

Patton Boggs TechComm Industry Update - Week of September 25, 2009  
September 25, 2009

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## List of Broadband Stimulus Applications Available; When Will Step Two/Phase Two Begin?

The [National Telecommunications and Information Administration \(NTIA\)](#) and [Rural Utilities Service \(RUS\)](#) posted an application database to the [broadbandusa.gov Web site](#). Searchable by organization, keyword, project type, program type and state, the database also provides a complete list of the nearly 2,200 applications filed with NTIA and RUS. The posted information includes the applicant name, applicant contact information, the state(s) in which the project is proposed, project title, project type, amount of funds requested, status of the application and a brief project description. If authorized by the applicant, the agencies also posted applicants' executive summaries of their projects.

We are still waiting for Step Two/Phase Two of the application process for round one broadband stimulus applications. The NoFA indicates that Step Two/Phase Two would be announced on or around September 14, but no announcement has been made. While we are waiting, there are several things an applicant can do now to advance its application and prepare for the "due diligence" phase. Diligence information will be due from applicants who advance to Step Two/Phase Two within 30 days of the announcement. Applicants should be gathering federal, state and local support for their projects and asking their representatives for letters of support. Applicants should also begin working on the environmental questionnaire, gathering evidence for any outstanding obligations, preparing a detailed construction schedule and preparing a detailed description of your working capital. Please contact us if you have questions about the due diligence phase or need assistance compiling materials.

## FCC Seeks Comment on Spectrum Availability for Broadband Service

In its continuing effort to develop a National Broadband Plan, the [Federal Communications Commission \(FCC\)](#) is seeking comment on the sufficiency of current spectrum allocations in spectrum bands, including the prime spectrum bands below 3.7 GHz. Comments filed earlier this year in response to the National Broadband NOI suggested that the FCC needs to address whether the United States has sufficient spectrum available to meet demands for wireless broadband in the near future. Accordingly, the FCC seeks comment on the fundamental question of whether current spectrum allocations, including but not limited to the prime bands below 3.7 GHz, are adequate to support near- and longer-term demands of wireless broadband. Comments are due **October 23, 2009**. Reply comments are due **November 13, 2009**. Below are the five general questions on which the FCC seeks comment.

- What is the ability of current spectrum allocations to support next-generation build-outs and the anticipated surge in demand and throughput requirements?
- What spectrum bands are best positioned to support mobile wireless broadband?
- What spectrum bands are best positioned to support fixed wireless broadband?
- What are the key issues in moving spectrum allocations toward their highest and best use in the public interest?
- What is the ability of current spectrum allocations to support both the fixed and mobile wireless backhaul market?

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This information is not intended to constitute, and is not a substitute for, legal or other advice. You should consult appropriate counsel or other advisers, taking into account your relevant circumstances and issues. While not intended, this update may in part be construed as an advertisement under developing laws and rules.

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## FCC Chair Plans Network Neutrality Proceeding Based on Six 'Open Internet' Principles

In a speech at the [Brookings Institute](#), [Chairman Julius Genachowski](#) outlined six Internet principles to ensure the openness of the Internet. The first four principles are part of the FCC's 2005 policy statement. The fifth and sixth principles are new, reflecting "the evolution of the Internet" and are "essential to ensuring its continued openness," according to Chairman Genachowski.

The six principles, together, would require the following: (1) consumers are entitled to access the lawful Internet content of their choice; (2) consumers are entitled to run applications and services of their choice, subject to the needs of law enforcement; (3) consumers are entitled to connect to their choice of legal devices that do not harm the network; (4) consumers are entitled to competition among network providers, applications and service providers, and content providers; (5) broadband providers are prohibited from discriminating against particular Internet content or applications; and (6) broadband providers must be transparent about their network management practices.

With other commissioners' support, Chairman Genachowski will issue a notice of proposed rulemaking (NPRM) seeking comment on the principles at the FCC's October open meeting. The NPRM will ask how to determine whether network management practices are reasonable and what information broadband providers should disclose about their network management practices, and in what form. The NPRM also will seek comment on how Internet openness principles should apply to mobile broadband.

