



TIA’s Regulatory Tracker

Updated July 31, 2009

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	<p>Published in Federal Register: July 23, 2009</p>	<p><i>Federal Register</i></p>	<p>after Federal Register publication and reply comments within 12 days of publication.</p> <ul style="list-style-type: none"> – Under BDIA, there is to be one "eligible entity" designated in each state for broadband mapping; such entities may be either an agency of the state or a subdivision thereof, or a nonprofit, or an independent agency in which the state office is a member. Such eligible entity is to be given access to "aggregate data" collected by the FCC based on Form 477 filings. – The first issue posed by the Public Notice is how the term "aggregate" should be interpreted -- i.e., whether the data supplied to eligible entities should be the raw data from Form 477, or more aggregated, and whether the data should be more disaggregated than the data publicly reported by the Commission. – The second issue is whether the confidentiality protection in Section 106(h)(2) of the BDIA (protecting trade secrets and other confidential information from public disclosure) is self-effectuating or whether there should be specific safeguards to ensure eligible entities' compliance -- and, if the latter, the Commission asks what the specific nature of such safeguards should be. – Comments were due on July 30, 2009, and reply comments are due on August 4, 2009.
<p>Broadband, Broadband Data Collection NOI (GN Docket No. 07-45)</p>	<p>NOI Adopted: March 12, 2007 NOI Released: April 16, 2007</p>	<p><i>FCC NOI</i></p>	<ul style="list-style-type: none"> – The NOI seeks comment on how “advanced telecommunications capability” should be defined. – Is advanced telecom capability being deployed to all Americans (availability, economics, and technological improvements) in a reasonable and timely fashion? – What can accelerate deployment? What are the patterns of consumer use?



	<p>TIA Comments Submitted: May 16, 2007</p> <p>FCC Order Adopted: May 19 Released: June 12, 2008</p>	<p><u>TIA COMMENTS</u></p> <p><u>FCC ORDER</u></p>	<ul style="list-style-type: none"> - TIA supports a “light-touch” deregulatory approach as critical to the deployment of next-generation broadband deployment, as well as continued innovation in bandwidth-intensive applications. - TIA urges the FCC not to limit itself to one narrow and relatively arbitrary definition of “advanced telecommunications capability.” Instead a tiered analysis should be used to recognize all technologies and the capabilities they promote. - Wireless and wireline should be defined separately and any minimum definition of wireline should include the capability to transmit an HTDV signal, or 6 Mbps. - The FCC’s Fifth Report concludes that “advanced telecommunications capabilities” are being deployed to Americans in a reasonable and timely fashion. - The Order states that broadband deployment in the U.S. is on the rise, with the number of available high-speed lines increasing by 55% since the previous report, as well as the number of wireless devices available to consumers.
<p>Broadband, Special Access (WC Docket No. 05-25)</p>	<p>NPRM Adopted: May 31, 2007 Released: July 9, 2007</p>	<p><u>FCC NPRM</u></p>	<ul style="list-style-type: none"> - Requests an updated examination of regulations as applied to price cap (LECs) interstate special access services, including whether the special access pricing flexibility rules adopted in 1999 have worked as intended. - Requests a refreshed record on the affect mergers had on the industry and the profitability of special access services
<p>Broadband, Broadband Data Improvement Act (GN Docket No. 09-47)</p>	<p>Public Notice Released: March 31, 2009</p>	<p><u>FCC Public Notice</u></p>	<ul style="list-style-type: none"> - The Public Notice seeks comment on implementation of the Broadband Data Improvement Act of 2008, which requires the FCC to include international comparison of its annual broadband report and to conduct a consumer survey of broadband service capability. - Comments were due April 10, 2009 and replies were due April 17, 2009.



<p>Broadband, FCC Report on High Speed Services for Internet Access</p>	<p>Report Released: January 16, 2009.</p>	<p><u>Status Report as of 12/31/2007</u></p>	<ul style="list-style-type: none"> – The FCC released new data on high-speed connections to the Internet in the United States in its semi-annual report, which is based on data filed by facilities-based broadband providers via Form 477. – The Report concludes that high-speed lines increased by 20% during the second half of 2007, from 101.0 million to 121.2 million lines in service. A great part of the growth has been in mobile wireless broadband, but there were significant gains in other technologies as well.
<p>Broadband, UPDATED Forbearance from Title II (WC Docket No. 06-147, WC Docket No. 06-125)</p>	<p>Embarq/Frontier Adopted: October 24, 2007 Released: October 24, 2007 TIA Ex Parte Submitted: Sept 7, 2007 AT&T Adopted: October 11, 2007 Qwest Adopted: July 22, 2008 Qwest Released:</p>	<p><u>FCC FRONTIER, EMBARQ MO&O</u> <u>TIA EX PARTE</u> <u>FCC AT&T ORDER</u> <u>FCC Qwest Order</u></p>	<ul style="list-style-type: none"> – Grants forbearance petitions filed by Embarq and Frontier, similar to a petition by Verizon that was “deemed granted” on March 19, 2006. – The Commission will forbear from applying Title II and <i>Computer Inquiry</i> rules to certain broadband services (packet-switched telecom and optical transmission services) provided by Embarq and Frontier. – Relief from Title II results in relief from special access requirements. – In its ex parte, and limited to the context of determining whether forbearance generally is justified, TIA urges the FCC to continue determining competition at the national level, a measurement used to support the deregulatory decision in the TRO and other deregulatory measures since. – In its Order, the FCC granted AT&T limited Title II forbearance from the application of dominant carrier tariff filing, cost support, discontinuance, and domestic transfer of control and certain <i>Computer Inquiry</i> requirements to broadband services with regard to non-TDM-based services (Frame Relay, ATM, LAN, Ethernet, Optical Network Services, and Wave-Based). – This grant is restricted to services that AT&T currently offers



