



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

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REPLY COMMENTS SOUGHT IN SUPPORT OF NATIONAL BROADBAND PLAN

MAILED

NBP Public Notice # 30

JAN 25 2010

GN Docket Nos. 09-47, 09-51, 09-137

FCC Mail Room

Final Reply Comment Date: January 27, 2010

The American Recovery and Reinvestment Act of 2009 (Recovery Act) directs the Commission to create a National Broadband Plan (Plan) that seeks to ensure that every American has access to broadband capability and establishes clear benchmarks for meeting that goal.¹ To this end, on April 8, 2009, the Commission initiated a Notice of Inquiry (NOI) seeking comment on the approach to developing this Plan, key terms of the statute, and a number of specific policy goals.² In addition, the Commission has held a series of staff workshops and issued multiple Public Notices seeking tailored comments on topics related to the development of a Plan pursuant to the Recovery Act, and for related purposes.³

On January 11, 2010, the Media Access Project ("MAP") filed a Request for Opportunity to Submit Reply Comments.⁴ In its filing, MAP requests that we afford members of the public and other interested parties the opportunity to submit reply comments addressing issues that have been raised during the course of this proceeding, noting that the many public notices, workshops, field hearings and

¹ American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, 123 Stat. 115 (2009), § 6001(k).

² See generally *A National Broadband Plan for Our Future*, GN Docket No. 09-51, Notice of Inquiry, 24 FCC Rcd 4342 (2009) (*National Broadband Plan NOI*).

³ American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, 123 Stat. 115 (2009); see also *Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and 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, A National Broadband Plan for Our Future*, GN Docket Nos. 09-137, 09-51, Notice of Inquiry, FCC 09-65 (rel. Aug. 7, 2009); *Comment Sought on International Comparison and Consumer Survey Requirements in the Broadband Data Improvement Act*, GN Docket No. 09-47, Public Notice, 24 FCC Rcd 3908 (2009). See also <http://blog.broadband.gov/?ArticleTitle=Public%20Notices%20for%20the%20Omnibus%20Broadband%20Initiative> for a complete listing and links to the National Broadband Plan public notices.

⁴ Request for Opportunity to Submit Reply Comments, Media Access Project, filed in GN Docket Nos. 09-47, 09-51, and 09-137 (Jan. 11, 2010) (<http://webapp01.fcc.gov/ecfs/document/view.action?id=7020362143>).

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recent dialogue on the issues have “cast new light and added new perspectives on many of the questions raised in those notices and meetings.”⁵ Further, as MAP notes, there is now a new, small window of time for the Commission to consider additional submissions.⁶ To encourage the fullest possible discussion, to allow interested parties to respond to matters and issues raised in the proceeding since the initial workshops and public notices in August 2009, and to provide an opportunity to address matters raised in other parties’ comments, we hereby grant MAP’s request and establish a period for reply comments. Reply comments should be filed no later than **January 27, 2010**.

This matter shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules. See 47 C.F.R. §§ 1.1200, 1.1206. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one- or two-sentence description of the views and arguments presented generally is required. See 47 C.F.R. § 1.1206(b). Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission’s rules, 47 C.F.R. § 1.1206(b).

- **All comments should refer to GN Docket Nos. 09-47, 09-51, and 09-137.**
- **Please title comments responsive to this Notice as “Reply Comments —NBP Public Notice # 30.”**
- **Filers using the Commission’s Electronic Comment Filing System (ECFS) should enter the following text in the “Custom Description” field in the “Document(s)” section of the ECFS filing page: “Reply Comments – NBP Public Notice #30”.**
- **We strongly encourage parties filing in response to an earlier public notice to indicate, by NBP Public Notice number, the notice to which they are responding.**

Comments may be filed using (1) the Commission’s Electronic Comment Filing System (ECFS), (2) the Federal Government’s eRulemaking Portal, or (3) by filing paper copies.⁷ Comments can be filed through the Commission’s ECFS filing interface located at the following Internet address: <http://www.fcc.gov/cgb/ecfs/>. Comments can also be filed via the Federal eRulemaking Portal: <http://www.regulations.gov>.⁸ In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission.

- **Effective December 28, 2009, all hand-delivered or messenger-delivered paper filings for the Commission’s Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-**

⁵ *Id.*

⁶ *Id.*

⁷ See Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (1998).

⁸ Filers should follow the instructions provided on the Federal eRulemaking Portal website for submitting comments.

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A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. **Please Note:** The Commission's former filing location at 236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002 permanently closed on December 24, 2009.

- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

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For further information about this Public Notice, please contact Randy Clarke at (202) 418-1500.