

OPASTCO 411

VITAL INFORMATION FOR OPASTCO MEMBERS ABOUT
THEIR INDUSTRY AND THEIR ORGANIZATION



OPASTCO

ORGANIZATION FOR THE PROMOTION
AND ADVANCEMENT OF SMALL
TELECOMMUNICATIONS COMPANIES

FEBRUARY 28, 2008

Senate Passes VoIP E911 Mandate Legislation

On Feb 26, the Senate passed S. 428, the IP-Enabled Voice Communications and Public Safety Act (411, May 1, 2007). The legislation would mandate the FCC to issue regulations allowing IP-enabled service providers to access network components necessary to offer E911 services at the same rates, terms and conditions offered to commercial mobile radio service providers.

On Nov. 13, 2007, the House passed H.R. 3403, the 911 Modernization and Safety Act, which is the House companion bill (411, Nov. 14, 2007). A conference committee made up of House and Senate members will resolve differences between the two bills before sending them to President Bush for signature.

For more information about the Senate bill, visit http://commerce.senate.gov/public/index.cfm?FuseAction=PressReleases.Detail&PressRelease_id=249073&Month=2&Year=2008.

Kerry, Ensign Introduce Wireless Telephone Tax Modernization Bill

Sens. John Kerry (D-Mass.) and John Ensign (R-Nev.) recently introduced the Mobile Cell Phone Act of 2008. The legislation would eliminate the requirement for employers to maintain logs of employees' cell phones to verify that the phones are used for business purposes more than 50 percent of the time. The bill would update the tax code to reduce paperwork that businesses must complete in order to claim a deduction.

On Feb. 14, Reps. Sam Johnson (R-Texas) and Earl Pomeroy (D-N.D.) introduced H.R. 5450, the House companion bill.

For more information about the Senate bill, visit <http://kerry.senate.gov/cfm/record.cfm?id=293660>.

House Hearing on Sports Network Competition Set for March 5

On March 5, the House Subcommittee on Telecommunications and the Internet will hold a hearing on the status of competition in the marketplace for sports programming.

For more information, please visit <http://energycommerce.house.gov/membios/schedule.shtml>.

Comments on Limiting Capacity for Affiliated Programming Due March 28

The FCC this week published in the *Federal Register* its Further Notice of Proposed Rulemaking (FNPRM) to address the structural limit on the amount of capacity that a cable operator can devote to affiliated programming (411, Dec. 20, 2007). The FNPRM seeks comments on the best way to determine the limit, define the relevant programming and distribution markets, and measure cable operators' incentives to engage in anticompetitive behavior.

Comments are due March 28. Reply comments are due April 14.

To view the *Federal Register* notice, visit <http://edocket.access.gpo.gov/2008/pdf/E8-3701.pdf>.

OPASTCO NEWS

IP POSSIBILITIES HOTEL CUTOFF APPROACHING, REGISTER TODAY

The IP Possibilities Conference, cosponsored by OPASTCO and NTCA, will be held April 7-11 in Chicago, Ill. The room block at the Sheraton Chicago Hotel and Towers is nearing capacity. The hotel cutoff date will be March 7.

New speakers are being added to the event's Website. To register for the event, or to view a list of planned sessions, please visit the IP Possibilities Website at www.buildipnow.com.

L&R CONFERENCE ONLINE REGISTRATION NOW AVAILABLE

OPASTCO and WTA's Joint L&R Conference will be held in Washington, D.C., from May 19-21. Join fellow rural carriers as they make themselves heard to policymakers and share the rural perspective on the telecom industry. Attendees will learn about OPASTCO's policy agenda and legislative and regulatory positions; hear the latest industry, state, FCC, and congressional perspectives toward current issues; learn effective tips for lobbying Congress; and hear a member of Congress address telecommunications policy and activities on Capitol Hill.

To register for the event online, visit www.opastco.org/site/meetings/legislative.

