



# Communications Daily

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## FCC Republicans Seen Voting for AT&T ARMIS Forbearance

FCC commissioners seem set to vote 3-2 to grant AT&T forbearance from reporting requirements, though decisions aren't final, agency officials said Tuesday. And they'll likely extend by 90 days the deadline on a more expansive ARMIS forbearance petition filed by Qwest, we're told. The AT&T draft order, now circulating, would grant AT&T most of the Automated Reporting Management Information System deregulation it seeks and extend that to other price-cap carriers (CD Aug 27 p7). With votes due Saturday, CompTel and Sprint are sounding alarms on the FCC's apparent intention to give ARMIS relief to multiple carriers.

Commissioners view the AT&T ARMIS petition as they did that carrier's forbearance petition on cost-assignment rules, an FCC official told us. In April, FCC Republicans voted to grant AT&T cost-assignment rules forbearance, with Democratic commissioners dissenting. The ARMIS and cost-assignment issues are related, because the allocation rules require carriers to collect data conveyed in ARMIS reports.

The 12-month clock on Qwest's broader ARMIS forbearance petition ends Sept. 13, a deadline the FCC probably will extend 90 days, a commission official said. The agency usually releases draft orders on forbearance cases three weeks ahead of voting deadlines, but of late the Qwest petition has seen little FCC attention, said another agency official.

CompTel and Sprint Nextel want the FCC to deny ARMIS forbearance petitions. In a joint letter to commissioners' advisors and the Wireline Bureau, the foes said they are "especially concerned" that the FCC might use the AT&T order to grant relief to other price-cap carriers. The draft would extend AT&T ARMIS relief to Verizon, Qwest, Embarq, Frontier, Citizens and Windstream, we're told. "The other ILECs' petitions address different reports -- some of which have not been previously considered for

forbearance -- and are on different statutory timeframes,” CompTel and Sprint said. “To take action as sweeping as the petitioning parties request, the Commission will have to address, with particularity and in a carefully considered manner, the individual merits of each of the pending forbearance petitions.”

Qwest and Verizon seek more sweeping ARMIS relief than does AT&T, noted CompTel and Sprint. AT&T wants relief from four non-cost-related ARMIS reports. Qwest and Verizon want to escape all eight, including cost-related reports.

ARMIS reports “continue to serve the public interest,” CompTel and Sprint said. “Procedures might be streamlined, but the information must continue to be available to support state and federal needs.” Among other things, reports help the FCC and states monitor ILEC service quality, as well as network downtime and repairs, they said. The service quality report “acts as a check on discriminatory practices in service provisioning and facilitates the detection of anticompetitive conduct,” they said. Sprint uses the data to check whether ILECs treat their unbundled network elements-based and interexchange businesses the same as their own local and long distance operations, they said. -- *Adam Bender*

## No Katrina

### **Communications Systems Damaged by Gustav But Hold Up Well**

Hurricane Gustav didn’t pack the wallop of Katrina three years ago, and preparation by the government and communications carriers was better than during the earlier storm, officials said Tuesday. So Gustav probably won’t lead to the calls for hardening the communications system that followed Katrina.

“It hasn’t been anything close to Katrina,” said a wireless industry source. “We have all gone through additional planning and work on restoration since Katrina. Carriers were better prepared and I think the scale of Katrina was just unprecedented.” Problems from that hurricane were the focus of a five-month investigation by a special panel and many actions by the FCC.

The FCC said Tuesday that most broadcasters remain on the air. “There are some issues being addressed due to power outages related to cell towers and network coverage,” a commission spokeswoman said. “Wireless carriers are working diligently with federal and state officials to begin addressing those outages as best they can, given specific regions in Louisiana are experiencing flooding.”

An AT&T spokeswoman said the carrier was still assessing damage to its landline and wireless facilities, but they seem to have held up well. She said AT&T has mobilized 2,000 employees from other states to help restore service in Louisiana and other Gulf Coast areas. She said Louisiana was the main focus of AT&T recovery efforts. “There continue to be some service outages in hard-hit areas of Louisiana and our crews are working around the clock to repair damage and reroute traffic.” She said restoration efforts are dependent on electric utilities clearing away downed power lines. She said most AT&T cell sites in the areas affected have remained in service.

