robust infrastructure.

In its initial comments,⁴ the FTTH Council, reacting to the *Commission Notice*, stated that a user of broadband service needs to be able to receive and send information within a sufficiently short time – a time dependent on the user’s expectation and the type of information being received or sent and that these expectations have changed significantly over the past several years as users access more bandwidth-intensive applications and seek very large file (that is, video-related) content. Moreover, the pace of provisioning of new “bandwidth-intensive

Telecommunications and Information Administration, *Federal Register*, July 9, 2009 at 33108.

⁴ *Comments of the Fiber-to-the-Home Council*, FCC GN Docket No. 09-51, submitted June 8, 2009 at 5-13.
<http://10.1.3.38:9090/progress?pages&id=3780652135&sp2&fileName=cmV0cmlldmUuY2dp&url=aHR0cDovL2ZqYWxsZm9zeCY5mY2MuZ292L3Byb2QvZWVudD02NTIwMjIwNTQ3&referer=aHR0cDovL2ZqYWxsZm9zeCY5mY2MuZ292L2NnaS1iaW4vd2Vic3FsL3Byb2QvZWVudD02NTIwMjIwNTQ3&foo=3>

applications” has only accelerated with different types of content and applications constantly entering the market and the size of audio and video files growing dramatically. As one example of this growth, the Commission should look to recent market research by comScore, which for April 2009 found that online access to video content increased by 16 percent in just one month. More specifically, comScore found , “Google Sites once again ranked as the top U.S. video property with 6.8 billion videos viewed (40.7 percent online video market share), a 15-percent increase versus March. YouTube.com accounted for more than 99 percent of all videos viewed at the property. Fox Interactive Media ranked second with 513 million videos (3.1 percent), followed by Hulu with 397 million (2.4 percent) and Yahoo! Sites with 355 million (2.1 percent).”⁵ Given these and all of the other bandwidth-intensive applications and content on and coming to the market, an average consumer in just a few years will require a network capable of transmitting information at approximately 100 Megabits per second (“Mbps”) (3 HD video streams, Internet access at 50 Mbps symmetrical, and other applications).⁶ According to a senior Vice President from Cisco, “By 2010, the typical home will have standard-definition and high-definition TVs, voice, data, and time-delayed TV. The bandwidth needs of just 20 homes will be equal to that of the entire Internet in 1995.”⁷

⁵ See, *comScore Press Release, Americans Viewed a Record 16.8 Billion Videos Online in April Driven Largely by Surge in Viewership at YouTube*, June 4, 2009. [http://www.comscore.com/Press Events/Press Releases/2009/6/Americans View ed a Record 16.8 Billion Videos Online in April](http://www.comscore.com/Press%20Events/Press%20Releases/2009/6/Americans_Viewed_a_Record_16.8_Billion_Videos_Online_in_April)

⁶ *The New Economics of Fiber*, John George, Director FTTx Solutions, OFS, delivered at the Digital City Expo, 2006, p. 14.

⁷ *Bandwidth Demand has brought life to OFC*, Martin Rowe, Test & Measurement World, March 28, 2007. <http://www.tmworld.com/index.asp?layout=articlePrint&articleID=CA6428697>.

It is for these reasons – as elaborated upon in the FTTH Council’s initial comments⁸ -- that in establishing in its national broadband plan benchmarks for the broadband capability all Americans should receive, the Commission should eschew the myopic definition contained in the *Notice of Funds Availability* and adopt a vision that reflects the clear trends of rapidly increasing demand and need for much faster connectivity. This approach was used by Senator Rockefeller and Representative Eshoo in authoring resolutions⁹ in the 110th Congress that called for the United States to have universal access to 100 Mbps, bidirectional broadband service – effectively all fiber access plant – by 2015. It is important to note that President Obama while a Senator was a co-sponsor of Senator Rockefeller’s resolution. In addition, Chairman Genachowski at his confirmation hearing supplied the following response to Chairman Rockefeller about the 100 Mbps objective:

Question from Chairman Rockefeller: In the 110th Congress, I introduced a resolution, co-sponsored by former Senator Obama, establishing a national goal for the universal deployment of next-generation broadband networks. Specifically, we called for networks with transmission speeds of 100 megabits per second, to be ubiquitously deployed by 2015.

What steps can we take to accomplish this objective?

⁸ *Comments of the Fiber-to-the-Home Council*, at 5-13.

⁹ S. Res. 191, 110th Congress, which provides: “That the Senate-- (1) establishes a national next-generation broadband network goal to bring, by 2015, universal and affordable access to networks with the capability of transmitting data at 100 megabits per second, bidirectionally, so that households, businesses, and government offices in the United States can access the Internet and, via direct connections, access other households, businesses, and government offices.”

H. Res. 1292, 110th Congress, which provides: “That the House of Representatives-- (1) establishes a national next-generation broadband network goal to bring, by 2010, universal and affordable access to networks with the capability of transmitting data at 10 megabits per second, bidirectionally, and by 2015, universal and affordable access to networks with the capability of transmitting data at 100 megabits per second, bidirectionally, so that households, businesses, and government offices in the United States can freely access the Internet and, via direct connections, access other households, businesses, and government offices.”

Answer by Mr. Genachowski: Extending next-generation broadband networks to all Americans is a vital national goal. Congress has entrusted the FCC with the task of developing a national broadband plan, which shall include "an analysis of the most effective and efficient mechanisms for ensuring broadband access by all people of the United States" and "shall establish benchmarks for meeting that goal."

If confirmed, I will ensure that the Plan is developed pursuant to a transparent, fair, and data-driven process that is open to, and seeks the best ideas from, all stakeholders. While I recognize that the goal of a ubiquitous 100 mpbs network by 2015 is an ambitious one, if confirmed, I will look forward to the Commission tackling this issue thoroughly as part of its Plan and as part of its effort to seek universal service in a way that unlocks opportunity and prosperity for all Americans.

The FTTH Council believes that there is more than sufficient evidence submitted in this docket for the Commission to adopt as an initial objective the Rockefeller/Eshoo benchmark for the national broadband plan.¹⁰ The federal government should make the same commitment it made 100 years ago – ensure universal access to state-of-the-art telecommunications network infrastructure that can support consumers' needs throughout the next century.

Respectfully submitted,



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¹⁰ Because of the rapidly evolving nature of the broadband service market, the Commission should regularly revisit this objective and increase the performance objectives where warranted.