

Principles and Policies for an Open Broadband Future

Access to broadband Internet services is no longer a luxury – it is vital to full participation in American society and the economy. Not only can these services make it easier and cheaper to communicate both next door and around the world, they can bring high quality health care to the underserved, provide an education to those with time and distance limitations, and create new job opportunities.

If the U.S. adopts the right policy framework, emphasizing competition and smart regulation, the growth of broadband networks will strengthen our democracy and every individual's economic empowerment. That framework should embody the following principles and policies to ensure that these networks are widely deployed, open, and affordable and accessible to all Americans:

- **Open Competition Among Broadband Providers.** Every American should be able to choose among multiple, competing broadband networks, services, applications and content providers. To facilitate competition, the U.S. should reinstate line sharing and access to broadband telephone company facilities and grant access to cable facilities that provide broadband Internet service. The Federal government should lift barriers to deployment of broadband networks by municipalities.
- **Open to All Attached Equipment.** Consumers must have the right to attach to broadband networks any equipment that does not harm the operation of the network. The Federal Communication Commission's landmark 1968 *Carterfone* decision requiring AT&T to permit the use of any non-harmful device on its network resulted in great innovation, including eventually the creation of the PC modem, which facilitated the creation of the Internet. The FCC should extend the *Carterfone* principle to wireless and broadband networks by granting the February 2007 Petition for Declaratory Ruling filed by Skype.
- **Open Network for All Applications and Content.** Consumers and applications providers must have the opportunity to use wireline and wireless networks without restriction or degradation in quality, except when authorized by a court for law enforcement purposes or where necessary to protect against technical interference and guarantee signal quality. Any necessary "network management" by service providers should not discriminate between any content, service or application based on its source, ownership or destination. Consumers should have a right to access information and ideas from a diversity of sources, and have the right to disseminate their own ideas to the public in any manner they desire. Finally, interconnectivity among broadband networks is essential. The FCC should therefore 1) enact rules embodying its four broadband Internet principles as well as a fifth non-discrimination principle banning discrimination by network operators against Web service providers; 2) grant the December 2007 Public Knowledge, *et al.* petition seeking to have text messaging services declared Title II common carrier services; and 3) require interconnection between broadband providers.
- **Open Spectrum for Commercial and Non-Commercial Uses.** To the maximum extent possible, spectrum should be allocated to allow greater sharing by private commercial and non-commercial uses. Unlicensed services should have the benefit of a presumption that they will be authorized in any spectrum band as long as they do not cause interference with existing licensees. The U.S. should identify unutilized and underutilized spectrum and make it available for licensed and unlicensed uses.
- **Open to All Users at Affordable Prices.** All Americans, regardless of income, race, geographic location or disability, should have access to affordable broadband connectivity by the end of 2012. The U.S. should spur greater deployment of new broadband services to underserved areas through, among other things, targeted low interest loan programs, tax credits and technology grants. It should either redirect part of the \$7 billion Universal Service Fund for broadband deployment or create a new, time limited fund for broadband. Finally, the FCC should grant a pending petition to expand Lifeline and Link-Up programs to include access to broadband.