	<p>August 5, 2008</p> <p>Case Decided: July 17, 2009</p>	<p><u>DC Circuit Opinion</u></p>	<p>and lists in its petitions, and excludes all TDM-based, DS1 and DS3 services.</p> <ul style="list-style-type: none">- The D.C. Circuit released its decision in <i>Ad Hoc Telecommunications Users Committee et al. v. FCC</i>. The decision upheld two FCC orders that (1) granted AT&T, Embarq, and Frontier forbearance from dominant-carrier regulation with respect to packet-switched enterprise broadband offerings, but (2) denied forbearance from other Title II requirements. The court ruled that though “eminently debatable,” the FCC’s decision was “reasonable.”- The court first affirmed the FCC’s decision to focus its competition analysis on the nationwide broadband market, rather than on special access circuits in specific local markets. Citing past decisions upholding the FCC’s <i>residential</i> broadband orders, however, the court emphasized that the FCC enjoyed discretion regarding how to structure its economic analysis, and was free to look at the broadband market generally. Moreover, the court noted that even a focus on special access services would not necessitate the result the appellants sought, because the FCC decisions at issue kept in place basic Title II provisions that subjected the offerings at issue to significant pricing and common-carrier mandates.- The court next found that the FCC was justified in removing the offerings at issue from the scope of dominant-carrier regulations, because it had found that such regulation “may create market inefficiencies, inhibit carriers from responding quickly to rivals’ new offerings, and impose other unnecessary costs.” The court also emphasized that ILECs’ TDM-based high-speed offerings would remain subject to dominant-carrier requirements, and cited evidence that new entrants could compete successfully in the retail markets using
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<p>Intercarrier Compensation (WC Docket No. 04-36)</p>	<p>March 10, 2004</p> <p><i>Ex Parte</i> Filed: August 6, 2008</p> <p><i>Ex Parte</i> Filed: September 4, 2008</p> <p>Comments Filed:</p>	<p>TIA Ex Parte</p> <p>Verizon Ex Parte</p> <p>TIA/VON Comments</p>	<p>seeking comment on IP-enabled services available, how to distinguish among those services, and whether any regulatory treatment would be appropriate for any class of service.</p> <ul style="list-style-type: none"> - In an <i>Ex Parte</i> filed on August 6, 2008, TIA, along with other undersigned parties, urge the Commission to reaffirm that all IP-based voice services, if regulated at all, are subject to exclusive federal jurisdiction. The commission should also establish uniform compensation rules applicable to all traffic exchanged with or on the public switched telephone network. - The Commission should require all carriers to make a reasonably prompt transition to unified termination rates, and this transition should allow for appropriate alternative recovery mechanisms if needed. - To foster the continued development and deployment of new and innovative IP services, the Commission must ensure regulatory stability for IP service providers, applications developers, and equipment manufacturers. - In order to provide the IP industry with regulatory clarity, the Commission should reaffirm that all IP-based voice services that touch the PSTN are subject to the Commission's exclusive jurisdiction, and the Commission should reform the existing intercarrier compensation regime and establish uniform compensation rules applicable to all traffic exchanged with or on the public switched network. - In an <i>Ex Parte</i> filed on September 4, 2008, Verizon, along with other undersigned parties, urge Commission action to clarify the regulatory landscape and accommodate progress and innovation in IP-based technologies and services. This <i>Ex Parte</i> also reaffirmed the views expressed in the August 6, 2008 letter above.
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			has resulted in a competitive market essential to broadband deployment.
Broadband, Rural Broadband Strategy (GN Docket No. 09-29)	Public Notice: Released March 10, 2009. TIA Comments Submitted: March 25, 2009 Report Released: May 27, 2009.	<u>Public Notice</u> <u>TIA Comments</u> <u>Report</u>	<ul style="list-style-type: none"> – The Public Notice seeks comment on the 2008 Farm Bill's directive that the FCC Chairman develop a rural broadband strategy in consultation with USDA. – This is separate from the national broadband plan proceeding teed up by the stimulus legislation. The PN does, however, acknowledge that the Commission expects the rural broadband strategy developed in this docket to inform its effort to develop a comprehensive national broadband plan pursuant to the ARRA. – TIA's comments note that a rural broadband strategy requires a thorough and comprehensive approach. The FCC is urged to work with NTIA to develop a broadband mapping tool to identify underserved and unserved areas. The FCC should also utilize existing federal programs focused on rural areas. – Chairman Copps recommends improving inter-agency coordination by utilizing existing programs, and enhancing communication between Tribal, state and community agencies. Policies that support further broadband deployment, such as universal service and network openness should also be at the forefront.
Broadband, UPDATED , National Broadband Plan (GN Docket No. 09-51)	Notice of Inquiry Adopted and Released: April 8, 2009. TIA Comments Submitted: June 5, 2009	<u>Notice of Inquiry</u> <u>TIA Comments</u>	<ul style="list-style-type: none"> – The Notice of Inquiry (NOI) seeks comment on the development of a national broadband strategy. The Commission must submit a report to Congress by February 17, 2010. – Comments are due June 8 and replies due July 7, 2009. – TIA's comments provide six key principles that should govern the plan. These principles include: enhance efforts to stimulate investment and innovation in next-generation broadband; pursue forward-looking spectrum management and the allocation of additional spectrum; strive to provide



	<p>Order Adopted: June 25, 2009 Released: June 25, 2009</p> <p>TIA Reply Comments Submitted: July 21, 2009</p>	<p><u>Order</u></p> <p><u>Reply Comments</u></p>	<p>communications to all Americans, including low-income Americans and those in rural areas, and persons with disabilities; support open and fair market access for U.S. companies by promoting full, fair and open trade and competition in international markets; foster investment by increasing federal funding, and employing tax credits, expensing provisions, and similar tools; and promote the development of a broadband interoperable public safety network capable of protecting all communities in the event of further domestic disasters.</p> <ul style="list-style-type: none"> – Reply Comment deadline extended to July 21, 2009. – TIA’s reply comments reiterate the six policies points made in the original filing, but provide a more detailed Roadmap by suggesting specific dockets, proceedings, timelines, and benchmarks. These are clearly laid out in a table form in Appendix A of the comments.
<p>CALEA</p>			
<p>CALEA, Broadband Access and Services</p> <p>(ET Docket No. 04-295, RM-10865)</p>	<p>TIA Comments Submitted: January 19, 2006</p> <p>Order Adopted: May 3, 2006 Released: May 12, 2006</p>	<p><u>TIA COMMENTS</u></p> <p><u>FCC 2ND R&O, MO&O</u></p>	<ul style="list-style-type: none"> – TIA argues that the first R&O lacks specificity. – As a result of having to meet difficult CALEA standards the FCC should refrain from implementing the 18 month compliance deadline until after the scope of extending CALEA to VoIP and broadband services is better defined. – The FCC concludes that “Safe Harbor” standards are met if the carrier, manufacturer or support service provider is in compliance with publicly available industry technical standards.



			<ul style="list-style-type: none"> - VoIP and facility providers must supply caller id information so long as it is “reasonably achievable” (i.e. not a burden or requiring a significant system overhaul). - TTPs remain available, but are still held to the same standards as all under CALEA. - Under §107I petitions for extension of relief does not apply to equipment, facilities or services deployed on or after October 25, 1998 only prior. - Under §109(b)(1) in extraordinary cases by telecommunications carriers facing particularly high CALEA related costs can recover costs if compliance is not reasonably achievable (significant difficulty or expense-must meet high burden under 11 criteria) and the facilities, equipment or services were deployed post January 1, 1995 or; If the facilities, equipment or services was deployed on or before January 1, 1995. - Responsible for the cost of development unless meet the criteria for relief outlined under §109(b). (not an exemption) - FCC declines to set forth standards regarding new technologies under CALEA as it is against the public interest and innovation. - Broad enforcement ability against carriers and non carriers under §229 of Communications Act of 1934: <ul style="list-style-type: none"> o Enforcement of CALEA also applies to manufacturers.
CALEA, DoJ Petition for CDMA Capabilities (RM-11376)	Petition Filed: June 21, 2007	<u>DoJ PETITION</u>	<ul style="list-style-type: none"> - The U.S. Dept. of Justice submitted a Petition for Rulemaking to the FCC contending that four additional intercept capabilities be included in the CALEA standard for CDMA2000 packet data wireless services. - These capabilities are: (1) Packet activity reporting; (2) More granular mobile handset information at the beginning and end of communication; (3) Service quality; and (4) Timing information (time stamping).



	<p>TIA Comments Submitted: July 20, 2007</p> <p>TIA Ex Parte Submitted: Dec 7, 2007</p>	<p><u>TIA COMMENTS</u></p> <p><u>TIA EX PARTE</u></p>	<ul style="list-style-type: none"> - TIA argues that the additional capabilities requested by law enforcement have already been rejected as beyond the “plain language” of the statute. - Port numbers are typically not call-identifying information (CII); rather, this information is “content.” - The FCC must take into account the lack of cost recovery for these additional capabilities. - The FCC should not impede technological innovation by imposing any specific technology or onerous requirements.
Disability Access			
<p>Disability Access, Hearing Aid Compatibility</p> <p>(WT Docket No. 01-309, WT Docket No. 07-250)</p>	<p>Order Adopted: April 6, 2007 Released: April 11, 2007</p> <p>TIA Comments Submitted: December 21, 2007</p>	<p><u>FCC MO&O</u></p> <p><u>TIA COMMENTS</u></p>	<ul style="list-style-type: none"> - The FCC’s first MO&O addresses waivers filed by nineteen non-nationwide carriers filed waivers seeking extensions to comply with the 09/16/05 HAC deadline, established in the 2003 HAC order, arguing that hearing aid-compatible handsets were not yet available as of the deadline. - Waivers were granted and denied in part and full <i>nunc pro tunc</i>. - FCC tentatively concludes that it should adopt a number of rule changes proposed by the Joint Consensus Plan (JCP). The proposals change the percentage of HAC phones that wireless providers and manufacturers must offer from 50% to 33%. - Stays enforcement of 50% requirement from Feb. 18, 2008 to April 18, 2008. - Seeks comment on how HAC rules will affect new technologies and services. - TIA filed in support of adopting the JCP without imposing additional requirements on emerging technologies. - The FCC adopted an Order implementing the JCP’s new



