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FCC Seeks Comment On The Appropriate Regulatory Treatment For Broadband Access To The Internet Over Cable Facilities

Washington, DC, April 22, 2002. Cable modem service is a service that uses cable system facilities to provide residential subscribers with high-speed Internet access, as well as many applications or functions that can be used with high-speed Internet access.

On March 15, 2002, the Federal Communications Commission (“FCC”) released a *Declaratory Ruling and Notice of Proposed Rulemaking* (“NPRM”) in which it found that cable modem service is an information service as that term is defined in Section 153(20) of the Communications Act of 1934, as amended. The NPRM addresses a number of issues raised as a possible consequence of the Commission's classification of cable modem service as an information service.

Specifically, the NPRM seeks comment on the Commission's jurisdiction and authority to regulate cable modem service. The NRPM also seeks comment on whether the Commission may, and, if so, should, impose any form of so-called “multiple ISP access” requirements on operators of cable systems. “Multiple ISP access” is defined as a requirement that cable operators provide unaffiliated ISPs with the right access to cable modem service customers directly. The NPRM also requests commenters to specify whether any access requirement should specifically limit ISP access to uses related to the offering of cable modem service, or should explicitly permit other uses by ISPs. Finally, the NPRM seeks comment on how the classification decision may affect State and local regulation of cable modem service. Interested parties may file comments on or before June 17, 2002 and reply comments on or before July 16, 2002.

If you would like additional information on this proceeding or would like to file comments, please feel free to give us a call.

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