AT&T offered 2,000 GoPhone wireless handsets with \$15 worth of free airtime to people displaced to Houston and San Antonio by mandatory Louisiana evacuations. It also provided free Wi-Fi throughout the affected areas. Verizon Wireless said 99 percent of its Gulf Coast cell sites stayed in service, despite Gustav’s fury. The handful that went down did so mainly because of power outages, rather than destruction of towers, a spokesman said. Sprint Nextel said its towers and connecting lines weathered the storm well, but power was a critical issue. A spokesman said the company was awaiting safety clearance so crews could get in to bring blacked-out cell sites back on line. T-Mobile said it lost service in parts of south-central Louisiana, mainly due to disruption of commercial electric power. Utilities reported about 1.2 million households and businesses along the Gulf Coast lost electric power because of Gustav.

Cable companies with systems on the Gulf Coast credited improved emergency plans for their efficient responses to Gustav and ability to track employees, many of them forced to evacuate. The storm left customers in

and around New Orleans without broadband, phone or video service because of power failures, said officials at Cox, Charter and Washington Post Co.'s Cable One.

Charter, Cox and Cable One had the most significant service failures among the major cable operators we surveyed with systems in parts of Louisiana, Mississippi and Texas hit by Gustav. Those three companies and Time Warner Cable reported no employee injuries, and they said crews had begun repairs or assessing damage. Mediacom had few details on its several Mississippi cable systems that were in the storm's path, a spokesman said. A Comcast spokeswoman didn't reply to a request for comment.

Most Cox customers are without power in Baton Rouge, Lafayette and New Orleans, and about 80 percent aren't getting cable service because of that, a spokesman said. Utility officials think they need seven to 10 days to restore all power, he said. "Cox will closely follow on the heels of the power company to restore our services," the spokesman said. "Cox's crisis plans have worked flawlessly." The company has heard from more than 85 percent of its employees, none of whom are hurt, and it has "teams" from neighboring systems standing by to start repairs in Baton Rouge and New Orleans, he said. "Cox has refined and improved our efforts with real-world experience, most notably our recovery from Hurricanes Katrina and Ivan."

Most of Charter's approximately 150,000 subscribers in the New Orleans area lack power, affecting broadband, cable and phone service, a spokesman said. "We are just now beginning to assess damage" -- a difficult task, since many areas affected were "off limits" Tuesday, he added. Since the 2005 storms, the company has improved its emergency planning, "the most important feature" of which is that employees can stay in touch with each other, he said.

Cable One's Mississippi coast operations seem not to have been damaged significantly by Gustav, said Jim Hannan, vice president of engineering. But some towns are without power, he added. "The biggest story is power problems that are inland a little bit," said Hannan. "Our damages are pretty minimal." The company prepared by equipping technicians with laptops with wireless Internet access, giving them digital maps and detours around blocked roads, said Hannan. Those efforts "all paid off," he said.

Time Warner Cable has a "better check-list" for emergency readiness, such as getting lodging for crews from outside the area, said Susan Patten, vice president of government and public affairs in Flower Mound, Texas. "We didn't have any damage," she said, citing "tiny little spot outages" of service that were power related. "We were extremely lucky,"

Iridium had record activations Friday in preparation for Gustav's expected landfall over the weekend, a spokeswoman told us. Traffic on the Iridium network was higher Friday than during Katrina or the aftermath of the Sept. 11, 2001, attacks, she said. Iridium believes the increase was due to first responders testing their phones in preparation for Gustav, she said. The company asked all of its users in the Gulf Coast region to test their phones by dialing 00-1-480-752-5105, she said. Iridium began reaching out to its customers early last week to make sure they were ready for Gustav, she said. The satellite phone company also sent out a list of trouble-shooting tips. For example, since Iridium has its own international calling code, users must dial as if they are making an international call, the spokeswoman said.