	<p>R&O Adopted: November 5, 2007 Released: November 7, 2007</p> <p>2nd R&O Adopted: February 26, 2008</p> <p>Order on Reconsideration Adopted: April 17, 2008</p> <p>Request for Comments: June 12, 2008</p> <p>TIA Comments Submitted: August 28, 2008</p>	<p><u>FCC R&O, NPRM</u></p> <p><u>FCC 2ND R&O</u></p> <p><u>FCC ORDER ON RECONSIDERATION & ERRATUM</u></p> <p><u>REQUEST FOR COMMENTS (FED- REG)</u></p> <p><u>TIA COMMENTS</u></p>	<p>percentage requirements; requiring CMRS phones to be HAC in any spectrum band for which there is an established technical standard; and did not apply HAC requirements to Wi-Fi devices.</p> <ul style="list-style-type: none"> - Requires manufacturers to provide contact information to the FCC for Part 68 questions and complaints. - On its own motion, the FCC extended the stay of enforcement of the 50% requirement until 30 days after publication of the 1st R&O in the Fed-Reg - Requires the Wireless Telecommunications Bureau and the Office of Engineering and Technology to use a notice-and-comment rulemaking to approve new versions of ANSI C63.19. - On June 12 the FCC published a notice in the Federal Register seeking additional comments on open issues in this docket. - The FCC seeks comments on how HAC rules should apply to multi-mode and multi-band devices and the application of its <i>de minimis</i> exception to the HAC rules. - Comments are due August 28, 2008. - On August 28, 2008, TIA submitted comments in support of the Commission's decision to adopt the proposal in the Joint Consensus Plan to retain the existing <i>de minimus</i> exception and codify that the exception applies on a per air interface basis. - The <i>de minimus</i> exception is important for all manufacturers, regardless of size because it enables manufacturers to
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	<p>Notice Released: February 17, 2009</p> <p>COAT Notice of Ex Parte Filed: March 2, 2009.</p>	<p>Notice</p> <p>COAT Ex Parte</p>	<p>expeditiously bring innovative products to market and determine whether consumer demand warrants a more expansive deployment of the new technology, and also enables manufacturers to phase out products used with older, less efficient technologies.</p> <ul style="list-style-type: none">- The Commission should continue to foster innovation through retaining the existing <i>de minimus</i> rule because the exception is critical to industry’s ability to promote innovation of new technologies; the <i>de minimus</i> rule is not an absolute barrier to products covered by the rule eventually becoming hearing aid compatible.- Notice regarding Section 20.19, Hearing Aid-Compatible Mobile Handsets Annual Reporting.- The FCC seeks OMB approval for “All Electronic” Form 655. The FCC wants to mandate the electronic format for the next July 15, 2009 filing deadline applicable to manufacturers.- On March 2, 2009 COAT filed an ex parte letter, which is basically a “wish list” for FCC and Disability Rights Office action under the new administration, which includes, among several other things:<ul style="list-style-type: none">- Elevating CGB’s Disabilities Rights Office (DRO) to a formal “Office” level akin to OET.- Ensuring DRO “works with other Bureaus and Offices to conduct audits and reviews in order to ensure that there is full compliance with and enforcement of the FCC’s existing regulations for disability access.”- Addressing a number of pending closed captioning issues.- For hearing aid compatibility, “work with the Wireless Bureau to oversee any additional changes in the hearing
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			aid compatibility (HAC) regulations and assist that bureau in resolving any issues that might arise pertaining to HAC compliance.”
Disability Access, VoIP (WC Docket No.04-36)	R&O Released: June 15, 2007	FCC R&O FCC NPRM	– The June 15, 2007 R&O extends the disability access requirements that currently apply to telecommunications service providers and equipment manufacturers under section 255 & 251(a)(2) to VoIP providers and VoIP equipment manufacturers.
Disability Access, National Institute of Disability and Rehabilitation Research (NIDRR)	Published in the Federal Register: Feb. 15, 2006 TIA Comments Submitted: April 15, 2008 Published in Federal Register on January 15, 2009.	TIA COMMENTS NIDRR Notice of Proposed Long-Range Plan for Fiscal Years 2010-2014 NIDRR Notice of Final Long-Range Plan for Fiscal Years 2005-2009	<ul style="list-style-type: none"> – TIA advocates that NIDRR should incorporate industry input into its plan. – Industry input is particularly crucial at the R&D phase so that manufacturers can focus product development in areas lacking accessibility. – TIA’s expertise in product and standards development would be extremely beneficial to NIDRR’s goals. – NIDRR seeks comment on its update of its Long-Range Plan for its new Plan, which will cover fiscal years 2010-2014. – The Long-Range plan addresses how NIDRR will disseminate and promote knowledge that will improve ability of individuals with disabilities to participate in the community. – The plan focuses on how technology can be used to create accessibility through Research & Development (R&D), Capacity Building, and Knowledge Translation. – The plan recognizes that there are limited economic incentives for manufacturers and universal design could be used to curb this. – NIDRR seeks comment on its Long-Range plan for fiscal



	Public Notice Released: June 10, 2009	<u>Public Notice</u>	<ul style="list-style-type: none"> – The FCC received approval from the Office of Management and Budget (OMB) to mandate electronic filing of Form 655. Reports are due July 15, 2009.
FCC Procedure			
FCC Procedure, Forbearance Petitions (WC Docket No. 07-267)	R&O Adopted: June 26, 2009 Released: June 29, 2009	<u>FCC R & O</u>	<ul style="list-style-type: none"> – The Commission released an order setting forth detailed procedural requirements governing forbearance petitions. First, all petitions must now be complete at time of filing. Specifically, the Order requires future petitions “to state explicitly the scope of the relief requested; to address each prong of the statute as it applies to the rules or provisions from which the petitioner seeks relief; to identify any other proceedings pending before the Commission where the petitioner speaks to the relevant issues (or declare not to have spoken to the issue, if that is the case); and to comply with simple format requirements intended to facilitate our and the public’s review of the petition.” – Next, the petitioner bears both the burden of production and the burden of persuasion, and every forbearance petition must be sent via e-mail to forbearance@fcc.gov. All parts of the petition must be submitted in searchable format. – Also, once the rules adopted in the Order take effect, the Commission will post on its web site a non-binding timeline for the disposition of forbearance requests. The Commission expressly precludes petitioners from withdrawing or significantly narrowing a forbearance petition more than 10 business days after reply comments are due without Commission authorization. – The new rules will take effect 30 days after Federal Register publication, with the exception of those aspects involving recordkeeping and reporting, which will be effective upon OMB approval.



