

**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
)	
International Comparison and Consumer)	
Survey Requirements in the Broadband)	
Data Improvement Act)	GN Docket No. 09-47
)	
Inquiry Concerning the Deployment of)	
Advanced Telecommunications Capability)	
to All Americans in a Reasonable and)	GN Docket No. 09-137
Timely Fashion, and Possible Steps to)	
Accelerate Such Deployment Pursuant to)	
Section 706 of the Telecommunications)	
Act of 1996,as Amended by the Broadband)	
Data Improvement Act)	

**REPLY COMMENTS OF THE
NATIONAL ASSOCIATION OF TELECOMMUNICATIONS OFFICERS AND
ADVISORS RELATING TO NBP PUBLIC NOTICE #1**

The National Association of Telecommunications Officers and Advisors (“NATOA”) submits these reply comments in response to the above captioned Public Notice, released on August 20, 2009. NATOA again points out that the pleading cycle in this action puts local governments at a distinct disadvantage, with only four (4) working days between the closing of the initial comment period and the closing of the reply comment period. NATOA believes that this unusually short cycle prevents the Commission from obtaining the views of all interested stakeholders.

NATOA will address two areas of substance in these reply comments. First, the Commission’s current definition of “broadband” is inadequate to meet the needs of today’s users. Second, the Commission should not feel obligated to adopt the same definition of “broadband”

as the National Telecommunications and Information Administration (“NTIA”) and the Rural Utilities Service (“RUS”). Indeed, the Commission is obligated to do more.

1. The Definition of Broadband Should Change to Accommodate Current and Future Needs

The Commission’s current definition of “broadband,” (data speeds exceeding 768 kbps in one direction), is insufficient to meet the demands of today’s end users, much less the demands of the future. As such, the Commission should modify its definition to reflect the needs of today’s end users, with an eye to tomorrow’s needs. The examples¹ below show the current requirements of some applications available today:

•500 kbps – 1 mbps: Voice over Internet Protocol telephony, basic email, web browsing (simple sites), streaming music, low quality video (highly compressed)

•1 mbps – 5 mbps: Web browsing (complex sites), e-mail (larger size attachments), remote surveillance, IPTV-Standard Definition (SD) (1-3 channels), file sharing small/medium), digital broadcast video (1 channel), streaming music

•5 mbps – 10 mbps: File sharing (large), IPTV-Standard Definition (multiple channels), Broadcast Standard Definition video, video streaming (2-3 channels), High Definition v video downloading, medical file sharing (basic), remote diagnosis (basic), remote education, building control and management

•10 mbps – 100 mbps: Telemedicine, educational services, Broadcast Video SD and some, High Definition, IPTV-High Definition, High quality telepresence, High Definition surveillance, Smart/intelligent building control

Under the current definition, end users can only utilize the most basic applications, though many have the expectation, desire, and need to take full advantage of each of these applications.

In this discussion of minimum bandwidth, it is worth noting that average broadband speeds in the United States are at 5.1 mbps, download, and 1.1 mbps, upload.² The Commission should not adopt a standard of “broadband” that is less than what is already recognized as an

¹ See, *California Broadband Task Force*, The State of Connectivity: Building Innovation Through Broadband, Jan. 2008 (available at www.calink.ca.gov/pdf/CBTF_FINAL_Report.pdf).

² See, *speedmatters.org*, A Report on Internet Speeds in All States, Aug. 2009, (available at http://files.cwa-union.org/speedmatters/state_reports_2009/CWA_Report_on_Internet_Speeds_2009.pdf).

average. Such a move would be akin to digging a trench, placing the proverbial bar into it, stepping across, and claiming success. Such a hollow victory cannot be what Congress intended.

Rather, the Commission's definition of broadband should incorporate bandwidth measures sufficient to allow end users the ability to utilize the applications mentioned above, and those yet to be developed, in a meaningful way. The definition should adopt measures which ensure that all end users will be able to enjoy the panoply of life enhancing applications available through robust, high-speed internet access. With such a definition, the United States can reclaim its technological leadership position.

2. The Definition Need Not be Consistent Across Federal Entities Charged with Different Tasks

Concern has been expressed with respect to the Commission establishing a definition different from that being used by the NTIA and RUS. However, the NTIA and RUS have the task of distributing financial resources to bring broadband access to unserved and underserved areas of the United States, a goal different from that of the Commission. These agencies are focused on a short term problem – working to raise the floor of broadband access for all to levels that provide at minimal access to today's technologies. That goal is only one piece of the puzzle that must be addressed in this nation's national broadband plan. The Commission's role must involve a longer-range plan looking five, ten and twenty-five years into the future. The national broadband plan should be seen as working towards ensuring the United States' ability to compete in a robust world market where access to bandwidth and technological innovation are seen as the harbingers to economic success. The Commission must therefore set standards that ensure the United States' economic success. The missions of the NTIA and RUS should not be confused with the need of the Commission to establish standards that reflect what today's true technological needs are and what they are likely to be into the future.

CONCLUSION

In short, the Commission should help end users realize the possibilities that true “broadband” brings rather than maintaining an artificially low floor.

Respectfully submitted,

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