### Today in **Green Electronics Daily**

- **MORE COLLEGES RECYCLING E-WASTE** than dumping in landfills, group says.
- **STATES:** Energy a big issue in Arizona primary.
- **E-WASTE:** HD Installers launches TV recycling service.
- **COMPANIES:** Digital board in new Panasonic DMP-BD35 Blu-ray deck is 52 percent more efficient than predecessor, company says at IFA... Alcatel-Lucent, Australian journal join in green telecommunications award.

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Globalstar didn't have usage information immediately available. But a spokesman noted that since Katrina the company introduced its Spot simplex service that can be used to send canned messages such as Help. Spot also is connected to the GPS system so emergency assistance can be sent to a user's location if needed, he said.

Satellite TV hookups are becoming key features of the Republican National Convention in St. Paul, Minn. Monday's program featured satellite hookups from governors from the Gulf Coast. Tuesday's program was hastily rearranged after President Bush, who went to Texas instead of Minnesota to be with emergency workers when Gustav hit, decided to address the gathering from the White House Tuesday night. "It takes a lot of logistical effort to move a President anywhere," said White House Press Secretary Dana Perino. "And thankfully, there's technology that exists today that President Bush can give a satellite address that will be live for the people in the hall." -- **Herb Kirchhoff, Jonathan Make, Howard Buskirk, Heather Forsgren Weaver**


**More Focus than '04**

**Telecom Issues Resonate in '08 Elections**

Communications issues are commanding attention at top policy levels of 2008 presidential campaigns, a change from four years ago that many credit to Democratic presidential nominee Sen. Barack Obama, D-III. Obama outlined a technology agenda last year with clear-cut goals, and he has used technology to connect with voters like no previous presidential candidate, observers said.

"Obama has taken more advantage of technology, so it's natural for him to have specific policies in an area that's been so helpful to him," said analyst Paul Gallant with Standard Group. "Democrats have always made technology policy more of a priority than Republican candidates." Republicans have a tougher sell with voters because they tend to favor a more hands-off regulatory approach, he said.

The Democratic convention featured a three-hour technology roundtable hosted by the University of Colorado's Silicon Flatirons Center. The session included high-profile participants from industry, academia and politics

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and finished up with a speech by Sen. Jay Rockefeller, D-W.Va. He said the U.S. has gone from “leader to laggard” in broadband rollout and adoption under eight years of President George Bush’s administration. Rockefeller called for making broadband a national priority.

The session was insightful, said attendee Stifel Nicolaus analyst Blair Levin, an Obama supporter. Four years ago, there was some talk about technology’s importance to the nation, Levin said, but Obama is responsible for the increased focus in this election. Obama’s agenda “reflects his own view of where the engine of economic growth is going to be,” Levin said.

Others who attended agreed the session was interesting but it didn’t develop a cohesive blueprint for action. “These issues have become more partisan,” and that has raised their profile in the presidential campaigns, said Robert Atkinson, president of the Information Technology and Innovation Foundation. Part of the problem is that the U.S. is doing better in technology than it was eight years ago, and the administration hasn’t put technology on the front burner, he said. But there’s no question that Democrats see technology as a way to link them to their political base.

The Silicon Flatirons panel was moderated by Phil Weiser, a University of Colorado law professor. Former FCC Chairmen Reed Hundt and Bill Kennard were among speakers who discussed how technology can help make the government more open and responsive and help the economy grow.

The GOP convention plans a seminar on taxes on Thursday that will feature speakers who have spoken out before on McCain’s technology issues: Austan Goolsbee, an economics professor at the University of Chicago and a senior adviser to Democratic nominee Obama; and Douglas Holtz-Eakin, a former director of the Congressional Budget Office and a senior adviser to presumptive Republican nominee Sen. John McCain.

McCain has a “great track record” on technology issues, Holtz-Eakin said on C-SPAN’s *Communicators* program last week. Holtz-Eakin defended McCain against Obama’s accusations that he’s out of touch with technology and doesn’t know how to send e-mail. “We’ve seen an aggressive attempt by the opposition” to portray him as out of touch, but it’s not true,” Holtz-Eakin said, offering as proof that those around McCain are tech-savvy. “He has a family that uses the Internet. He’s surrounded by this. He is in touch with what Americans are doing.”

