

The Honorable Kevin J. Martin
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Classification of Wireless Broadband Internet Access

Dear Chairman Martin:

In testimony before the Senate Commerce Committee on February 1, you indicated that the Commission is considering an order that would classify wireless broadband Internet access as an information service. The National Telecommunications and Information Administration strongly supports this effort and encourages the Commission to issue an order on this matter as soon as feasible.

In 2005, the Supreme Court upheld as a reasonable construction of the Communications Act the Commission's conclusion that providers of broadband Internet access offer customers an integrated information service, and not an information service and a severable telecommunications service. The Commission has already classified as information services the broadband Internet access services offered via wireline networks, including cable modem, digital subscriber line, and electrical power lines. As you noted in your Senate testimony, according similar treatment to wireless broadband Internet access would eliminate any regulatory uncertainty for wireless providers and establish a consistent regulatory framework across broadband platforms.

This action would also provide a powerful incentive for incumbents and new entrants alike to invest in new broadband infrastructure and other innovative wireless Internet services. With the auction of additional spectrum in early 2008, through the digital television transition, this action would ensure that the new wireless services the auction creates will also be free from legacy regulation.

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Thank you again for your leadership in this area.

Sincerely,

John M.R. Kneuer

cc: The Honorable Michael J. Copps
The Honorable Jonathan S. Adelstein
The Honorable Deborah Taylor Tate
The Honorable Robert M. McDowell
FCC Secretary