## Congress Holds Hearing On the National Broadband Plan; Congressman Dingell Seeks Clarity on Pending WCS-SDARS Rulemaking

The [House Communications, Technology and Internet Subcommittee](#) recently held a hearing to discuss the FCC's National Broadband Plan. All five members of the FCC testified and agreed that the National Broadband Plan is a priority. Subcommittee Chairman [Rick Boucher \(D-VA\)](#) told Chairman Genachowski he is aware of the priority assigned to the National Broadband Plan: "[T]he blueprint is urgently needed to promote universal broadband access, achieve data rates substantially higher than the average speeds available today and promote greater demand for broadband among those who have access but have not subscribed to it." Chairman Boucher mentioned the need for a nationwide, fully-interoperable communications network for first responders, and he said the subcommittee has scheduled a hearing on this issue. He also said the subcommittee is having bipartisan discussions about an appropriate statutory reform of the Universal Service Fund.

During the hearing, [Rep. John Dingell \(D-MI\)](#), pressed members of the FCC for adoption of final technical rules governing WCS and SDARS spectrum, which will free 30 MHz of spectrum at 2.3 GHz for nationwide wireless broadband: "I would enjoy a candid discussion with our witnesses about the rule pending before the Commission addressing interference between Wireless Communications Services (WCS) and Satellite Digital Audio Radio Services (SDARS)," Dingell said at the opening of a September 17 House Energy and Commerce Telecommunications Subcommittee hearing on FCC oversight. [Commissioner Mignon Clyburn](#) and [Rep. Henry Waxman \(D-CA\)](#), Chairman of the full Commerce Committee, emphasized broadband's significance to energy and health care.

Chairman Genachowski came under fire from House Republicans for the recent hiring of [Mark Lloyd](#), an agency official promoting media diversity. During the hearing, [Rep. Greg Walden \(R-OR\)](#), a former radio broadcaster, expressed concern about a 2007 article in which Lloyd stated that "conservative talk radio dominates the airwaves of our country – to the detriment of informed public discourse and the First Amendment." Lloyd also attracted criticism for stating that the defunct Fairness Doctrine, which required broadcasters to air opposing views, was never formally repealed. Chairman Genachowski affirmed that the FCC would not reinstate the Fairness Doctrine "through the front door or the back door" and would never censor based on political views, *Congress Daily* reported.

## FCC Seeks Comment on Ways to Promote Energy Efficiency and Independence

The Recovery Act directs the FCC to create a National Broadband Plan, and in its development of that plan, includes "a plan for the use of broadband infrastructure and services in advancing . . . energy independence and efficiency." In response to the FCC's National Broadband NOI, several parties identified "promising" ways to use broadband to

promote energy efficiency, reduce greenhouse gas emissions and encourage energy independence. The FCC now seeks “tailored comment” on how broadband infrastructure and services can assist implementation of Smart Grid technology. Comments regarding Smart Grid technologies are due **October 2, 2009**. Specifically, the FCC seeks comment on:

- the types of communications networks and technologies that are suitable for various Smart Grid applications;
- the specific network requirements for each application in the grid (e.g., latency, bandwidth, reliability, coverage, others) and how they differ by application;
- which communications technologies and networks are best suited for Smart Grid applications;
- whether there are current, adequate commercial communications networks for deploying Smart Grid applications;
- the reliability of commercial wireless networks for carrying Smart Grid data, both in last-mile and backhaul applications, and whether they are suitable for critical electricity equipment control communications;
- the percentage of electric substations, other key control infrastructure and potential Smart Grid communications nodes that have no access to suitable communications networks and what constitutes suitable communications networks for different types of control infrastructure;
- whether the availability of a suitable broadband network (wireless, wireline or other) impacts the cost of deploying Smart Grid applications in a particular geographical area;
- whether licensed spectrum or unlicensed spectrum is used for Smart Grid applications (utility-owned, leased or vendor-operated) and whether interference problems exist;
- whether there are current spectrum bands currently used by power utilities that meet the needs of Smart Grid communications;
- whether additional spectrum is required for Smart Grid applications and if so, why current wireless solutions are inadequate;
- the expected throughput required by different communications nodes of the Smart Grid, today and in the future, and whether commercial mobile networks and/or private utility-owned networks on existing spectrum will be able to support such throughputs;
- the maximum latency limits for communications to and from different nodes of the Smart Grid for different applications, whether commercial mobile networks will be able to support such requirements and how private utility networks could address the same challenge differently;
- the major security challenges, and the pros and cons of private utility networks versus alternative solutions provided by commercial network providers;
- whether there are benefits or technical requirements to coordinate potential allocation of spectrum to the Smart Grid communications with other countries;
- whether there any specific requirements associated with Smart Grid communications that require or prevent any specific band, duplexing scheme (FDD or TDD), channel width or any other requirements or constraints;
- how spectrum allocated for Smart Grid applications would impact current, announced and planned Smart Grid deployments;
- what percentage of customers that have Smart Meters have access to real-time consumption and pricing data; and
- what types of devices will utilities, technology providers and consumers use to connect appliances, thermostats and energy displays to each other, to the electric meter and to the Internet.