McCain’s technology platform includes a promise to make high-speed Internet access available to all Americans and an assurance that the Web will remain untaxed and unregulated. People should be “free to use the applications and services they choose; free to attach devices they choose, if they do not harm the network, and free to choose among broadband service providers,” it said. Apart from the tax panel, the campaign had no plans to offer sessions on technology like the panels at the Democratic convention, according to interviews with several involved in GOP convention planning. -- *Anne Veigle*

## **First Drop Outs**

### **Some Carriers Spurn Wireless Alerting Program**

Some small carriers are notifying the FCC they will sit out a new program for sending emergency alerts to cellphones and other wireless devices. Participation in the program, whose existence is mandated by the WARN Act, is voluntary, but carriers must give customers “clear and conspicuous notice” if they elect not to take part. Filings are due Sept. 8, with many more carriers likely to opt out of the alerts, industry sources said Tuesday.

Iowa Wireless Services, a partnership between T-Mobile USA and Iowa Network Services, is among non-participants, the company said in an FCC filing. The company reserves the right to participate later, it said. Chief Financial Officer David Frost declined to comment Tuesday, noting that the requirement is “new” and still little understood.

Nor will Pinpoint Wireless, part of Nebraska’s Pinpoint, participate, it notified the FCC. Also sitting out the alert program is Spur, Texas-based Caprock Cellular. Some paging companies said they won’t participate. One

attorney active in the proceeding said some resellers may file at the FCC, though the order approved by the commission does not seem to require them to do so.

Many carriers may decline for now to participate in the Commercial Mobile Alert System program, but may later elect to do so, Harold Mordkofsky, a lawyer active in the proceeding, said in an interview. “At this point not a whole lot is known about CMAS in terms of the cost of the infrastructure and the obligations involved in participating, including periodic testing,” he said. “Everyone is obligated to file by Sept. 8, but the reality is what I’m finding is that many carriers don’t know too much about this in terms of what participation actually entails.”

The five major carriers — AT&T, Verizon Wireless, Sprint Nextel, T-Mobile and Alltel -- are expected to participate, a wireless industry source said. “The national carriers serve more than 90 percent of the subscribers,” the person said. “In terms of the number of people affected I don’t think it’s going to be very significant.” -- *Howard Buskirk*

### Minority Groups Back Carriage

## **FCC Can’t Guarantee Class A Carriage, Say Pay-TV Providers**

Pay-TV providers lined up against supporters of some low-power stations getting must-carry status over whether the FCC should set the stage to require cable operators to distribute Class A stations. Replying Friday to a March rule-making notice on diversity, the Community Broadcasters Association and 31 groups representing minorities said the FCC has power to give the stations must-carry status. Not so, said Comcast, Cablevision, Time Warner Cable, Verizon and the NCTA. Some comments cited limitations imposed in section 614(h)(2) of the Communications Act.

The First Amendment bars the FCC from giving must-carry status to Class A stations that don’t already qualify for it under that section, the NCTA said. “Even most proponents of must-carry status for Class A stations acknowledge that such stations do not qualify for such status under the Act,” it said. “But they contend there is an easy way to circumvent this statutory obstacle: Simply conduct a rulemaking proceeding” to add Class A channel slots to the FCC full-power station table and reclassify them as full-power. That runs “afoul of the language and the purpose of the statute,” the NCTA said.

Had Congress wanted to guarantee cable carriage to Class A stations, it could have done so in 1999 when the Community Broadcasters Protection Act created that category, the NCTA said. Citing advocacy group estimates that about 15 percent of Class A stations are owned by minorities, Verizon said neither diversity nor localism necessarily would be served by guaranteeing the stations pay-TV access. “The lack of benefit from a carriage mandate is all the more clear when the potential costs are taken into account,” the telco said. “As several commenters note, even robust systems have some capacity limits” at risk of being sapped by having to carry low-power broadcasters, it said. Required carriage would increase pay-TV companies’ programming costs, Verizon said. “Any new requirement to carry Class A stations would disregard the lines that Congress drew.”