Net Neutrality			
<p>Net Neutrality, FCC Policy Statement</p> <p>(CC Docket No. 02-33, CC Docket No. 01-337, etc.)</p>	<p>PS Adopted: August 5, 2005 Released: September 23, 2005</p>	<p><u>FCC POLICY STATEMENT</u></p>	<ul style="list-style-type: none"> - FCC Broadband Policy Consumer Principles: <ul style="list-style-type: none"> o Access the lawful Internet content of their choice. o Run applications and use services of their choice, subject to the needs of law enforcement. o Connect their choice of legal devices that do not harm the network. o Competition among network providers, application and service providers, and content providers. - Footnote stating the principles are “subject to reasonable network management”
<p>Net Neutrality, Broadband Industry Practices NOI</p> <p>(WC Docket No. 07-52)</p>	<p>NOI Adopted: March 22, 2007 NOI Released: April 16, 2007</p> <p>TIA Comments Submitted: June 13, 2007</p>	<p><u>FCC NOI</u></p> <p><u>TIA COMMENTS</u></p>	<ul style="list-style-type: none"> - Seeks comment on: (1) how broadband providers manage internet traffic, (2) whether providers charge different prices for different speeds or capability of service, (3) whether the Policy Statement should be amended to include a “nondiscrimination requirement;” and whether the FCC has legal authority to enforce its Policy Statement. - Seeks comment on whether to distinguish between content providers that charge for access to content and those who don’t. - Seeks comment on consumers are affected by broadband market industry practices. - TIA argues issues surrounding broadband industry practices, including connectivity, convergence, quality of service, prioritization of date, network neutrality, competition, innovation, security, and consumer protection should be handled by regulators in the least invasive manner as possible and only when there is clearly a demonstrated need. - TIA provides the technical explanation and basis for different



			treatment of packets; a justification for competitive pricing; and why the Policy Statement should not be modified to include a nondiscrimination provision.
Net Neutrality, Vuze and Free Press Petitions (WC Docket No. 07-52)	<p>Petition Filed: Nov 14, 2007</p> <p>TIA Comments Submitted: February 13, 2008</p> <p>TIA Reply Comments Submitted: February 28, 2008</p> <p>Order Adopted: August 1, 2008 Order Released: August 20, 2008</p>	<p><u>VUZE, FP PETITIONS</u></p> <p><u>TIA COMMENTS</u></p> <p><u>TIA REPLY COMMENTS</u></p> <p><u>TIA EX PARTE</u></p> <p><u>FCC Order</u></p>	<ul style="list-style-type: none"> - FCC granted two Petitions for Rulemaking on the subject of network neutrality - Vuze petitions seeks comment on what constitutes “reasonable network management” practices by broadband network operators. - Free Press petition seeks comment whether the practice of degrading peer-to-peer traffic violates the FCC’s Internet Policy Statement. - In its comments and reply comments, TIA supports the FCC’s Internet Policy Statement, which recognizes the importance of reasonable network management. - TIA urges the Commission to address claims on a case-by-case basis, as detailed bright-line rules would distort market incentives and undermine the user experience. - TIA advocates that consumers must receive meaningful disclosure of material terms of service. - In its <i>ex parte</i> meetings and letter, TIA emphasized that the FCC should examine network management complaints on a case-by-case basis, the initial burden should be on the party filing the complaint, and network management is necessary to insure a positive consumer experience. - At its Aug. 1, 2008 Open Meeting the FCC determined that Comcast’s throttling of peer-to-peer traffic on its network constituted unreasonable network management by a 3-2 vote.



	<p>WCB and OGC Letter to Comcast Sent: January 18, 2009.</p> <p>Comcast Response Letter to WCB and OGC Sent: January 30,</p>	<p><u>WCB and OGC Letter</u></p> <p><u>Comcast Response Letter</u></p>	<ul style="list-style-type: none"> - Within 30 days of the release of the <i>Order</i>, Comcast must: 1. Provide the FCC details of its discriminatory network management practices; 2. Describe how it intends to stop these practices by the end of 2008; and 3. Disclose to its customers and the FCC the network practices that will replace current practices. - The August 20, 2008 <i>Order</i> finds that Comcast violated the “national Internet policy” from §230(b) of the Act. - In addition to §230(b) the <i>Order</i> cites six other statutory provisions used to establish FCC jurisdiction. The FCC will continue to adjudicate network management issues on a case-by-case basis. - The <i>Order</i> does not impose fines or other retrospective penalties on Comcast, but it does establish automatic temporary injunctive relief if Comcast does not file the required report on the transition to its new network management plan by the end of the year. In this event, the Commission will open a formal hearing to impose a permanent cease and desist order. - The Wireline Competition Bureau and Office of General Counsel sent a letter asking Comcast to provide justification as to why its Voice over IP (VoIP) service is not subject to its new policy involving de-prioritization of traffic but third-party VoIP services that run over Comcast’s network are subject to this policy. The letters asks for a response by January 30th. - Comcast’s response letter explains that its VoIP service is separate from its High Speed Internet (I) service, which is the service implicated by the FCC’s Order. It says third party
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	<p>R&O Adopted: November 20, 2007</p> <p>Order Adopted: March 12, 2008</p> <p>Notice Released: September 22, 2008</p>	<p><u>FCC R&O</u></p> <p><u>FCC ORDER</u></p> <p><u>NOTICE</u></p>	<ul style="list-style-type: none"> – The FCC requires wireless carriers to meet the Enhanced 911 (E911), Phase II location accuracy requirements at the Public Safety Answering Point (PSAP) service-area level. – Establishes a series of interim requirements to ensure progress toward carrier compliance with the location accuracy requirements at the PSAP level, in which wireless carriers must account for only those PSAPs in their service areas that are capable of receiving E911, Phase II location data. – The compliance date for the above Phase II requirements was stayed from September 11, 2008 to March 11, 2009. – As a U.S. Circuit Court vacated the FCC’s E911 accuracy rules, on September 22, 2008, the FCC released a notice inviting comment on proposed new wireless E911 rules. The FCC seeks comment on proposed new E911 rules embodied in recently-filed ex partes by NENA, APCO, Verizon Wireless, Spring Nextel, and AT&T. Comments are due October 6, 2008 by 12 p.m.; and Reply Comments are due October 14, 2008 by 12 p.m.
<p>Public Safety, 700 MHz Band</p> <p>(PS Docket No. 06-229, CC Docket No. 94-102, etc.)</p>	<p>TIA Comments Submitted: February 26, 2007</p> <p>R&O Adopted: July 31, 2007 Released: August 10, 2007</p>	<p><u>TIA COMMENTS</u></p> <p><u>FCC 2ND R&O</u></p>	<ul style="list-style-type: none"> – TIA urges the FCC to refrain from permitting secondary broadband use in the narrowband as proposed in the NPRM to minimize interference. – TIA suggests that the FCC reconfigure the band plan to create a contiguous narrowband block for more efficient spectrum use. – The FCC’s Order eliminated two guard bands, creating another 2 MHz of spectrum, and relocated the A Block Guard Band.



	<p>Letter Filed: June 17, 2008</p>	<p>TIA LETTER</p>	<ul style="list-style-type: none"> on the 921/1881 and 922/1882 channels. – Re-designate the 681/1641 and 682/1642 channels for use as “Nationwide Interoperability Travel Channels” – Designate twenty-four of the 700 MHz narrowband reserve channels as Interoperability Channels for use in deployable infrastructure. – Permit analog operations at power levels of 20 watts ERP on channels 1-8/961-968. and 9-12/969-972 for on-scene incident response purposes using mobiles and portables only. – TIA filed a letter supporting the FCC’s intent to reacution the D Block. – Particularly, TIA noted the enablement of new interoperable public safety networks featuring broadband technologies and Land Mobile Radio Systems (LMRS) as a major benefit of the DTV Transition.
<p>Public Safety, Commercial Mobile Alert System (PS Docket No. 07-287)</p>	<p>NPRM Adopted: December 15, 2007</p> <p>TIA Comments</p>	<p>FCC NPRM</p> <p>TIA COMMENTS</p>	<ul style="list-style-type: none"> – Initiates a rulemaking to establish a Commercial Mobile Alert System (CMAS) – Under CMAS, Commercial Mobile Service providers may elect to transmit emergency alerts to the public. – THE CMSAAC recommends that: (1) commercial mobile alerts should be geographically targeted to the county level; (2) commercial mobile alerts should be delivered utilizing point-to-multipoint technology; (3) the FCC should not require legacy and non-initialized handsets to be CMAS-capable; (4) CMAS providers and manufacturers should be entitled to recoup related costs; (5) CMAS testing should not involve subscribers; and (6) CMAS messages should initially be limited to English. – In its comments, TIA supports the FCC adoption of the above