### **House Lawmakers Seek Changes in Broadband Stimulus Programs**

Members of a House telecommunications subcommittee told federal regulators last week that improvements must be made to the \$7.2 billion broadband stimulus programs before the Commerce and Agriculture Departments open the next application window for grants and loans. House Energy and Commerce Telecommunications and the Internet Subcommittee Chairman Rick Boucher (D-VA) told Agriculture and Commerce Department officials during a September 10 hearing that he is particularly concerned that nearly all rural portions of the East Coast are ineligible for 100 percent grant funding because locations within 50 miles of cities with populations of 20,000 or more do not meet the definition of “rural” and “remote.” Boucher said, “I would urge that in round two the definition of ‘remote’ be changed to qualify more truly isolated communities.” Jonathan Adelstein, administrator of USDA’s Rural Utilities Service, and Larry Strickling, head of Commerce’s National Telecommunications and Information Administration,

assured Boucher that his concerns regarding the definition of “remote,” along with the definitions of “rural,” “unserved” and “underserved” would be revisited before the next application window opens.

### **FCC Clarifies Grandfathered Lease Terms for the 2.5 GHz Band and Seeks Comment on a Revised Substantial Service Deadline**

The FCC granted, in part, two petitions for reconsideration of a March 2008 order related to the Educational Broadband Service and the Broadband Radio Service, both residing in the 2.5 GHz Band. First, the FCC adopted a compromise proposal between the National EBS Association and the Wireless Communications Association International, Inc., regarding the maximum permissible lease term for grandfathered leases. Under the FCC’s new rules, every grandfathered lease entered into before January 10, 2005 is limited to a 15-year term commencing from execution date except under certain circumstances. If you have an older lease, and need clarity on the term of the lease under the new policy, please contact us. Second, the FCC will now allow BRS licensees migrating from the 2.1 GHz band to the 2.5 GHz band to simultaneously operate in both bands until all of their customers have migrated to the 2.5 GHz band. The FCC is also seeking comment on whether to change the “substantial service” deadline for newly-auctioned BRS licenses from May 1, 2011 to four years from the date of initial license grant. Comment dates have not yet been established. The BRS Auction is set to commence on October 27, 2009.

### **Senate Expected to Unveil New Cybercrime Bill**

[Senate Homeland Security and Governmental Affairs Committee Chairman Joseph Lieberman \(D-CT\)](#) and [Ranking Member Susan Collins \(R-ME\)](#) recently stated that a September 14 hearing intended to examine cybercrime that is directed at small- to medium-sized companies precedes legislation that they plan to introduce. The bill would focus on preventing high-tech attacks on the private sector. “The Internet now is a global asset - a new strategic high ground - that simply must be secured just as any military commander would seize and control the high ground of a battle field,” Lieberman said. “But unlike a battlefield, securing cyberspace is much more complicated to do since the Internet is an open, public entity. Security cannot be achieved by the government alone.”

### **House Panel Poised to Take Up Renewal of Satellite Bill**

The [House Judiciary Committee](#) plans to propose legislation to renew and revise provisions of the Satellite Home Viewer Act that expire on December 31, according to a *Congress Daily* report. The Judiciary and Energy and Commerce Committees share jurisdiction of the statute that allows satellite systems retransmit local and distant television signals. [House Judiciary Chairman John Conyers \(D-MI\)](#) and [Ranking Member Lamar Smith \(R-TX\)](#) initially said they wanted their panel to pass a bill by the August recess, and Conyers’ office circulated a discussion draft in July. A key provision of the early draft would phase out a compulsory copyright license for broadcasters who show they control the rights to their programming, and it would let them negotiate privately with satellite providers DirecTV and Dish Network. The draft tries to solve a “short market” problem faced by satellite services that want to offer local stations in adjacent markets to viewers who lack a variety of broadcast networks. Another section of the draft would let Dish Network offer distant network channels that originate from a market outside the community in which a subscriber lives once the firm delivers local signals in all 210 markets. Dish Network, which provides service in 180 markets, was barred by a court in 2006 from offering distant signals, but it has a deal with a third party to make them available. DirecTV offers local coverage in 150 markets. House Energy and Commerce Communications Subcommittee Chairman Rick Boucher (D-VA), whose panel approved a reauthorization bill in June, has pushed for an industry solution to ensuring that satellite TV provides local service to all 210 markets. More than 20 markets lack local-to-local coverage.