That analysis is wrong, said the Community Broadcasters Association, representing the small stations. Creation of Class A carriage rights would adjust existing must-carry regulation and not create a new type of mandate, the group said. “Predictably, representatives of the cable television industry howled at the prospect of having to carry stations operated by locally owned small businesses that provide locally-based diverse programming not available on full power stations. You name the argument -- they threw it into the pot.” Fear of bandwidth scarcity “rings more and more hollow as cable companies migrate to compressed all digital service and as they continue to add new non-broadcast channel services,” the CBA said.

A far higher proportion of low-power stations than cable channels are minority owned, said Diversity and Competition Supporters. The group includes the Independent Spanish Broadcasters Association, the National Association of Black Owned Broadcasters and the Rainbow PUSH Coalition. Only three of 12 FCC diversity proposals drew significant opposition, the group said. Citing section 553(b) of the Administrative Procedure Act, the organization contested a Time Warner Cable suggestion that because the March notice only included a paragraph on the topic the FCC provided inadequate notice that it was considering a Class A must-carry rule. The FCC has

“broad authority” to reclassify TV stations under section 303(a) of the Communications Act, the groups said: “The wholesale exclusion of all Class A television stations from must-carry would produce an insurmountable market entry barrier for minorities and other new entrants with Class A stations.” -- *Jonathan Make*

## Trade Groups Keep Up Pressure

### **EU Disagrees on Key E-Communications Overhaul Proposals**

The European Parliament is set to approve a wide-ranging overhaul of EU e-communications rules this month. The first-reading plenary vote comes as differences remain between MEPs and governments. The sides “seem to converge” on many matters, but it's unclear how much they agree, said Luc Chatel, minister of state to the French economy, industry and employment minister. The EU bodies must work diligently for accord on some points, he said. The Presidency is pushing for a Nov. 27 Council accord, he said.

One dispute concerns a proposal to create a Body of European Regulators in Telecoms to advise the EC, national authorities and the parliament on regulatory issues, paid for by the European Community and national contributions. Chatel said most governments oppose creating the body, whose financing depends on the legal authority it's based on.

Spectrum management is another sensitive subject, said Chatel. The industry committee approved a proposal reaching beyond what governments want on a coordinated approach to harmonizing and allocating frequencies, he said. The EC wants cooperation on the use of digital dividend spectrum and more flexible use and harmonized spectrum trading, it said. Governments are “rather reluctant” to accept trans-border coordination of spectrum management or giving lawmakers a stronger voice in the matter, the EC said.

Discussion with the council on ensuring an EU-wide internal market in e-communications will be difficult, said Viviane Reding, the information society and media commissioner. The EC welcomes parliament's proposal for a community body, but it must be customized, efficient, fair, reliable and above suspicion of capture, she said. Any national financing would put the body's independence in question, she said. Reding continued to press for EC veto power over national regulatory decisions, an idea unpopular with lawmakers who want the decisions handled jointly by BERT and the EC.

There are other points of disagreement, the EC said. It wants national regulators to be independent of government and operators. MEPs back that view, but the Council signalled it only will accept greater regulatory independence in the context of market-related rules, not in spectrum management, security or other potentially sensitive areas, the EC said.

Functional separation of a dominant player's infrastructure and services arms remains a prickly topic. Parliamentary committees support the proposed competition remedy, as do most telecommunications ministers and all national regulators, the EC said. But “in view of the strong opposition of several incumbent operators to the introduction of the tool of functional separation, the final outcome of this debate is still uncertain,” it said.

An internal market committee report on universal service and consumers rights drew strong criticism from some MEPs. In July, the panel approved provisions urging national regulators to encourage operators to collaborate to promote legal content, and to send warning letters to users engaged in illegal downloading, infringement or child porn. Report author, Malcolm Harbour, EPP-ED-U.K., said Tuesday that “consumers are entitled to be informed about some of the problems they might encounter,” whether the potential for copyright infringement or unauthorized use or buying products that could harm their health. Electronic service providers should have to carry public service messages like TV channels do, he said.

