

FCC plans to move forward with broadband plan soon

April 8 2010, By JOELLE TESSLER , AP Technology Writer

(AP) -- The Federal Communications Commission said Thursday that it intends to move forward quickly with key recommendations in its national broadband plan - even though a federal appeals court this week undermined the agency's legal authority to regulate high-speed Internet access.

The FCC needs that authority to push ahead with many parts of the broadband plan, which it released last month. Among them: a proposal to expand broadband by tapping the Universal Service Fund, which subsidizes telephone service in poor and rural areas.

The FCC laid out its 2010 "broadband action agenda" without indicating how it will proceed in light of the court ruling. But the agency says it will ensure it has the legal authority it needs for its sweeping plan to increase broadband usage and Internet speeds.

"Does the FCC still have a mission in the Internet area?" FCC General Counsel Austin Schlick wrote in a blog post following Tuesday's court decision. "Absolutely."

The U.S. Court of Appeals for the District of Columbia ruled Tuesday that the FCC lacks authority to impose so-called "[network neutrality](#)" obligations. Those require broadband providers to give equal treatment to all traffic flowing over their lines. [Comcast](#) Corp., the nation's largest cable company, had challenged the rules in court after the FCC ordered it to stop blocking its subscribers from using an online file-sharing

service called BitTorrent.

Although the FCC could appeal the decision or ask Congress to give it the authority it needs, many public interest groups are instead calling on the agency to impose "common carrier" regulations on broadband providers. Those rules, which have traditionally applied to phone companies, prohibit carriers from discriminating against certain types of traffic, among other things.

But even as the agency contemplates its next move on that front, it made clear Thursday that the broadband plan remains a top priority. The FCC said it will focus on a number of major proposals in the plan this year. Those include:

- reforming the Universal Service Fund by phasing out subsidies for phone service and instead using the program to pay for broadband.
- freeing up more wireless spectrum to deliver mobile broadband services, with much of those airwaves potentially coming from television broadcasters.
- establishing a nationwide wireless network for public safety that will help firefighters, police officers and other emergency workers communicate.
- seeking ways to drive more competition in the market for network connections used by business customers, cellular towers and other big bandwidth users.

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