### **Welcome to the New FCC**

With the full five-member Commission staff in place, FCC Chairman Genachowski and the other commissioners have been appointing bureau chiefs, office chiefs and announcing their staff. Below is a summary of the FCC under the new administration.

Chairman Genachowski has appointed the following staff members:

- Edward P. Lazarus - *Chief of Staff*
- Colin Crowell - *Senior Counselor*. Mr. Crowell serves as strategic advisor on a broad range of matters, and also has particular responsibility for the communications, legislative, intergovernmental affairs and public liaison functions of the agency.
- Bruce Liang Gottlieb - *Chief Counsel and Senior Legal Advisor*. Mr. Gottlieb manages the Commission's overall agenda and has responsibility for policy coordination with the bureaus. In addition, he has particular responsibility for wireless, engineering and technology and public safety issues.
- Priya Aiyar - *Legal Advisor* for wireline competition and international issues
- Sherrese Smith - *Legal Advisor* for media, consumer and enforcement Issues
- Carlos Kirjner, *Senior Advisor* to the chairman on broadband
- Mary Beth Richards - *Special Counsel* for FCC reform. Ms. Richards heads a comprehensive program to provide openness and transparency at the agency.

Commission Copps, whose second term expires on June 30, 2010, has appointed the following staff members:

- Rick C. Chessen - *Senior Legal Advisor/Media Advisor*
- Jennifer Schneider - *Broadband, Wireline and Universal Service Legal Advisor*

Robert McDowell, whose second term expires on July 1, 2014, has appointed the following staff members:

- Angela E. Giancarlo - *Chief of Staff and Senior Legal Advisor*, wireless and international
- Nicholas G. Alexander - *Legal Advisor*, wireline
- Rosemary C. Harold - *Legal Advisor*, media
- Brigid N. Calamis - *Deputy Chief of Staff*

Mignon Clyburn, serving her first term as a commissioner, appointed the following staff members:

- Renée Roland Crittendon – *Chief of Staff and Senior Legal Advisor*, spectrum, international and public safety
- Rick Kaplan – *Acting Legal Advisor*, media and chief of external affairs
- Carol Simpson – *Acting Legal Advisor*, wireline and broadband

Meredith Attwell Baker, also serving her first term as a commissioner, has appointed the following staff members:

- William D. Freedman - *Acting Senior Legal Advisor and Acting Legal Advisor* for media and enforcement issues
- Erin A. McGrath - *Acting Legal Advisor* for wireless, international and public safety issues
- Christi Shewman - *Acting Legal Advisor* for wireline, universal service and consumer issues

The following are other important leadership appointments in the Commission.

- Ruth Milkman is the *Bureau Chief* of the Wireless Telecommunications Bureau.
- Cathy Seidel is the *Consumer and Government Affairs Bureau Chief*.
- P. Michele Ellison was recently announced as the *Chief of the Enforcement Bureau*, starting on September 28, 2009.
- Roderick Porter is the *Acting Bureau Chief* of the International Bureau.
- Jim Ball is *Chief* of the Policy Division and Robert Nelson is *Chief* of the Satellite Division.
- Julius Knapp will continue as the *Chief* of the Office of Engineering and Technology.
- Sharon Gillett is the *Bureau Chief* of the Wireline Competition Bureau.
- William Lake is the *Chief* of the Media Bureau.
- James Arden Barnett is *Chief* of the Public Safety and Homeland Security Bureau.
- Austin Schlick is *General Counsel* for the FCC.
- Blair Levin is *Executive Director* of the Commission's Omnibus Broadband Initiative.