Some legislators accused Harbour of endangering net neutrality and privacy. Members of the Greens Party said they oppose efforts to legislate copyright protection and to quash free expression and Internet services. The overhaul package should be about e-communications infrastructure, not ISPs policing the Net, an MEP said. But others said net neutrality is needed, but free expression has a price. ISPs must help prevent illegitimate use of platforms, one said. Rights holders need additional protection, said another.

EU bodies must work on networks and content, said Eric Besson, minister of state to the French Prime Minister responsible for development of the digital economy. The French Presidency doesn't want to impose its "graduated response" anti-piracy regime on other countries, and sees the need to protect personal data and privacy, he said.

Harbour is "absolutely astounded" by charges that his report threatens net neutrality, he said. The committee took pains to ensure that national regulators are able to intervene if they see providers not handling traffic in a neutral manner, he said. But lawmakers have an obligation to help France reach a decision on this issue, because companies seeking to invest in new networks and services need certainty, he said.

Trade groups, meanwhile, continued to lobby lawmakers before the plenary session Sept. 25-28. The European Competitive Telecommunications Association updated its broadband scorecard Monday. The report showed Europe with more than 100 million broadband subscribers and said alternate providers lead in offering speeds exceeding 10 Mbps.

But the access lines over which broadband services move remain mostly in incumbents' hands, ECTA said. Policymakers need to balance alternate players' access to networks and the fair return network owners get on their investments, ECTA said. The debate "seems to be swinging too far in favor of the incumbents," it said.

The European Telecommunications Network Operators' Association rejected the idea of mandatory access to fiber networks. It urged MEPs not to bar operators from offering different levels of quality and speed, as long as markets are competitive and consumer transparency guaranteed. ETNO also opposed inclusion of content-related provisions in the reform package, saying the best anti-piracy solution is wide availability of legal online services. -- *Dugie Standeford*

## ITU Role Not Recognized

### **European Satellite Operators Seek Amendments to EC Telecom Reform Plan**

Proposed changes to e-communications rules could harm Europe's satellite sector, European Satellite Operators Association Secretary General Aarti Holla-Maini said Monday in an interview. Amid European Parliament debate over European Commission (EC) plans to revamp the framework for telecommunications regulation, the ESOA has been lobbying "heavily" on several issues, she said. So far, lawmakers appear receptive to only one, she said.

The EC proposal gave no reference or recognition to the role of the ITU framework already in place for allocating spectrum and coordinating spectrum use, Holla-Maini said. The ITU manages the process by which satellite operators are granted orbital slots with associated frequencies, she said.

Satellites are global infrastructures whose frequencies travel across many nations to reach their destinations, so their frequencies must be coordinated with many nations, EU and non-EU, Holla-Maini said. A satellite's frequency band, once assigned, can't be changed after the craft is launched, and operators need assurance that they can rely on the frequency's continued availability for the satellite's life, she said. ESOA members, therefore, want a clear recognition of the ITU's role and purpose in spectrum allocation as enshrined in the e-communications rules, she said.

That need to protect satellite spectrum was driven home by 2007's "battle" at WRC-07 between the satellite sector and other communications providers over the C-band, Holla-Maini said. The ITU retained the band for satellite use but the EC subsequently imposed a decision on all EU states to harmonize a large part (200 MHz) of the band for terrestrial services, binding even on EU countries that didn't subscribe to the position at the WRC, she said.

The C-band is crucial for satellites as the only band resilient enough for communications in Africa and other such regions with rainfall so heavy that it can cause the Ku-band and other signals to fade, she said. The C-band is also the standard for emergency communications and is used by ships at sea, she said. But the EC wants to open the band for broadband wireless access in Europe, she said.

It may be EU policy to manage some spectrum within Europe, but it's up to each member country to respect ITU regulations, Holla-Maini said. Satellite operators, which serve the globe, can't be tied down by purely European regulation if it goes against ITU allocations, she said.

