



April 6, 2009, Volume VI, Issue 13

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## House Internet Subcommittee Holds Hearing on Broadband Programs

On April 2, 2009, the U.S. House of Representatives Subcommittee on Communications, Technology and the Internet held a hearing on "Oversight of the American Recovery and Reinvestment Act of 2009: Broadband." At the hearing, Subcommittee chairman Rep. Rick Boucher (D-VA), noted that it is critical for the agencies to ensure that an area with a smattering of broadband services not be excluded from the definition of "unserved area." Rep. Boucher also noted that the definition of an "underserved area" should encompass areas with low available speeds. Last month, the U.S. Department of Commerce National Telecommunications and Information Administration ("NTIA") and U.S. Department of Agriculture Rural Utilities Service ("RUS") issued a Request for Information ("RFI"), seeking information from potential program participants on various aspects of the \$7.2 billion broadband programs – including the definitions of "unserved area" and "underserved area." Responses to the RFI are due by April 13, 2009.

## Attacher Make-Ready Push Continues

Fibertech, the Broadband/Wireless Coalition and other CLECs are continuing their "full-court press" at the FCC for easier access to utility distribution poles. In two recent filings in the Commission's pending Pole Attachment proceeding, they are continuing to demand make-ready deadlines for wireless and wireline attachments alike, along with the ability to hire their own make-ready contractors. They seek widespread use of extension arms, boxing and temporary attachments, and want pole top antenna attachments to be presumed reasonable. They also want to force utilities to post distribution maps, agreements, fee schedules and other utility information online, and to prevent utility construction requirements that exceed the NESC. Assisted by Keller and Heckman LLP, the "Coalition of Concerned Utilities" is preparing a forceful response. Please contact Jack Richards ([richards@khlaw.com](mailto:richards@khlaw.com); 202-434-4210) or Tom Magee ([magee@khlaw.com](mailto:magee@khlaw.com); 202-434-4128) if you have any questions or wish to express your opposition to these proposals.

## Senate Bill Calls for Inventory of Airwaves to Identify Spectrum for Broadband

On March 19, 2009, the Senate introduced the "Radio Spectrum Inventory Act," a bill that would require NTIA and the FCC to "prepare a report including an inventory of each radio spectrum band from 300 MHz to 3.5 GHz" managed or licensed by each agency. Nearly 40% of the spectrum covered by the bill is currently set aside for exclusive use by the Government. The text of the Act, available [here](#), would also require the agencies to create a centralized website to make the inventory of the bands available to the public.

## FCC to Hold Open Commission Meeting on April 8, 2009

The FCC is scheduled to hold its next Open Meeting on April 8, 2009. The tentative agenda, available [here](#), includes a discussion of the Commission's Notice of Inquiry on developing a National Broadband Plan and a Report and Order and Further Notice of Proposed Rulemaking addressing amendments to certain Part 90 public safety rules, including rules governing the 4.9 GHz band.

## For further information or assistance regarding these matters, please contact any of the following Keller and Heckman LLP Telecommunications or Business Attorneys:

Mike Morrone at [morrone@khlaw.com](mailto:morrone@khlaw.com) or 202-434-4124  
Jack Richards at [richards@khlaw.com](mailto:richards@khlaw.com) or 202-434-4210  
Doug Jarrett at [jarrett@khlaw.com](mailto:jarrett@khlaw.com) or 202-434-4180  
David Reader at [reader@khlaw.com](mailto:reader@khlaw.com) or 202-434-4187

Tom Magee at [magee@khlaw.com](mailto:magee@khlaw.com) or 202-434-4128  
Tracy Marshall at [marshall@khlaw.com](mailto:marshall@khlaw.com) or 202-434-4234  
Greg Kunkle at [kunkle@khlaw.com](mailto:kunkle@khlaw.com) or 202-434-4178  
Wes Wright at [wright@khlaw.com](mailto:wright@khlaw.com) or 202-434-4296

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