	<p>Submitted: February 4, 2008</p> <p>R&O Adopted: April 9, 2008</p> <p>TIA Comments Filed: June 19, 2008</p> <p>2nd Report & Order and FNPRM Adopted: July 8, 2008 Released: July 8, 2008</p>	<p><u>FCC 1ST R&O</u></p> <p><u>TIA COMMENTS</u></p> <p><u>FCC 2nd REPORT & ORDER AND FNPRM</u></p>	<p>CMSAAC recommendations without change.</p> <ul style="list-style-type: none"> - The FCC's Order targets alerts at the county-level. - Forbears from mandating delivery via point-to-point technology and allows delivery using point-to-multipoint. - CMS providers will be allowed flexibility in designing user interface. - The FCC found that whether providers can recoup CMAS-related development costs is outside the agency's jurisdiction. - Specifying testing parameters is premature. - TIA submitted a comment urging the FCC to prohibit CMAS testing involving the delivery of test messages to cell phone users which TIA believe would unnecessarily strain cellular networks and alarm cell phone users. - - On July 8, the FCC adopted Commercial Mobile Alert System rules in compliance with section 602I and (f) of the WARN Act. - The FNPRM requires NCE and public broadcast television stations to install equipment and technologies that will provide these licensees/permittees with the ability to enable the distribution of geo-targeted CMAS alerts to participating CMS providers. - The FCC seeks comment on whether it should adopt rules that require NCE and public broadcast television station licensees and permittees to test the equipment that they are required to install pursuant to the rules adopted in the Second Report and Order.
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	3 rd Report & Order Adopted: August 7, 2008 Released: August 7, 2008	<u>FCC 3rd Report & Order</u>	<ul style="list-style-type: none"> – On August 7, 2008, the FCC adopted Commercial Mobile Alert System rules in compliance with section 602(b) of the WARN Act. – The Order requires the Commission to adopt notification requirements for CMS providers that elect not to participate, or to participate only in part, with respect to new and existing subscribers; adopt procedures by which CMS providers may elect to transmit emergency alerts and to withdraw such elections; adopt a rule governing the provision of alert opt-out capabilities for subscribers; allow participating CMS providers to recover costs associated with the development and maintenance of equipment supporting the transmission of emergency alerts; and adopt a compliance timeline under which participating CMS providers must begin CMAS deployment.
Public Safety, 911 call-forwarding, non- initialized phones (PS Docket No. 08-51)	NOI Released: April 11, 2008	<u>FCC NOI</u>	<ul style="list-style-type: none"> – FCC released NOI seeking comment, analysis, and information on three specific areas: (1) the nature and extent of fraudulent 911 calls made from NSI devices; (2) concerns and suggestions concerning the blocking NSI phones used to make fraudulent 911 calls; and (3) other possible solutions to the problem of fraudulent 911 calls from NSI handsets.
Public Safety, Net 911 Improvement Act (WC Docket No. 08-171)	NPRM Released: August 25, 2008 Implemented: October 1, 2008	<u>FCC NPRM</u>	<ul style="list-style-type: none"> – The August 25, 2008 NPRM makes inquiries into: <ul style="list-style-type: none"> – The capabilities for which the NET 911 Act affords IP-enabled voice service providers a right of access; – How the FCC can ensure that IP-enabled voice service providers can exercise these rights; – How to ensure that such capabilities are made available on the same rates, terms, and conditions that are provided to commercial mobile service providers; – How the regulations to be adopted under the NET 911 Act are impacted by requirements specific to IP-enable voice



	FCC Order Released: October 21, 2008	FCC Order	<p>service providers.</p> <ul style="list-style-type: none"> - The FCC seeks comment on the specific duties imposed by the legislation and the elements of the regulations the FCC is required to adopt including: capabilities; ownership, control, availability, and right of access; rates, terms, and conditions; technical, network security, or information privacy requirements that are specific to IP-Enabled voice services; and other considerations. The first round of comments were due September 9, 2008 and replies were due September 17, 2008. - The October 21 Order adopts rules that give interconnected VoIP providers rights of access to any and all capabilities necessary to provide 911 and E911 service from entities that own or control those capabilities and takes steps to ensure that the nation's E911 network remains secure as an expanded number of entities are granted rights to access this system.
Spectrum			
Spectrum DTV, Order and NPRM (MB Docket No. 07-91)	NPRM Adopted: April 25, 2007 Released: May 18, 2007	FCC NPRM	<ul style="list-style-type: none"> - Proposes deadlines and procedures to ensure broadcasters complete construction of their post-transition, digital facilities by the statutory deadline. - Restricts the grant of future extensions of time to construct digital facilities. - Requires stations to file a form with the FCC detailing the status of the station's digital transition, the additional steps the station must take before the deadline, and a plan for how the station intends to meet the deadline. - Establishes 2/17/07 as the construction deadline. - TIA met with staff from Commissioners McDowell's and Copps' staff to discuss TIA's interest in assisting the FCC in ensuring a smooth DTV transition and urging the FCC to continue to enhance communication efforts to underserved areas.



<p>Spectrum DTV, Analog Nightlight Program R&O (MB Docket No. 08-255)</p>	<p>R&O Adopted: January 15, 2009. Released: January 15, 2009</p>	<p><u>Report and Order</u></p>	<ul style="list-style-type: none"> – Encourages and permits continued analog TV service for 30 days after the February 17, 2009 DTV transition date to provide public safety information and DTV transition information for any viewers who do not have the necessary equipment to receive digital broadcasts by the transition deadline.
<p>Spectrum DTV, Procedures for Termination of Analog TV (FCC No. 09-6)</p>	<p>Public Notice Released: February 5, 2009</p>	<p><u>Public Notice</u></p>	<ul style="list-style-type: none"> – Announces procedures for the termination of analog television on or after February 17, 2009. This includes the FCC’s partial waiver of its notification requirements by making termination notifications due by February 9, 2009. – After February 17, 2009, stations that wish to terminate analog service before 11:59:59 pm on June 12, 2009 – the new DTV transition deadline date that will be established by the DTV Delay Act – must comply with the requirements previously mandated in the Third DTV Periodic Report and Order.
<p>Spectrum DTV, Implementing the DTV Delay Act (MB Docket 09-17)</p>	<p>R&O Adopted: February 20, 2009. Released: February 20, 2009.</p>	<p><u>R&O and NPRM</u></p>	<ul style="list-style-type: none"> – The Second R&O and NPRM addresses time-sensitive issues related to the DTV transition delay. These include extending consumer education requirements, the early analog termination procedures, 700 MHz band license periods and construction requirements, the 100-day countdown responsibilities, and the analog nightlight program.
<p>Spectrum, 700 MHz Auction (PS Docket No. 06-229, WT Docket No. 96-86) (AU Docket No. 07-157)</p>	<p>Order Adopted: April 25, 2007 Released: April 27, 2007 TIA Comments Submitted: February 26, 2007</p>	<p><u>FCC ORDER, NPRM</u> <u>TIA COMMENTS</u></p>	<ul style="list-style-type: none"> – The FCC tentatively decided upon the adoption of none of the proposals restructuring Upper 700 MHz plan, and concluded that current wideband should be revised allowing only broadband applications consistent with a nationwide interoperability standard, combining narrowband spectrum at the upper portion and broadband at the lower. – TIA urges the FCC to: 1) avoid secondary broadband use of the narrowband spectrum to prevent harmful interference to public safety communications; 2) reconfigure the band plan to create contiguous narrowband block; 3) and make more



