

Re: Connect America Fund, National Broadband Plan for our future, Digital Literacy Open Internet & Broadband Framework Legal Service

In Comcast v. FCC the courts made clear that the FCC lacked ancillary authority under Title I of the Telecommunications Act to enforce Network Neutrality rules on broadband providers. If broadband is an information service as the FCC preferred to classify it under the Bush Cheney Administration then oversight authority over broadband providers rests with the FTC not the FCC.

Furthermore, I do not see how the FCC can have any authority on broadband matters (09-51 National Broadband Plan for our future, 10-90 Reforming USF with Connect America Fund for Broadband, 07-52 Broadband Industry Practices, Advancing Broadband Through Digital Literacy 12-23, and Preserving An Open Internet (09-191) as long as it treats it as an information service. Chairman Julius Genachowski made a mistake in abandoning his Third Way Proposal for a Broadband Legal Framework using Title II of the Telecommunications Act.