

# OPASTCO 411

VITAL INFORMATION FOR OPASTCO MEMBERS ABOUT  
THEIR INDUSTRY AND THEIR ORGANIZATION



OPASTCO

ORGANIZATION FOR THE PROMOTION  
AND ADVANCEMENT OF SMALL  
TELECOMMUNICATIONS COMPANIES

## Comments on Joint Board Recommendation, Reverse Auctions, Phaseout of Identical Support Rule Due April 3

The FCC today published the Notices of Proposed Rulemaking (NPRMs) on the Federal-State Joint Board on Universal Service's long-term recommendation on universal service reform, implementing reverse auctions to allocate universal service support, and phasing out the identical support rule in the *Federal Register* (411, Jan. 31).

Comments on each NPRM are due April 3. Reply comments are due May 5.

To view the *Federal Register* notice on the Joint Board's long-term recommendation, visit <http://edocket.access.gpo.gov/2008/pdf/E8-4143.pdf>. To view the notice on reverse auctions, please visit <http://edocket.access.gpo.gov/2008/pdf/E8-4146.pdf>. To view the notice on phasing out the identical support rule, visit <http://edocket.access.gpo.gov/2008/pdf/E8-4148.pdf>.

## Hearing on Private Equity's Effects on Telecom Set for March 11

On March 11, the House Subcommittee on Telecommunications and the Internet will hold a hearing on the role of private equity in the telecom marketplace.

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

## House Hearing on Commerce Dept. Budget Set for March 13

On March 13, the House Energy and Commerce Committee will hold a hearing on the Department of Commerce's budget for FY 2009.

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

## FCC Releases Working Papers on Making Spectrum More Efficient

The FCC recently released three working papers on making use of unlicensed spectrum more efficient. Each paper explains that the growing popularity of bandwidth-intensive applications is making it more difficult for wireless network operators to minimize congestion. The papers state that developing strategies to reduce congestion could facilitate enabling white spaces to be used to provide a third broadband pipe to consumers.

The first white paper, entitled "Enhancing Spectrum's Value Through Market-Informed Congestion Etiquettes," explains that current rules to make unlicensed spectrum available may fail to ensure that consumers will take into account the negative effects of their use on the value that other consumers place on using the same spectrum. To solve this problem, the paper proposes treating spectrum as unlicensed when congestion is not a problem, and treating it as an excludable private good when congestion occurs. To view the paper, visit [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DOC-280521A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-280521A1.pdf).

The second white paper, entitled "Modeling the Efficiency of Spectrum Designated to Licensed Service and Unlicensed Operations," states that while making some spectrum available as unlicensed spectrum benefits consumers, mak-

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## OPASTCO NEWS

### NEW SPEAKERS BEING ADDED TO IP POSSIBILITIES DAILY

The IP Possibilities Conference, cosponsored by OPASTCO and NTCA, will be held April 7-11 in Chicago, Ill. New speakers are being added to the event's sessions daily.

To register for the event, or to view a list of planned sessions, please visit the IP Possibilities Website at [www.buildipnow.com](http://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](http://www.opastco.org/site/meetings/legislative).

ing too much available as unlicensed and too little as licensed may actually harm consumers. The paper recommends that small changes be made to the FCC's spectrum assignment process to improve the value that consumers derive from unlicensed spectrum. To view the paper, visit [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DOC-280522A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-280522A1.pdf).

The third white paper, entitled "A Market-based Approach to Establishing Licensing Rules: Licensed Versus Unlicensed Use of Spectrum," explains that the Commission currently decides whether a given block of spectrum should be made available as licensed or unlicensed spectrum by evaluating feedback from interested parties. Concerns have been raised that some parties may exaggerate the value that should be placed on their preferred set of licensing rules. The paper recommends that the FCC create a market for licensing rules by holding a clock auction. This auction would be an ascending price auction in which bidders reveal the number of blocks they wish to acquire at different prices set by the administrator. To view the paper, visit [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DOC-280523A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-280523A1.pdf).

### USAC Files USF Second Quarter Revenue Base with FCC

On Feb. 29, the Universal Service Administrative Company (USAC) filed with the FCC the proposed Universal Service Fund (USF) revenue base for the second quarter of 2008. This base would be used to determine the USF contribution factor. The total projected collected interstate and international end-user revenue base is \$18,977,952,241.10.

For more information, visit [http://gullfoss2.fcc.gov/prod/ecfs/retrieve.cgi?native\\_or\\_pdf=pdf&id\\_document=6519856800](http://gullfoss2.fcc.gov/prod/ecfs/retrieve.cgi?native_or_pdf=pdf&id_document=6519856800).

### Rep. Space Hosts Broadband Deployment Summit in Ohio

Rep. Zack Space (D-Ohio) recently held a broadband deployment summit in Ohio. The summit addressed facilitating broadband deployment throughout the state; ensuring that federal, state and local initiatives are harmonized; and bringing high-tech jobs to Ohio. Attendees included federal, state and local policymakers; telecom industry representatives; economic development leaders; community development groups; and Connected Nation, the group working to launch the ConnectKentucky program at the federal level.

For more information, visit [http://dems.house.gov/index.asp?Type=B\\_PR&SEC={2D7E6E08-EBA9-41F2-96E7-638CAE603CE3}&DE={9CBCDE01-7DE9-4567-B7BD-13F29F8A7D0B}](http://dems.house.gov/index.asp?Type=B_PR&SEC={2D7E6E08-EBA9-41F2-96E7-638CAE603CE3}&DE={9CBCDE01-7DE9-4567-B7BD-13F29F8A7D0B}).

### New York Court Remands Case Involving Network Tiering Restriction

On Feb. 26, the New York State Supreme Court's Appellate Division remanded a case involving Comcast's ability to shift the NFL Network to a sports tier. On Aug. 11, 2004, Comcast reached an agreement with the NFL to carry the NFL Network. The agreement contained language allowing Comcast to bump the NFL Network to a sports tier if Comcast failed to reach an agreement with the NFL on carrying out-of-market regular season games, or nationally-televised games, before July 31, 2006. On July 28, 2006, Comcast reached a separate agreement with the NFL to carry regular season games on a surcharge basis. When Comcast then bumped the NFL Network to a sports tier, the NFL sued for breach of contract.

On May 8, 2007, the New York State Supreme Court ruled that Comcast was permitted to bump the NFL Network to a sports tier. On Feb. 26, 2008, the court's appeals division determined that the language in the contract is too ambiguous to determine whether or not Comcast was permitted to bump the network. The appeals division remanded the case back to the court for future review.

To view the appeals division ruling, visit [http://www.nycourts.gov/reporter/3dseries/2008/2008\\_01647.htm](http://www.nycourts.gov/reporter/3dseries/2008/2008_01647.htm).

### 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\\_2bSqQmJxk\\_2f\\_S\\_2fEEg\\_3d\\_3d](http://www.surveymonkey.com/s.aspx?sm=hgLOBTB_2bSqQmJxk_2f_S_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](mailto: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>.

To sign up for a committee, e-mail Stephanie Patton at [sap@opastco.org](mailto:sap@opastco.org).