	<p>2nd R&O Released: September 12, 2007</p>	<p><u>FCC 2ND R&O</u></p>	<p>efficient use of the spectrum overall, regardless licensing and governance structure.</p> <ul style="list-style-type: none">- The FCC's 2nd R&O concludes upon the following:- Commercial Band Plan: Modifies the commercial 700 MHz band plan by increasing the amount of spectrum to be auctioned from 60 MHz to 62 and varying the size of service area licenses to be auctioned.- Guard Band Spectrum Band Plan: Modifies the Upper 700 MHz Guard Band spectrum by reallocating the A Block Guard Band, consolidating and allocating existing A Block Guard band licenses into a new A Block Guard Band, requiring the return to the FCC of all B Lock Guard Band licenses, and shifting the public safety broadband allocation downward by 1MHz and placing it adjacent to Upper 700 MHz D Block.- Prohibits the C Block licensee from (1) disabling features or functionalities in handsets, or (2) blocking, degrading, or interfering with ability of end-users to download applications- Performance Requirements for Commercial Service Providers: Replaces the current "substantial service" requirements with interim and end-of-term benchmarks.- Public Safety Spectrum, Public/Private Partnership: Modifies the Public Safety spectrum band plan and adopts the proposal to license the 700 MHz Public Safety Broadband spectrum as a single nationwide geographic license comprising a total of 10 MHz (5 MHz paired blocks), and imposes a public private partnership for the use of said block.
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	<p>Order Released: March 20, 2008</p> <p>TIA Letter Filed: June 17, 2008</p> <p>FNPRM Released: September 25, 2008.</p>	<p><u>FCC ORDER</u></p> <p><u>TIA LETTER</u></p> <p><u>FNPRM</u></p>	<ul style="list-style-type: none">- 700 MHz Auction Update: The bidding for the 700 MHz Auction ended on March 18, 2008. With the exception of the - D Block, each spectrum block met its reserved price. The sum of all provisionally winning bids in the auction is \$19,592,420,000, but does not include the D Block since it did not meet the reserve price. - The FCC <i>Order</i> de-links the D Block but does not immediately re-auction, to provide time to consider options with respect to the spectrum. - TIA filed a letter urging expedition of the auction and embracing both Land Mobile Radio Systems and Broadband in an interoperable public safety network. - On September 25, 2008, the FCC released an FNPRM proposing a public-private public safety partnership operating in 10 MHz of the D Block. The proposal includes less stringent build-out requirements and more specific details of the responsibilities of the licensee and its public safety counterparts. - The Notice revises the auction plan, proposing to use a competitive bidding process to determine whether, based on greatest population coverage and highest bid(s), the D Block spectrum would be licensed to a single licensee on a nationwide basis or to regional licensees on the basis of 58 public safety regions.
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	Opinion Decided: March 10, 2009.	<u>D.C. Circuit Court of Appeals Opinion</u>	<ul style="list-style-type: none"> – The D.C. Circuit Court of Appeals dismissed M2Z’s appeal of the FCC’s August 2007 dismissal of its license application for the 2155-2175 MHz spectrum and later the company’s forbearance petition filed on Sept. 1, 2006. – Chief Judge David Bryan Sentelle stated that, “[d]espite the ingenious arguments of petitioner, we affirm the order of the FCC in all respects, dismissing M2Z’s application without prejudice and denying its expansive petition for forbearance.”
Spectrum, Commercial Terrestrial Wireless Spectrum Below 2.3 GHz	FCC PN Released: October 10, 2008 Published: October 23, 2008 TIA Comments submitted: December 1, 2008	<u>FCC PN</u> <u>Federal Registrar</u> <u>TIA Comments</u>	<ul style="list-style-type: none"> – The Wireless Bureau seeks comment on the Rural Telecommunications Group (RTG) Petition for rulemaking to impose a 110 MHz spectrum aggregation limit on all commercial terrestrial wireless spectrum below 2.3 GHz. – Comments are due December 2, 2008, with Replies due December 22. – TIA submitted comments opposing the resurrection of a spectrum cap. TIA asked the FCC to dismiss RTG’s Petition for rulemaking.
Spectrum, Rural Cellular Association Petition	FCC PN Released: October 10, 2008 Published: October 23, 2008 Order Adopted and Released: November 26, TIA Comments submitted:	<u>FCC PN</u> <u>Order</u> <u>TIA Comments</u>	<ul style="list-style-type: none"> – The Wireless Bureau seeks comment on the RCA petition for rulemaking requesting that the FCC examine the effects of exclusivity arrangements between commercial wireless carriers and handset manufacturers, and, as necessary, adopt rules that prohibit such arrangements when contrary to the public interest. – FCC released an Order extending the comment deadline extended to February 2, 2009 and the reply comment deadline February 20, 2009. – TIA submitted comments requesting that the Commission first address this issue through a Notice of Inquiry (NOI) and only



	February 2, 2009		<p>initiate a rulemaking procedure after all parties have had the opportunity to comment on the record.</p> <ul style="list-style-type: none"> – The filing also asked the FCC to carefully consider the effects of regulating private contracts in the wireless services industry and highlighted the numerous on-going government initiatives which are spurring the deployment of rural broadband.
Spectrum Starkey Petition (RM-11523)	Public Notice, Released: March 26, 2009.	Public Notice	<ul style="list-style-type: none"> – The FCC released a Public Notice seeking comment on a petition for rulemaking and petition for waiver from Starkey Laboratories. – Initial comments are due May 5, 2009 and reply comments are due May 20, 2009.
Spectrum Spectrum for Medical Devices (ET Docket 06-135)	R&O, Released: March 20, 2009.	FCC R&O	<ul style="list-style-type: none"> – The FCC released a Report & Order (R&O) approving new rules to provide additional spectrum for wireless medical devices such as implantable cardiac pacemakers and defibrillators that can be adjusted wirelessly.
Spectrum 4.9 GHz (WP Docket 07-100)	R&O and FNPRM Released: April 9, 2009.	FCC R&O and FNPRM	<ul style="list-style-type: none"> – The FCC released a Report & Order (R&O) and Further Notice of Proposed Rulemaking (FNPRM) addressing the 4.9 GHz band rules for public safety. – The FCC granted primary status to: 1) 4.9 GHz stand-alone, permanent fixed links that are used to deliver broadband service; and 2) permanent fixed links that connect 4.9 GHz base and mobile stations used to deliver broadband service and/or connect other public safety networks using spectrum designated for broadband use. – The Commission also revised output power measurement procedures for 4.9 GHz band devices to be the same as those required for devices using digital modulation techniques regulated by Part 15 of the FCC’s rules.
Universal Service			
Universal Service, Contribution Methodology	R&O Adopted: June 21, 2006 Released:	FCC R&O	<ul style="list-style-type: none"> – The FCC R&O adopts interim revisions for assessing contributions to federal USF. – Raises the existing wireless “safe harbor” percentage used to



