

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matters of	)	
	)	
A National Broadband Plan for our Future	)	GN Docket No. 09-51
	)	
International Comparison and Consumer Survey Requirements in the Broadband Data Improvement Act	)	GN Docket No. 09-47
	)	
Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, and Possible Steps to Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996, as Amended By the Broadband Data Improvement Act	)	GN Docket No. 09-137
	)	

**REPLY COMMENTS OF THE VOICE ON THE NET COALITION -  
NBP PUBLIC NOTICE #1**

The Voice on the Net Coalition (VON Coalition)<sup>1</sup> hereby submits these reply comments in response to the Commission’s request for comments on how the national broadband plan should interpret the term “broadband” as used in the American Recovery and Reinvestment Act of 2009, recognizing that such interpretation may be useful in other contexts.<sup>2</sup> The VON Coalition believes the definition of broadband should support existing and emerging Internet protocol (IP) applications over the Internet. The exponential growth of VoIP and other IP applications including video conferencing,

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<sup>1</sup> The VON Coalition works to advance regulatory policies that enable Americans to take advantage of the promise and potential of VoIP. VON Coalition members are developing and delivering voice innovations over the Internet. VON Coalition members include AT&T, Cisco, Covad, Google, iBasis, Intel, Microsoft, New Global Telecom, PointOne, Skype, T-Mobile and Yahoo.

<sup>2</sup> See Public Notice, DA 09-1842, GN Dockets 09-47, 09-51, 09-137 (August 20, 2009). Initial comments in this proceeding were filed August 31, 2009.

distance learning, video chats or interactive gaming suggests that IP applications are driving broadband adoption, and becoming more essential to residential, commercial and public safety users.

In response to the three specific topics the Commission asks to be addressed, VON provides the following:

**1. Form, Characteristics and Performance Indicators.**

The definition of advanced telecommunications capability in Section 706(c)(1) of the Communications Act provides the framework for a definition of broadband. At a minimum the definition or definitions adopted herein should include capabilities defined by high-level categories, e.g. to enable users to send and receive high-quality voice, data, graphics and video using any technology. The Commission should avoid definitions that target more specific categories or applications within each of these high-level categories. Although consumers may seek to access similar applications over both wireline and wireless networks, any definition(s) will need to reflect the differences between fixed wireline and mobile/wireless networks (e.g., wireless networks are spectrally constrained and must comply with FCC band plans and interference rules). However, as noted in the Comments of OPASTCO,<sup>3</sup> new broadband applications are requiring faster upload and download speeds, so the definition(s) adopted herein should be flexible to accommodate changes in both technology and user requirements. Thus, any broadband definition adopted must evolve with time as many of the emerging applications will serve multiple, simultaneous users, and will require far more capacity than email or web browsing. As part of this process, the FCC should maintain focus on the underlying performance

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<sup>3</sup> Comments of OPASTCO, GN Docket Nos. 09-47, et. al., filed August 31, 2009 at pp. 6-7.

characteristics of the technology and not on any formulaic naming conventions as being important differentiators.

## **2. Thresholds**

While the VON Coalition is not advocating any specific minimum thresholds at this time, any minimum threshold established must recognize that IP applications are drivers of broadband adoption in the United States. Residential, consumer and business customers are increasingly switching to IP applications to meet basic communications needs, lower costs and take advantage of new features and functionalities. Thus, the minimum thresholds adopted, if any, should support high-quality voice services as well as those applications that enable a user to have sufficient connectivity to accommodate generally available applications in the market at any given point in time. As noted above, in determining any minimum thresholds, the Commission should take into account basic differences in technology (e.g., between wireline and wireless) and adopt a threshold that is technologically feasible.

## **3. Updates**

Between its ongoing requirement under Section 706 to determine whether broadband is being deployed to all Americans in a reasonable and timely fashion, and the data collection from the semi-annual Form 477 filings, the FCC is well equipped to monitor the market for broadband and update its definition as necessary. Moreover, once completed, the Commission's national broadband plan, state mapping initiatives and the 2010 census will provide more vital information for the continuing development of its broadband goals, as well as a better understanding of the broadband market. At this time, no other proceedings for updates are likely needed.

