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July 15, 2010

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

**Re: *In the Matter of Framework for Broadband Internet Service*
GN Docket No. 10-127**

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

CEA welcomes this opportunity to submit its comments on the Commission's Notice of Inquiry concerning the appropriate framework for regulation of broadband Internet service.¹ There are many strong views on both sides of this debate. CEA believes that while the robust and thorough discussion regarding the need or desire for broadband reclassification takes place, we must remember that spectrum is a key driver of broadband services and applications. Our comments, therefore, are focused on the need for reallocating spectrum to ensure rapid broadband deployment, and a competitive, pro-consumer broadband marketplace.

Under the Commission's oversight, the United States has become the world's engine of innovation and investment in all of the markets for services, products and devices that depend upon and drive the Internet economy. As I stated in recent congressional testimony:

The technology innovations which have brought us wireless, the Internet, PCs, digital radio, MP3, HDTV, broadband and narrowband have quickly transformed society. Moreover, technology innovation has been the one American bright spot in what otherwise is a challenging economy ... Indeed, our nation has produced more innovation connected to

(cont.)

¹ *Framework for Broadband Internet Service*, GN Docket No. 10-127, Notice of Inquiry, released June 17, 2010 ("NOI").

(cont.)

communication and the Internet than all the other nations in the world combined.²

With this backdrop, CEA urges the Commission to focus its attention on reallocating spectrum for broadband services. Spectrum is the lifeblood of innovation and drives broadband access and adoption. As the Commission recognized in its National Broadband Plan, the single greatest limiting factor in future broadband deployment is the lack of sufficient radiofrequency spectrum allocated to mobile broadband uses.³ The spectrum crisis inhibits job growth and economic recovery, and threatens the competitiveness of the United States as the world's leader in new communications technologies.

As a response to the spectrum crisis, CEA applauds and continues to support the Commission's commitment to expand available broadband spectrum, including the proposal to make 500 megahertz of spectrum newly available for broadband use within the next ten years.⁴ CEA also supports the recent White House executive memorandum endorsing the 500-megahertz spectrum goal.⁵ In addition, CEA urges the Commission to allocate additional spectrum for unlicensed uses.

Lawrence Summers, Director of the National Economic Council and Assistant to the President for Economic Policy, aptly stated in his recent keynote announcing the President's plan to nearly double the amount of commercial spectrum available for wireless broadband:

“Technological innovation can greatly expand what we can do with existing spectrum. But there is a limit to how quickly we can invest and innovate. That's why we need to make more spectrum available for higher uses.”⁶

As Mr. Summers noted, the U.S can only keep its technological edge if we continue to develop our digital infrastructure. In view of the urgency of the spectrum crisis and the complexity of the proceedings the Commission proposes to address that crisis, CEA urges the Commission to ensure that this issue remains a first priority in the coming months and years.

² Written Testimony of Gary Shapiro, President and CEO, Consumer Electronics Association, before the House Energy and Commerce Subcommittee on Communications, Technology and the Internet (June 10, 2010).

³ Federal Communications Commission, *Connecting America: The National Broadband Plan*, Mar. 16, 2010, available at <http://download.broadband.gov/plan/national-broadband-plan.pdf>, Chapter 5.

⁴ *Id.*, p. 77.

⁵ *CEA's Shapiro Applauds President's Plan to Free Additional Spectrum*, CEA Press Release (June 28, 2010), available at http://www.ce.org/Press/CurrentNews/press_release_detail.asp?id=11922; see also *CEA Applauds the FCC for Continuing Its Work to Address Our Nation's Looming Mobile Broadband Crisis*, CEA Press Release (June 14, 2010), available at http://www.ce.org/print/Press/Current/News/press_release_detail.asp?id=11915.

⁶ *Technological Opportunities, Job Creation, and Economic Growth*, Remarks by Lawrence H. Summers at the New America Foundation on the President's Spectrum Initiative, June 28, 2010.

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Our experience in the consumer electronics marketplace has shown that competition drives innovation, and a competitive marketplace is responsive to consumers. Allocation of

additional broadband spectrum is a critical step in bringing the positive byproducts of competition to the broadband marketplace as well. CEA and its members are committed to working with the Commission to develop sound principles for spectrum reallocation that will serve the public interest.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Shapiro". The signature is fluid and cursive, with the first name "Gary" and last name "Shapiro" clearly distinguishable.

Gary Shapiro

President and CEO