Comments on Applying Leased Access Rates to Infomercials Due March 31

On Feb. 28, the FCC published in the *Federal Register* its Further Notice of Proposed Rulemaking (FNPRM) on whether or not requirements for cable operators to set aside channel capacity for commercial use by unaffiliated video programmers should be applied to content providers offering sales presentations or program-length commercials (411, Feb. 8). In the FNPRM, the Commission explains that such content providers currently pay for carriage either directly or through some form of revenue sharing with the cable operator. The FCC states that it does not wish to set leased access rates for infomercials at a point where such content providers will simply migrate to leased access because it is less expensive than current arrangements. The FNPRM seeks comments on whether or not current rates for infomercials are affordable, and whether or not applying leased access rates to infomercials would lead to widespread migration.

Comments are due March 31. Reply comments are due April 14.

To view the *Federal Register* notice, visit <http://edocket.access.gpo.gov/2008/pdf/08-871.pdf>.

FCC Commissioners Discuss Broadband Network Management

On Feb. 25, the FCC held an open meeting on broadband network management practices (411, Feb. 20). At the meeting, the FCC commissioners discussed interpretation of the FCC's Internet policy statement, which was adopted on August 5, 2005 (411 *NewsFlash*, Aug. 5, 2005). The policy statement explains that consumers should be permitted to access the lawful Internet content of their choice; to run applications and services of their choice; to connect devices of their choice to the network; and to choose from among competing network, application and content providers. Each of these principles is subject to reasonable network management.

FCC Chairman Kevin Martin said that broadband service providers can take reasonable steps to manage traffic but cannot arbitrarily block access. He said that network management should be performed in an open, reasonable and transparent way. Martin said that service providers should offer consumers transparency regarding speeds, services and pricing. He said that consumers need to know how network management differentiates among various applications so that they can make educated choices about which applications to use. To view Martin's statement, visit http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-280446A1.pdf.

Commissioner Copps said that the FCC should adopt a specific enforceable principle of nondiscrimination that allows for reasonable network management. He recommended that the principle use a case-by-case approach to investigate claims and establish precedents to guide future decisions. To view Copps' statements, visit http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-280440A1.pdf.

Commissioner Adelstein said that although considerable investments have been made in new broadband facilities, consolidation has occurred among leading broadband service providers, including purchases of backbone providers by last mile providers. Adelstein agreed with Copps that the FCC should adopt a new principle to enforce nondiscrimination. To view Adelstein's statement, visit http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-280441A1.pdf.

Commissioner Tate said that FCC action should address specific harms, allow networks to respond to marketplace demands, ensure that consumers are informed, and encourage competition. To view Tate's statement, please visit http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-280455A1.pdf.

QUEBEC CONVENTION CALL FOR TOPICS DUE MARCH 14

The OPASTCO Education Committee invites members to submit proposals for educational sessions, workshops and panels for OPASTCO's upcoming summer convention in Quebec City, Canada. Proposals are due by March 14. Applicants will be notified of the status of their proposal by mid-April.

To submit your application online, visit www.surveymonkey.com/s.aspx?sm=hgLOBTB_2bSqnQmjxk_2fS_2fEEg_3d_3d.

BECOME A FRED CRUISE SPONSOR

If your company is looking for a great way to support FRED and offer OPASTCO members a fun time, consider becoming a FRED cruise sponsor today. The event takes place on Tuesday, July 15, in conjunction with the OPASTCO convention in Quebec City. More than 500 people are expected to be on the cruise.

Sponsorship options range from \$500 to \$3,500 and include casino tables, strolling magicians, caricaturists, musical entertainment, kids' activity area and more! All options can be co-sponsored by two or more companies, and the recognition can be tailored to your needs. For a complete list of options, or for more information, please contact FRED Director Melissa Korzuch at 703/680-7528 or mak@opastco.org. Remember, FRED sponsorships are tax-deductible!

CALL FOR FRED COMMITTEE MEMBERS

Would you like to help FRED select scholarship or grant recipients? How about help direct fundraising efforts to generate support for our programs? If so, FRED is now accepting new members for its 2008 committees that administer programs and direct other aspects of the Foundation. Each committee has a different scope and meeting schedule.

To view descriptions of each committee, visit <http://www.fred.org/committees.html>. No experience is necessary. Both OPASTCO telco and associate members are welcome to join.

To sign up for a committee, e-mail Stephanie Patton at sap@opastco.org.