(WC Docket No. 06-122, CC Docket No. 96-45, etc.)	June 27, 2006		<p>estimate interstate revenue from 28.5 percent to 37.1 percent.</p> <ul style="list-style-type: none"> – Expands the base of USF contribution by extending universal service contribution obligations to providers of interconnected voice over Internet Protocol (VoIP). – Establishes a 64.9 percent safe harbor percentage of interstate revenue of total VoIP service revenue.
<p>Universal Service, Joint Board Recommendation</p> <p>(WC Docket No. 05-337, CC Docket No. 96-45)</p>	<p>Recommend. Adopted: April 26, 2007 Released: May 1, 2007</p> <p>Order Adopted: April 29, 2008 Released: May 1, 2008</p>	<p><u>JOINT BOARD RECOMMEND.</u></p> <p><u>FCC ORDER</u></p> <p><u>TIA Ex Parte</u></p>	<ul style="list-style-type: none"> – The Joint board recommends that the FCC impose an interim, emergency cap on the amount of high-cost support that competitive eligible carriers may receive for each state based on the average level of support distributed in that state. – Recommends comprehensive high-cost distribution reform, including the elimination of the Identical Line Support rule. – FCC released an order imposing an interim cap on Competitive Local Exchange Carriers. – Total annual competitive ETC support for each state will be capped at the level ETCs were eligible to receive during March 2008 on an annualized basis. – TIA filed an <i>Ex Parte</i> letter urging the FCC to accept the Joint Board’s recommendations to transition the High Cost Fund to include support for broadband.
<p>Universal Service, Identical Support Rule, NPRM</p> <p>(WC Docket No. 05-337, CC Docket No. 96-45)</p>	<p>NPRM Adopted: January 9, 2008 Released: January 29, 2008</p>	<p><u>FCC NPRM</u></p>	<ul style="list-style-type: none"> – Seeks comments on the FCC rules governing the amount of high-cost universal support provided to Competitive Eligible Telecommunications Carriers (CETC’s). – Tentatively concludes that it will eliminate the “identical support”–which provides CETC’s with the same per-line support that ILEC’s receive.
<p>Universal Service, Reverse Auctions, NPRM</p> <p>(WC Docket No. 05-337, CC</p>	<p>NPRM Adopted: January 9, 2008 Released: January 29, 2008</p>	<p><u>FCC NPRM</u></p>	<ul style="list-style-type: none"> – Seeks comment on the merits of using reverse auctions to determine the amount of high-cost universal service support provided to ETC’s serving rural, insular, and high-cost areas. – Tentatively concludes the reverse auctions offer several



Docket No. 96-45)			potential advantages over current distribution mechanisms.
<p>Universal Service, Broadband Fund, Comprehensive NPRM</p> <p>(WC Docket No. 05-337, CC Docket No. 96-45)</p>	<p>NPRM Adopted: January 9, 2008 Released: January 29, 2008</p> <p>TIA Submitted Comments: April 17, 2008</p> <p>FCC Order on Remand and Report and Order and Notice of Further Proposed Rulemaking Released: November 5, 2008</p>	<p>FCC NPRM</p> <p>TIA COMMENTS</p> <p>FCC Order</p>	<ul style="list-style-type: none"> - Seeks comment on recommendations (submitted to the FCC in May and Nov. 2007) of the Federal-State Joint Board on Universal Service regarding comprehensive reform of high-cost universal service report. - Proposes reforming the high-cost fund to include three separate support funds: (1) Broadband Fund; (2) Mobility Fund; and (3) Providers of Last Resort (POLR). - TIA comments support the creation of a Broadband Fund that is technology- and competitively-neutral. - If this is not immediately possible, broadband funding should increase over time as narrowband is phased out. - Broadband funding should support new buildout and operations in unserved and underserved areas. - Issued on Nov. 5 requiring the FCC to address the 2002 remand of the <i>ISP Remand Order</i> and the Universal Joint Service Board’s most recent Recommended Decision on high-cost universal service reform - The NPRM seeks comment on two comprehensive universal service and intercarrier compensation reform proposals and one comprehensive universal service reform proposal. - These comments should address two questions laid out in ¶ 31: First, whether the “additional cost” standard set forth in the Act’s reciprocal compensation pricing provision be (i) the existing TELRIC standard or (ii) the incremental cost standard described in Appendix A of the Order; and second whether the “reciprocal compensation” termination rates should be uniform on a state-wide level or company specific. - Comments are due November 26 and Replies are due December 3, 2008.



	<p>TIA Comments Submitted: November, 26, 2008.</p> <p>TIA Letter Submitted: November 26, 2008.</p>	<p>TIA JOINT COMMENTS</p> <p>TIA Letter</p>	<ul style="list-style-type: none"> - TIA submitted a joint comment with the VON Coalition, CCIA, ITI, NetCoalition, and TechNet urging the FCC to adopt reforms that encourage innovative communications services and applications, and to continue to foster more rapid deployment of broadband networks to unleash the benefits of evolving technologies. - TIA sent a letter re-emphasizing its support for the creation of a Broadband Fund.
<p>Universal Service, USF Non-Rural Carriers, NOI (WC Docket 05-337, CC Docket 96-45)</p>	<p>NOI Adopted: April 7, 2009 Released: April 8, 2009</p>	<p>FCC NOI</p>	<ul style="list-style-type: none"> - The FCC released a Notice of Inquiry (NOI) seeking comment on USF support to high-cost non-rural carriers. - The NOI asks for comment on proposals submitted by Qwest, CostQwest, Embarq, and Vermont and Maine. - The NOI also asks for definitions of “reasonably comparable” and “sufficient” under § 254. - Comments are due May 8 and replies due June 8, 2009.
Video Competition			
<p>Video Competition, Video Franchise, Section 621 (MB Docket No. 05-311)</p>	<p>NPRM Adopted: November 3, 2005 Released: November 18, 2005</p> <p>TIA Comments Submitted: February 13, 2006</p>	<p>FCC NPRM</p> <p>TIA COMMENTS</p>	<ul style="list-style-type: none"> - <i>Seeking Comment:</i> How LFAs (local franchising authorities) can be prevented from unreasonably refusing to award competitive franchises and how such a standard can be enforced? - <i>Seeking Comment:</i> Whether the current franchising process unreasonably impedes the achievement of enhanced cable competition and accelerated broadband deployment? - <i>Seeking Comment:</i> Whether there are barriers to entry that LFAs have unreasonably imposed and what are competitor’s current abilities to obtain franchises? - TIA argues that delay and unreasonable demands by LFAs undermines Congress’s goal of promoting broadband deployment and video competition. - State or federal legislation would help alleviate this barrier to entry.



	<p>TIA Ex Parte Submitted: January, February, March 2006</p> <p>R&O Adopted: December 20, 2006 Released: March 5, 2007</p> <p>2nd R&O Adopted: October 31, 2007 Released: November 6, 2007</p>	<p><u>TIA EX PARTE</u></p> <p><u>FCC R&O</u></p> <p><u>FCC 2ND R&O</u></p>	<ul style="list-style-type: none"> - The FCC must act to minimize the adverse effects of the existing local franchise process via its adjudicative authority to adopt rules interpreting language and advancing Congress's core goals of promoting broadband deployment and video competition. - Commission should state that any LFA that unduly delays action on a competitive franchise application or demands additional concessions has unreasonably refused to grant a competitive franchise. TX model of state franchising. - TIA reinforced the importance of regulatory certainty in order to stimulate investment. - A streamlined process for the local franchising process will provide certainty and simultaneously help to remove barriers for competitive video service providers. - The FCC adopted rules which prohibit LFA's from unreasonably refusing to award competitive franchises for the provision of cable services. - Establishes a 90 day time period by which LFA's may review a request by new entrants with existing rights of way to offer broadband and a 180 day time period for new entrants without existing rights of way. - Sets a 5% cap on franchise fees. - Places limits on build-out requirements. - Prohibits imposing PEG or I-NET requirements that are greater than those imposed on the incumbent - Prohibits taxing any non-cable related revenue - Seeks comment on how these rules should apply to existing franchisees and how local consumer protection and customer services standards apply to new entrants. - 2nd Order applies prohibition of unreasonable refusal to award competitive franchises by LFA's to incumbent providers.
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Video Competition, 30% Cap on Cable Penetration (MM Docket No. 92-264)	R&O Adopted: December 18, 2007 Released: February 11, 2008	FCC 4TH R&O	<ul style="list-style-type: none"> – Prohibits cable operators from owning or having an attributable interest in cable systems serving more than 30% of MVPD subscribers nationwide. – Seeks comment on whether to retain certain exemptions and an appropriate channel occupancy limit.
Technical Advisory Council			
Reestablishing TAC	Notice Published in Federal Register on March 26, 2009.	Notice	<ul style="list-style-type: none"> – The FCC announced its Technical Advisory Council is being reestablished. The purpose of TAC will be to provide technical advice and make recommendations on the issues and questions presented to it by the FCC. – TAC nominations are due by May 8, 2009
Health IT			
Health IT, RUS DLT Grant Program	Notice Published in Federal Register on December 24, 2008.	Notice	<ul style="list-style-type: none"> – The application window for the Rural Utilities Service (RUS) Distance Learning and Telemedicine (DLT) grant program expires March 24, 2009. – The Notice also provides information on the application procedure and eligibility for the grant program.
Health IT, Rural Healthcare Pilot Program (WC Docket 02-60)	TIA letter filed on January 27, 2009. News Release, April 16, 2009	TIA Letter News Release	<ul style="list-style-type: none"> – The letter supports the Rural Healthcare Pilot Program (RHCPP) and requests additional funding and permanent extension of the program – The FCC approved \$46 million in universal service money for the development of six broadband telehealth networks under the agency’s Rural Health Care Pilot Program. – Five of these networks will connect hundreds of hospitals in Iowa, Minnesota, Montana, Nebraska, Wisconsin, Wyoming, North Dakota, South Dakota, and South Carolina. The other network approved for funding is in Alaska.
Health IT, HHS Guidance on Privacy Technologies	Guidance and Request for Information	HHS Guidance and Request for Information	<ul style="list-style-type: none"> – The U.S. Department of Health and Human Services (HHS) issued guidance specifying the technologies and methodologies that render protected health information