## Chairman Appoints New USAC Board Members

FCC Chairman Julius Genachowski appointed two new members to serve on the 19-member board of directors of the [Universal Service Administrative Company \(USAC\)](#) that oversees the administration of the [Universal Service Fund \(USF\)](#). The new members are:

- Scott K. Bergmann, *Assistant Vice President*, regulatory affairs, CTIA – The Wireless Association: ® representative for commercial mobile radio service providers
- Ellis Jacobs, *Senior Attorney*, Advocates for Basic Legal Equality, Inc.: representative for low-income consumers

The board of directors manages the business affairs of USAC and represents the various interest groups that are affected by USF: the telecommunications and information services industry, state telecommunications regulators, state consumer advocates, low-income consumers, the education and library community and the USAC CEO. Board members are nominated by their respective interest groups and approved by Chairman Genachowski. USAC's board members, excluding the CEO, are appointed for three-year terms. USAC's other board members are:

### Officers

- Brian Talbott, Association for Educational Service Agencies: *Chair*; audit, executive, schools and libraries committees
- D. Michael Anderson, Iowa Telecommunications Services, Inc.: *Vice Chair of External Affairs*; audit, executive and rural health care committees
- Wayne Jortner, Maine Public Service Office: *Treasurer*; executive, high-cost/low income, rural health care committees
- Peter Kragel, East Carolina University: *Secretary*; executive, rural health care committees
- Scott Barash, USAC, *Acting CEO*: executive, high-cost/low income, rural health care and schools and libraries committees

### Members

- Anne Boyle, Nebraska Public Service Commission: high-cost/low income and rural health care committees
- Anne Bryant, National School Boards Association: schools and libraries committee
- Anne Campbell, National City Public Library: audit, executive and schools and libraries committee
- Geoff Feiss, Montana Telecommunications Association: high-cost/low income and rural health care committees
- Joseph Gillian, Gillian Associates: high-cost/low income and rural health care committees
- Rex Knowles, XO Communications: audit, high-cost/low income committees
- Joel Lubin, AT&T: executive and high-cost/low income committees
- David McClure, U.S. Internet Industry Association: audit, executive, schools and libraries committees
- Carolyn Ridley, tw telecom inc.: schools and libraries committee
- Jay Sanders, The Global Telemedicine Group: executive and rural health care committees
- Lee Schroeder, Cablevision Systems Corp.: rural health care committee
- Phyllis Simon, Conway (AK) School District: schools and libraries committee

## Former Oregon Senator Heads Broadcasters Association

Former Sen. Gordon Smith (R-OR) is the new president of the [National Association of Broadcasters](#) and will take over amid a congressional battle that has pitted AM and FM radio against music industry interests that want federal lawmakers to force stations to pay performers and record labels whose songs they air. Smith will replace David Rehr, who resigned in May, leaving the group to lobby against the legislation without a permanent leader. Rehr refused to negotiate a performance fee. It is unclear whether Smith, who starts November 1, will adopt a similarly stance.

**Rural Health Care Pilot Program Update**

Two-thirds of the 68 participants who were approved to participate in the Rural Health Care Pilot Program have published requests for proposals (RFPs) on USAC’s Web site, seeking vendors and service providers to assist them in building broadband networks to support rural health care. Of the RFPs, the following four were recently posted and are listed below. Participants must wait at least 28 days before entering a contract date with a vendor. Please contact us for more information about these opportunities.

<b>Applicant</b>	<b>Location</b>	<b>Date Posted</b>	<b>Allowable Contract Date</b>
<a href="#">Bacon County Health Services, Inc</a>	Georgia	9/3/2009	10/1/2009
<a href="#">New England Telehealth Consortium</a>	Maine, New Hampshire, Vermont	9/24/2009	10/22/2009
<a href="#">Rural Nebraska Healthcare Network</a>	Nebraska	8/28/2009	9/25/2009
<a href="#">Illinois Rural HealthNet Consortium</a>	Illinois	8/14/2009	9/11/2009

**Senate, House Introduce Bills to Extend Public Safety Communications Grants**

[Sen. John \(Jay\) Rockefeller \(D-WV\)](#), chairman of the [Senate Commerce, Science and Transportation Committee](#) and [Ranking Member Senator Kay Bailey Hutchison \(R-TX\)](#), introduced legislation on September 23 that would extend the Public Safety Interoperable Communications (PSIC) grant program. The PSIC grant program provides funding for state projects that arm public safety personnel with interoperable communications equipment and the necessary training for system users. The extension would permit grantees of federal funding to deploy planned communications projects intended to improve the response of public safety personnel in times of emergency. Rep. Jane Harman (D-CA) introduced an identical measure in the House.

