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## A Reminder of the FCC's Dual Role in Telecommunications

Gary Breed  
Editorial Director



The timing couldn't be better, from a publishing point of view... Within a few days' time, we were assembling news for a regulatory update in our Technology Report, a significant court decision was announced regarding FCC regulation of the Internet, and the FCC released a major policy statement on the expansion of broadband technologies. With

all this information, it seemed like a good time for me to write about the FCC's interesting role.

Beginning with the Communications Act of 1934, and continuing with subsequent additions and revisions to that law, the Federal Communications Commission was established with the dual role of regulating telecommunications technology and helping promote the development of new technologies.

This dual role was evident in the April 8 announcement of objectives for the development of universal broadband service. That announcement contained promotional activities, such as encouraging the public to become accustomed to using broadband services in an everyday manner, just like any other public medium, such as radio/TV broadcast, newspaper, mail, and traditional telephone. Of course, developments are already underway, but the FCC wants to make sure that it happens as fast as possible, and for all citizens.

On the regulatory side, the broadband policy announcement contained goals for technical developments, including a statement that spectrum usage will be examined, re-regulated, and re-allocated as necessary to support a rapidly growing broadband distribution system. The FCC even proposed that broadband (Internet) become the backbone of a national public safety communications network, including advanced 911 emergency services. Of course, privacy and security of these communications are also included on the list of goals.

The FCC also has certain powers in regulating the business side of telecommunications. This seems to be the part that makes the news most often in media oriented to the general public, as was the case with a recent court decision regarding the FCC's authority over a company's (Comcast in this case) right to block Internet content that is competitive to its own

businesses. This decision, which was in Comcast's favor, has been analyzed everywhere from "the end of the FCC's *Net neutrality* policy" to "a technicality that has limited implications."

My opinion is in favor of Net neutrality, which is a policy that can be compared to the rules regarding political advertising on FCC-regulated broadcasting. Those rules require the acceptance of political advertising from all sides (or from none at all), without selective favoritism. This policy has been thoroughly tested in the courts. I see the Comcast case as either a limited "adjustment" to FCC regulation of the Internet, or perhaps being overturned (or further clarified in its legal scope) on appeal.

There is no question that the law requires regulation of companies using the physical and electro-

magnetic media under FCC jurisdiction. However, the boundaries of the FCC's authority over content and business practices are constantly being challenged and re-defined. Technical regulations are challenged from time-to-time as well, but at least those arguments are usually conducted on scientific terms, with much less influence by political or economic philosophy.

### **Broadband Everywhere**

The vision of one big network connecting us all is ambitious, but has been dreamed about for many years. It started with the telephone, expanded with radio and TV broadcasting, and got much closer with the parallel development of cell phones and the Internet.

Now that advanced wireless systems and the Internet are merging in our daily lives through our

communication devices, one more science fiction fantasy is approaching reality. If you are reading this, your industry is deeply involved in this exciting process!

The involvement of the FCC in the development of such "universal broadband access" is essential, just as it has been with telephone, CATV, broadcast, and all other wired and wireless telecommunications. With its dual role of regulation and encouragement, the FCC is perfectly suited for managing the process, but in cooperation with other governmental authorities when jurisdictions overlap, in cooperation with the industries that are involved in the implementation, and with input and comment from the public—as required by the laws that created, and continue to shape, the FCC's role.