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TPC4C Quick Takes

Quick reactions to recent telecom events. Tell me if I'm wrong!

USTA III?

JULY 9, 2015 | DAVIDCBERGMANN | LEAVE A COMMENT

There were *United States Telecom Ass'n v. FCC*, 290 F.3d 415 (DC Cir 2002) ("USTA I") and *United States Telecom Ass'n v. FCC*, 350 F.3d 954 (DC Cir 2004) ("USTA II"), which killed off unbundling residential customers.

Interesting that the decision in the appeal of the FCC' Open Internet Order, *United States Telecom Ass'n v. FCC* (DC Cir Docket No. 15-1063) may be known as "USTA III." Especially because the Open Internet Order was caused by the DC Circuit decision in *Verizon v. FCC*, 740 F.3d 623 (D.C. Cir. 2014)?

USTA III will either kill off or maintain consumer protections for broadband Internet access service, referred to by the FCC as BIAS but by most of us as "broadband."

DAVID
CBERGMANN
9/19/2015

Alexicon on cost models for rural carriers

JUNE 21, 2015 | DAVIDCBERGMANN | LEAVE A COMMENT

In June 18, Alexicon filed an *ex parte* (<http://apps.fcc.gov/ecfs/comment/view?id=60001072439>) that set forth "concerns" with the alternative cost model (ACAM) proposed for high-cost funding for rate-of-return (RoR) carriers.

Unfortunately, most of the concerns that Alexicon recites are generic to cost models, not to cost models for small carriers. These have likely been resolved in the CAM process for price cap carriers.

Admittedly, the "largest and most obvious problem" with ACAM is not considering the economies of scale and scope enjoyed by larger carriers. But rural area costs, aerial plant sharing, road map data, fiber-to-the-home costs, local rights-of-way, the presence of unsubsidized competitors, and "the opportunity for financial windfall" are not confined to small carriers.

Alexicon notes the cramped schedule used so far for RoR and ACAM. Correct: It's not been a public process so far, with some smaller carriers arguing for a voluntary plan that would allow those who benefit from the changes to take advantage of them.

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The guy in Forbes got it partly right

JUNE 21, 2015 | DAVIDCBERGMANN | LEAVE A COMMENT

Came across this article: <http://www.forbes.com/sites/timworstall/2015/05/30/charter-time-warner-might-be-a-monopoly-but-lets-identify-the-right-monopoly/>
(<http://www.forbes.com/sites/timworstall/2015/05/30/charter-time-warner-might-be-a-monopoly-but-lets-identify-the-right-monopoly/>)

The author focuses on the local wireline monopoly/oligopoly, and implies that's all that matters, that the size of the company that owns the local monopoly is irrelevant. The local monopoly is the crux of the matter, but a company that combines millions of the local wires clearly has a national market dominance, which is a problem on a different scale from the local.

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Poor AT&T....

JUNE 18, 2015 | DAVIDCBERGMANN | LEAVE A COMMENT

AT&T opposed the FCC's proposals in the BCD NPRM (GN Docket Nos. 13-5, et al.), and now, in meeting with more than a dozen FCC staff, has said "The Commission should be deeply suspicious of the motives of those competitive carriers that insist on the imposition of heightened access obligations as the price of permission to innovate." But of course the FCC should trust AT&T's motives?

See ex parte (<http://apps.fcc.gov/ecfs/comment/view?id=60001069092>).

Activity

JUNE 3, 2015 | DAVIDCBERGMANN | LEAVE A COMMENT

Sorry about the inactivity on here. Much more going on with my other blog, TPC4C Not-so-quick Takes.

A watershed event

MARCH 15, 2015 | DAVIDCBERGMANN | LEAVE A COMMENT

The 3-2 adoption of the Open Internet Order has changed the landscape. Whatever happens from here on, see <http://www.wetmachine.com/tales-of-the-sausage-factory/today-is-fcc-net-neutrality-order-day-what-happens-now/#more-5074> (<http://www.wetmachine.com/tales-of-the-sausage-factory/today-is-fcc-net-neutrality-order-day-what-happens-now/#more-5074>), the network owners have been dealt a decisive blow. Not that the Order is entirely consumer-friendly: There's the declaration that broadband is all interstate (which means that we have to rely exclusively on the FCC for protection) and the overbroad forbearance.

PS The appeal should be in the DC Circuit, where Verizon v FCC was decided last year, leading to the Open Internet Order.