**Ericsson, Alcatel Lucent SA, and JP Morgan Seek to Buy Nortel’s Stake in LG-Nortel**

[Nortel Networks](#) received eight bids for its stake in LG-Nortel, a joint venture with South Korea’s LG Electronics Inc. According to press reports, bids from Ericsson, Alcatel Lucent SA and a private equity arm of JP Morgan rose to the top and are among the finalists. Nortel filed for bankruptcy in January 2009. Soon thereafter, Nortel decided it could generate more money for its creditors by selling itself off in pieces rather than restructuring into a viable business. Nortel is now looking for a buyer for its majority share in LG-Nortel. In July, Canadian and U.S. courts approved the company’s sale of its wireless assets to Sweden’s [Ericsson](#) for \$1.13 billion.

**Talking Head**

FCC Chairman Genachowski posted his first [video blog](#) in mid-September, stating that the “FCC must be a 21st century agency for the information age.” As we reported, the FCC recently launched a new blog called “Blogband” to stimulate public dialogue over the development of the National Broadband Plan. In his video blog, Chairman Genachowski said, “Using innovative online tools will enable the Commission to perform more efficiently and communicate more effectively. They will also encourage the widest possible participation in what the FCC does and harness the communications expertise we have all over the country.” The FCC plans to announce further new media initiatives soon.

## **INDUSTRY CALENDAR**

### **Meetings and Events**

#### **September 29, 2009**

- WRC-11 Advisory Committee - Informal Working Group 4: Regulatory Issues
- FCC Monthly Open Meeting

#### **September 30, 2009**

- FCC National Broadband Plan Workshop: Cyber Security

#### **October 2, 2009**

- FCC National Broadband Plan Workshop: Diversity and Civil Rights Issues in Broadband Policy

#### **October 5, 2009**

- Oral Argument: US Court of Appeals for the DC Circuit - Rural Cellular Association, et al v. FCC, No. 08-1284

#### **October 5-9, 2009**

- ITU Telecom World 2009, Geneva

#### **October 7-9, 2009**

- International CTIA Wireless I.T. & Entertainment, San Diego

#### **October 9, 2009**

- FCC National Broadband Plan Workshop: Economic Issues

#### **October 16, 2009**

- Oral Argument: US Court of Appeals for the DC Circuit - Core Communications, Inc. v. FCC, No. 08-1365

#### **October 18-21, 2009**

- 2009 Technology and Standards Fall Forum, Phoenix
- CEA Industry Forum, Phoenix

#### **October 20, 2009**

- FCC National Broadband Plan Workshop: Broadband Accessibility for People with Disabilities II

#### **October 21-22, 2009**

- ISPCS 2009, Las Cruces, New Mexico

#### **October 21-23, 2009**

- SUPERCOMM 2009, Chicago

**October 24-25, 2009**

- International Regulators' Forum, Montreal

**October 25-30, 2009**

- Cable Connection, Denver

**October 26-27, 2009**

- International Institute of Communications' 40th Annual, Montreal

**November 3-5, 2009**

- WiMAX World Emerging Markets, Prague, Czech Republic

**November 9-11, 2009**

- InfoComm China 2009, Beijing

**November 13-17, 2009**

- Internet Governance Forum, Sharm el-sheikh, Egypt

**November 15-18, 2009**

- NARUC Annual Convention, Chicago

**December 2, 2009**

- Radio Ink: Forecast, New York

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***Broadband Stimulus Deadlines & Other Federal Funding***

- October 25, 2009 (or 30-days from RUS & NTIA Announcement)
- Step/Phase two "due diligence" information must be submitted to agencies online at [broadbandusa.gov](http://broadbandusa.gov)

**November - December 2009**

- Second funding window for BIP and BTOP is expected

**November 7, 2009 (approximate date from NoFA)**

- NTIA and RUS intend to announce awards

**December 7, 2009 (approximate date from NoFA)**

- NTIA intends to make award documents available to successful applicants within 30 days of award announcement

#### **April - June 2010**

- Third Funding Window for BIP and BTOP is anticipated (if there is one – stay tuned)

#### **April 10, 2010**

- Quarterly Recovery Act report due and continuing thereafter quarterly

#### **September 30, 2010**

- All awards under BIP, BTOP must be made no later than September 30, 2010
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### ***Congressional Schedule***

