



October 13, 2009

Chairman Julius Genachowski
Commissioner Meredith Attwell Baker
Commissioner Mignon Clyburn
Commissioner Michael J. Copps
Commissioner Robert M. McDowell
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554
SENT VIA FAX AND US MAIL

***Public Interest Requires Comprehensive Public Involvement and Public Hearings Regarding
Broadband Industry Practices (Docket 07-52)***

Dear Chairman Genachowski and Commissioners Baker, Clyburn, Copps and McDowell,

The public interest which the present Commission is attempting to put in the forefront of its decision making might be better served relating to broadband industry practices if there were far greater public input and public hearings before the Commission takes action.

With rare exceptions, none of the 110 million minorities in this nation, and certainly not the 15 million Asian Americans we represent, have had the resources and/or the opportunity to properly examine and research the implications of the directions this Commission is considering. For example, how many of minority organizations have presented comprehensive comments and how many have the research staff to address the complexities of the issue, particularly in terms of its future impact on competition and the public interest?

The public turnout at the October 8th San Diego hearing on mobile broadband is an example of the FCC not yet effectively reaching out to the public interest and minority groups. With the exception of 25 community leaders brought by Mabuhay Alliance on less than two days notice, no members of the public were present for these important hearings. And, due to lack of notice, even those who showed up were not permitted an opportunity to present their vision. (However, to the credit of the Chairman and Commissioner Baker, both briefly met with the 25 community leaders and the senior staff for Chairman Genachowski discussed the direction of the FCC with Mabuhay Alliance's executive staff.)

Our comments are not intended to be critical of a new Commission with a new direction. We believe that past Commission practices must be reexamined to ensure that there is more than a mere appearance of accommodating public interest and public comments. At this time, on behalf of 15 million Asian Americans, we have insufficient information to determine the implications of any Commission actions relating to broadband industry practices and we have insufficient information into its impact on competition and on future services for underserved and minority communities.



As we expressed to Chairman Genachowski and Commissioner Baker at a private meeting on October 8th and to commissioners Copps and Clyburn in meetings in D.C. on September 18th, the Asian American community wishes to be involved. We also believe that 91 million Latino and African American groups wish to be intimately involved.

Beyond the technological implications where this Commission is going are the public interest impacts. For example, is it in the public interest to reward companies with favorable regulatory policies that ignore the public interest of underserved communities and 110 million minorities? Or, for example, is it in the public interest to weaken competitors who have displayed a high degree of corporate responsibility in order to permit “renegade” companies to prosper at the expense of our economy, consumers and underserved communities?

Or see, regulatory policies in the past that permitted Worldcom and its CEO Bernie Ebbers (who is in prison for 25 years for a wide range of corporate telecommunication fraud) to prosper and perhaps deter more corporately responsible competitors from prospering and extending public interest provisions.

As we have discussed with commissioners and commissioner staff (including legal advisors for Chairman Genachowski and Commissioner McDowell), we believe that the public interest, social responsibility, and corporate responsibility must be part of the mix. With that in mind, we request the following:

That the Commission delay its October 22nd meeting for at least 60 days so that it can ensure effective public interest input including substantial input from underserved communities and our nation’s 110 million minorities.

Second, we urge that this Commission hold public hearings on at least 30 days notice in at least five regions outside the D.C. beltway.

Third, once these hearings are completed, there should be an additional 30 days for parties to comment before a decision is rendered.¹

Sincerely,

A handwritten signature in cursive script that reads "Faith Bautista".

Faith Bautista
President and CEO

¹ Please also see the attached letter dated October 6th on the Google dilemma from the Asian American perspective.



October 6, 2009

Chairman Julius Genachowski
Commissioner Michael Copps
Commissioner Robert McDowell
Commissioner Mignon Clyburn
Commissioner Meredith Attwell Baker
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Asian Americans and Net Neutrality: The Google Dilemma

Dear Chairman Genachowski and Commissioners Copps, Clyburn, McDowell and Baker,

We write on behalf of 15 million Asian Americans who have generally, for over the last decade, been ignored by the FCC and ignored by most of the “corporate players” involved in a crucial issue before this commission, net neutrality.

Over the next few months, our organization and other Asian American groups will be examining Chairman Genachowski’s outline for changes relating to net neutrality and its impact on the future wellbeing of our nation’s minorities.

In this context, we are puzzled by Google’s position on net neutrality as it applies to Google. (See, for example, the Wall Street Journal article of October 5th entitled, “Google and the Problem With ‘Net Neutrality’”).) As we have set forth to a number of commissioners and their staff at our DC meetings in July and September of this year, we are not satisfied that America is 15th among nations in broadband access and well behind even relatively undeveloped nations such as Poland.^{1 2} Our goal is that America should be in effective competition with the nations that lead in broadband access such as Japan and South Korea.

¹ We have met with commissioners Clyburn and Copps, and had discussed the matter with the senior staff of Commissioner McDowell and with Chairman’s Genachowski’s legal advisor on October 7th.

² This gap would be even greater if separate data were analyzed for minorities, including underserved Asian American communities such as Cambodian Americans.



In this context, we will be attempting to put together meetings with the key players relating to net neutrality such as Google, AT&T and Verizon. In addition, we would appreciate your assistance in setting-up joint Commission/Asian American hosted meetings with leading representatives from Asian nations, such as Japan and South Korea, that are far ahead of the United States to determine what types of government regulation, scrutiny and incentives could be of assistance in closing the broadband gap among minorities.

We look forward to participating in the net neutrality proceedings and working closely with all of you.

Sincerely,

A handwritten signature in cursive script that reads "Faith Bautista".

Faith Bautista
President and CEO