	Released: April 17, 2009 Published in Federal Register: April 27, 2009		<p>unusable, unreadable, or indecipherable to unauthorized individuals, as required by the Health Information Technology for Economic and Clinical Health (HITECH) Act passed as part of the ARRA.</p> <ul style="list-style-type: none"> – The guidance related to two forthcoming breach notification regulations. One will be issued by HHS for covered entities under the Health Insurance Portability and Accountability Act of 1996 (HIPAA). The other will be issued by the Federal Trade Commission for vendors or personal health records and other non-HIPAA covered entities. – HHS also released a Request for Information (RFI) soliciting public comment on the breach notification provisions of the HITECH Act to inform future rulemaking and updates to the guidance. Comments are due May 21, 2009.
Health IT, ONC Health IT Policy and Standards Committees' Guidance on Privacy Technologies	Proposed Meaningful Use Definition	<p><i>Letter to ONC filed June 11, 2009.</i></p> <p><i>Letter to Judith Faulkner filed June 11, 2009.</i></p> <p><i>Letter to ONC filed June 26, 2009.</i></p>	<ul style="list-style-type: none"> – TIA submitted a letter to ONC Coordinator David Blumenthal listing TIA's policy priorities for the ONC's standards and policy initiatives. – TIA submitted a letter to Policy Committee Vendor Representative Judith Faulkner listing TIA's policy priorities for the ONC's standards and policy initiatives. – TIA submitted a letter to ONC Coordinator David Blumenthal detailing need for expedited and enhanced transmission-based objectives in the ONC's proposed "meaningful use" definition.
ARRA – Stimulus			
Stimulus, UPDATED , NTIA Notice for Feedback	NTIA Notice for Feedback published on March 12, 2009.	<u>Notice for Feedback</u>	<ul style="list-style-type: none"> – The Federal Register publication states that comments on the NTIA/RUS Notice for Feedback are due April 13, 2009. – These comments relate to implementation of the American Recovery and Reinvestment Act (ARRA) broadband



<p>Docket No. 090309298-9299-01</p>	<p>TIA Comments Filed on April 10, 2009.</p> <p>TIA Letter filed on April 14, 2009.</p> <p>TIA Letter filed on June 12, 2009.</p> <p>TIA Letter filed on June 12, 2009.</p> <p>TIA Letter filed July 27, 2009</p>	<p><u>TIA Comments</u></p> <p><u>TIA Letter</u></p> <p><u>TIA letter to RUS</u></p> <p><u>TIA Letter to Department of Commerce</u></p> <p><i>TIA Letter to Department of Agriculture</i></p>	<p>programs including the establishment of the Broadband Technology Opportunities Program (BTOP).</p> <ul style="list-style-type: none"> - TIA submitted comments with its key policy points outlined for NTIA. - TIA submitted a letter to NTIA requesting the attribution of pre-existing infrastructure investments necessary to BTOP projects as in-kind contributions to the BTOP 20% non-federal match requirement. - TIA submitted a letter requesting that the U.S. Department of Agriculture’s Rural Utilities Service, as it establishes a timeline for administering the Rural Development Broadband Program pursuant to the American Recovery and Reinvestment Act of 2009, expedite the broadband grant and loan award process and provide the first round of such awards well prior to the end of the first quarter of Fiscal Year 2010 (FY 2010). - TIA submitted a letter requesting that the National Telecommunications and Information Administration, as it establishes a timeline for administering the Broadband Telecommunications Opportunity Program (BTOP), expedite BTOP grant awards and attribute pre-existing infrastructure investments necessary to BTOP projects as in-kind contributions to the BTOP 20 percent non-federal match requirement. - TIA sent a letter to Agriculture Secretary Vilsack urging that the RUS revise provisions in the NOFA for the BIP relating to “non-remote” areas to ensure that all truly
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			rural areas, notwithstanding their proximity to a city or other urbanized area, can equally benefit from BIP grant funding and gain access to broadband service and technologies..
Stimulus, TIA Ex Parte Meetings with FCC	TIA Ex Parte Notices Submitted: March 16, 2009	<u>TIA EX PARTE</u> <u>TIA EX PARTE</u> <u>TIA EX PARTE</u>	<ul style="list-style-type: none"> – TIA submitted three <i>ex parte</i> notices to the FCC regarding meetings with Chairman Copps, Commissioner Adelstein, and Commissioner McDowell’s office. – In the <i>ex parte</i> meetings, TIA members noted the FCC’s broadband policy statement is working in relation to the implementation of American Recovery and Reinvestment Act (ARRA); discussed options for the national broadband strategy; supported the Commission’s tiered analysis of broadband speeds; and advocated for a permanent extension of the Rural Healthcare Pilot Program (RHCPP).
Stimulus, FCC Public Notice on ARRA Definitions	FCC Public Notice, Released: March 24, 2009. TIA Comments Submitted: April 13, 2009.	<u>Public Notice</u> <u>TIA Comments</u>	<ul style="list-style-type: none"> – The Commission released a Public Notice asking for comments on the FCC’s consultative role in defining certain terms under the ARRA. – TIA submitted comments in response to the Public Notice regarding the Commission’s consultative role in the broadband provisions of ARRA. – TIA urges NTIA and the FCC to develop flexible and expansive definitions of “unserved” and “underserved” areas. – TIA also recommends that NTIA and RUS use the most recent definition of broadband set by the FCC at 768 Kbps. – Finally, TIA explains that the Commission’s Internet Policy Statement is working and there is no need for additional non-discrimination or network interconnection obligations beyond this statement.
Stimulus,	User Guide and	<u>User Guide and</u>	<ul style="list-style-type: none"> – Some preliminary requirements have been released for



Registration for ARRA Broadband Grants	Registration Checklist	<u>Registration Checklist</u>	potential applicants for ARRA grants. <ul style="list-style-type: none">- Potential applicants for BTOP and RUS grants are required to register at www.grants.gov and may do so at this time. It is unclear whether applicants for RUS loans will have to register.- If an ARRA applicant is already registered as a result of prior grant requests under other programs, it does not need to re-register.
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