The insidious anti-reclassification arguments

FEBRUARY 13, 2015 | DAVIDCBERGMANN | LEAVE A COMMENT

Comm'r Pai doubled-down on his description of the "Obama plan" for the Internet. First it was <http://www.fcc.gov/document/comm-pai-press-stmt-president-obamas-plan-regulate-internet> (<http://www.fcc.gov/document/comm-pai-press-stmt-president-obamas-plan-regulate-internet>), now it's <http://www.fcc.gov/document/comm-pai-stmt-latest-evidence-against-regulating-internet> (<http://www.fcc.gov/document/comm-pai-stmt-latest-evidence-against-regulating-internet>).

Can't help but snicker at "President Obama's 332-page plan to regulate the Internet": wrong on both counts. A distinct political-party tone.

The studies Pai refers to, but does not cite, have been debunked. E.g., Declaration of Dr. Lee Selwyn, Executive Summary at i-ii, accessible at <http://apps.fcc.gov/ecfs/document/view?id=7522904221> (<http://apps.fcc.gov/ecfs/document/view?id=7522904221>).

They (Pai, O'Rielly, et al.) have got it wrong on the law. They are on the wrong side of the public interest here in 2015.



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TPC4C Not-So-Quick Takes

More extensive discussions of telecom issues

Re-evolution in telecommunications regulation

JUNE 3, 2015 | DAVIDCBERGMANN | LEAVE A COMMENT

A call to action (<https://drive.google.com/file/d/0B656qOWi3tISNEZuWGNiY09tTkk/view?usp=sharing>) to protect consumers in the Transition.

“Services” over “facilities”

JUNE 3, 2015 | DAVIDCBERGMANN | LEAVE A COMMENT

A discussion (<https://drive.google.com/file/d/0B656qOWi3tISVk9YUzjVWjFsMDO/view?usp=sharing>) of the distinctions between services and facilities in light of the 2015 Open Internet Order.

ETC Relinquishment: coming to your state?

JUNE 3, 2015 | DAVIDCBERGMANN | LEAVE A COMMENT

I have prepared a briefing (<https://drive.google.com/file/d/0B656qOWi3tISaXFuNTdScEp4ZUE/view?usp=sharing>) on how carriers may seek relinquishment of their federal eligible telecommunications carrier ("ETC") status. The FCC forbore from enforcement of this COLR obligation for price cap carriers in the December 2014 CAF II Order.

Still a Transition to WHAT?

JUNE 3, 2015 | DAVIDCBERGMANN | LEAVE A COMMENT

Here is a substantially-revised and -updated edition, as of June 1, 2015. Still a Transition to WHAT? (<https://drive.google.com/file/d/0B656qOWi3tISZk9maHNCCvBENnM/view?usp=sharing>)

A Transition to What? (2/8/15)

FEBRUARY 8, 2015 | DAVIDCBERGMANN | LEAVE A COMMENT

Here is an update; there will need to be another one after the February 26 FCC meeting. First, a clean version: <https://drive.google.com/file/d/0B656qOWi3tIScktONldYd0hFQkU/view?usp=sharing>

Then another show additions since the last posting:

<https://drive.google.com/file/d/0B656qOWi3tISVHBDekFaaEJ0Szg/view?usp=sharing>

A Transition to What? (12/2/14)

DECEMBER 2, 2014 | DAVIDCBERGMANN | LEAVE A COMMENT

I've made some updates and edits to the paper. This document has all changes accepted.

<https://drive.google.com/open?id=0B656qOWi3tISUnhIY1QtdUdTMlk&authuser=0>
(<https://drive.google.com/open?id=0B656qOWi3tISUnhIY1QtdUdTMlk&authuser=0>).

This document is the substantive mark-up:

<https://drive.google.com/file/d/0B656qOWi3tISYVNrVEZwY1laVGs/view?usp=sharing>
(<https://drive.google.com/file/d/0B656qOWi3tISYVNrVEZwY1laVGs/view?usp=sharing>).

I will try to post updates periodically, if not regularly.

A Transition to What?

NOVEMBER 11, 2014 | DAVIDCBERGMANN | LEAVE A COMMENT

This is a 20-page paper covering issues from the IP etc. transition:

<https://drive.google.com/file/d/0B656qOWi3tISUnhIY1QtdUdTMlk/view?usp=sharing>
(<https://drive.google.com/file/d/0B656qOWi3tISUnhIY1QtdUdTMlk/view?usp=sharing>)

It will be updated as events require.

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