

February 25, 2012

Honorable Julius Genachowski
Federal Communications Commission
445 12th Street SW
Washington D.C. 20554

Re: Advancing Broadband Availability for Low-Income Americans Through
Digital Literacy Training

To The FCC:

I applaud the work of the FCC in advancing broadband availability for all Americans through reforms made to the Universal Service Fund and other initiatives like the ones to be addressed in this proceeding fostering digital literacy among low-income and poor Americans. Increasingly broadband has become less of a luxury and more of a basic necessity for communications in the digital era. High speed Internet access is as important today for communications as electricity and water are for society. How the FCC implements the proposals of the National Broadband Plan though is important.

In February of 2009 the U.S. Congress passed and President Obama signed the American Recovery & Reinvestment Act or stimulus bill into law. The Recovery Act as it is often referred to directed the FCC to develop a National Broadband Plan to help shrink the digital divide created during the Bush Cheney Administration. However, decisions made by the FCC during those years to reclassify broadband as a weakly regulated Title I information service without competition mandates have brought its authority in overseeing broadband service providers into question.

Case in point the 2010 ruling by the U.S. Court of Appeals for the District of Columbia in Comcast v. FCC struck down the FCC's authority to enforce Network Neutrality rules of nondiscrimination on service providers using Title I ancillary authority. In its ruling the Court of Appeals held that the Federal Communications Commission lacked ancillary jurisdiction over Comcast's Internet services under the language of the Communications Act of 1934. As a result the Court of Appeals vacated a 2008 order issued by the FCC that asserted jurisdiction over Comcast's network management policies and allegedly censored Comcast from interfering with its users use of peer-to-peer software.

Another cause of concern lies with an AT&T filing on the FCC's proceeding for a National Broadband Plan for our country's future (09-51) requesting permission to be able to shutdown the old Bell Telephone

Network. AT&T says the future is in wireless services not wire-line and describes the old Bell System of phones as supplying Plain Old Telephone Service (POTS) as obsolete communications technology. Indeed more people are transitioning to wireless and some individuals no longer have wire-line telephone service at all but what about those Americans with home alarm systems which require a land-line telephone service to be active for the alarm system to communicate with the alarm company.

Nevertheless, AT&T wants for there to be a shutoff date for Public Switched Telephone Networks (PSTN) and Plain Old Telephone Services. At the same time AT&T does not want wireless phone services to be subject to the same wholesale open access rules that applied to wire-line phones. Nor do they want common carrier Network Neutrality rules of nondiscrimination extended to mobile broadband. They do not want wireless services to be regulated as public utilities they want wireless service to be seen as a separate network unto itself. There was plenty of cause for concern by public interest advocates if the FCC's National Broadband Plan and any Net Neutrality rules treated wireless service differently than wire-line. Unfortunately, the FCC's 2010 Net Neutrality order largely exempted wireless service from Network

Neutrality rules. I hope if the FCC does not rectify the situation itself the lawsuit against the agency by Free Press, which seeks tougher Net Neutrality rules, will succeed in court so we can have that extension.

If the FCC is to have any authority over broadband I firmly believe they must reclassify broadband under Title II using the Chairman's proposed and now abandoned "Third Way" plan to restore the agency's statutory authority on broadband services. However, I'd like to point out Network Neutrality in itself which I support is the wrong policy though. What the FCC really needs to do is reclassify broadband under Title II to restore competition mandates. Competition and infrastructure of telecom networks is the real issue needing addressing not Network Neutrality. With increased competition the incentive of ISP discrimination lessens and there is less need for Network Neutrality rules.

Sincerely,

Mr. Maneesh Pangasa