#### **September 30, 2009**

- Hearing: Senate Judiciary, “Advancing Freedom of Information in the New Era of Responsibility,” Senate Dirksen Office Building Room 226
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### ***FCC Rulemakings / Deadlines***

#### **September 29, 2009**

- Reply Comment Deadline: Telcordia Seeks Competitive Bidding for Number Portability Administration

#### **September 30, 2009**

- Comment Deadline: FCC Seeks Additional Nominations for Technological Advisory Council
- MVPD 2009 EEO Program Annual Reports Due (FCC Form 396-C)
- Comment Deadline: Notice of Inquiry on Wireless Innovation and Investment
- Comment Deadline: Notice of Inquiry for Fourteenth Annual Report on Competition in the Mobile Wireless Market

#### **October 2, 2009**

- Reply Comment Deadline: Sixth Inquiry on Deployment of Advanced Telecommunications Capability: Broadband
- Reply Comment Deadline: Comments Invited on FCC Workshops on the National Broadband Plan
- Comment Deadline: 'Smart Grid Technology' for the National Broadband Plan (NBP #2)

#### **October 5, 2009**

- Comment Deadline: Proposed Spectrum and Service Rules for Medical Body Area Networks (MBANs)
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**October 6, 2009**

- Comment Deadline: October 20 'Broadband Accessibility for People with Disabilities Workshop II' (NBP #4)
- Reply Comment Deadline: Petition for Declaratory Ruling: 'Traffic Pumping' and FCC Jurisdiction over Interstate Access Charges

**October 8, 2009**

- Reply Comment Deadline: Court Remand of 2004 Access BPL Rules

**October 9, 2009**

- Reply Comment Deadline: Electricity Companies Seek Telecom Pole Attachment Rates for Cable TV Systems Providing Interconnected VoIP

**October 13, 2009**

- Reply Comment Deadline: Frontier's Acquisition of Verizon Local Subsidiaries in 14 States under FCC Review
- Comment Deadline: Notice of Inquiry on Expanding Consumer Information in the Communications Marketplace

**October 15, 2009**

- Comment Deadline: Level 3 Seeks FCC Preemption of 'Exorbitant' Rights-of-Way Fees along NY State Thruway
- Comment Deadline: Notice of Inquiry on Wireless Innovation and Investment
- Comment Deadline: Notice of Inquiry for Fourteenth Annual Report on Competition in the Mobile Wireless Market

**October 16, 2009**

- Comment Deadline: 13 Waiver Petitions to Deploy 700 MHz Public Safety Broadband Networks

**October 21, 2009**

- Reply Comment Deadline: Qwest Seeks Forbearance from Unbundling and Dominant Carrier Regulation in Phoenix
- Reply Comment Deadline: Court Remand of Verizon and Qwest Forbearance Denials

**October 23, 2009**

- Mock Action: 78 Broadband Radio Service (BRS) Licenses (No. 86)
- Comment Deadline: Broadband Spectrum Availability for the National Broadband Plan (NBP #6)

**October 27, 2009**

- Auction: 78 Broadband Radio Service (BRS) Licenses (Auction No. 86)

**October 28, 2009**

- Reply Comment Deadline: Notice of Inquiry on Expanding Consumer Information in the Communications Marketplace

**October 30, 2009**

- Third Round of Comments Deadline: FCC Workshops on the National Broadband Plan

**November 4, 2009**

- Reply Comment Deadline: Proposed Spectrum and Service Rules for Medical Body Area Networks (MBANs)

**November 5, 2009**

- Reply Comment Deadline: Level 3 Seeks FCC Preemption of 'Exorbitant' Rights-of-Way Fees along NY State Thruway

**November 13, 2009**

- Reply Comment Deadline: Broadband Spectrum Availability for the National Broadband Plan (NBP #6)

**November 16, 2009**

- Reply Comment Deadline: 13 Waiver Petitions to Deploy 700 MHz Public Safety Broadband Networks
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***Public Safety***

**October 27, 2009**

- Regional Public Safety Planning Committee Meeting for Region 42 in Roanoke, Virginia regarding 700 MHz and 800 MHz

**November 18, 2009**

- Regional Public Safety Planning Committee Meeting for Region 7 in Centennial, Colorado regarding 700 MHz

**December 8, 2009**

- Regional Public Safety Planning Committee Meeting for Region 19 in Concord, New Hampshire regarding 700 MHz
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If you have any questions about the foregoing or if you require additional information, please contact:

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