European Parliament members are sympathetic to recognizing the ITU's role in spectrum management, Holla-Maini said. The EC originally proposed to review spectrum use rights every five years, a provision Parliament changed to provide for an initial reassessment after five years at national authorities' discretion, she said. The provision worries operators, whose upfront investments are enormous and whose satellites stay in operation 15 to 20 years, making them wary of arbitrary modification to conditions for spectrum use, she said.

EC insistence on technology neutrality also spooks satellite companies, Holla-Maini said. To the extent that the principle promotes a level playing field for varying technologies, ESOA supports it, but that doesn't mean all technologies should come under the same rules, she said. Satellite operators already share most of their frequency bands with other technologies and must coordinate with different players around the world, she said. That limits the amount of spectrum they have available from the start, putting them at a disadvantage, she said.

Satellite operators must also deal with the fact that their signals are more susceptible to interference from stronger terrestrial signals, Holla-Maini said. Operators need regulators to maintain "appropriate protection," she said. It's unclear whether lawmakers will back ESOA on technology neutrality and five-year-review, she said, but the organization believes it can work with MEPs toward a suitable outcome.

EU lawmakers debated the telecommunications package Tuesday. A first reading vote is set for the Sept. 22-25 plenary session. ESOA members include EADS Astrium Services, Eutelsat, Inmarsat and SES.

The EC is rumored to be interested in having its own seat at the ITU, from which it could speak for the EU in spectrum matters, a knowledgeable source said. A single European voice is fine for trade discussions but spectrum is a matter of national sovereignty, the source said.

The EC has observer status, allowing it to participate in all ITU activities except voting, and it's officially recognized in the union's practical work, said a spokesman for Information Society and Media Commissioner Viviane Reding. The 27 EU states are full ITU members. Under EU law, they must "loyally coordinate" their activities and back common positions in matters falling within the scope of the European Community Treaty, he said.

The EU "always tries to speak with one voice in international organizations," coordinated by the EC and the country holding the presidency, the spokesman said. The 27 nations already vote alike on 90 percent of all issues, he said. What counts is not having one vote, but having 27 "made in the same direction," he said. -- *Dugie Standeford*

## Wireline

The FCC need not wait for a comprehensive solution to overhaul intercarrier compensation, according to the National Exchanger Carrier Association, the Organization for the Promotion and Advancement of Small Telecommunications Companies and the Western Telecommunications Alliance. In joint reply comments Tuesday on AT&T's petition for an interim revamp (CD Aug 25 p4), the groups said the agency "must first ensure reliable intercarrier compensation, and then address how intercarrier compensation mechanisms should work in the broadband age." The FCC should start by making interconnected VoIP providers pay access charges, they said. NECA, OPASTCO and WTA members "increasingly are being required to transport and deliver traffic for retail service providers who place significant importance on optimum delivery of calls via the PSTN, and yet bear no responsibility for the costs of maintaining and upgrading" the network they rely on, the groups said.

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Comcast wants to discontinue residential Digital Phone service in northern Virginia, it said in an application to the FCC. Comcast plans to end service on or after Oct. 15, with customers able to dial 911 for another month, it said. Comcast customers can upgrade to Comcast Digital Voice service or change phone providers, the cable company said in a letter notifying customers.

## Wireless

More than 13,000 signatures are on an online petition urging the FCC to open the TV white spaces for use by personal, portable devices to surf the Internet, Google said. The petition is part of a Free the Airwaves campaign that the company started two weeks ago. "There's a good chance the FCC will vote on the white spaces in either late September or early October," said Adam Kovacevich, a Google spokesman. "Though there's been a lot of discussion of the issue in Washington, there's been less attention by Internet users." Google, which hadn't done a comparable campaign, sees this one as a success based on the numbers, he said: "We didn't come into this with any expectations."

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The FCC should reject calls to kill the home market exclusion as it revises roaming rules, Free State Foundation President Randolph May said in his blog. "The Commission's rationale -- to encourage facilities build-out by preventing mandated piggy-backing on another carrier's facilities -- is sound," he said. "The Commission's UNE network sharing rules were tilted too far in the direction of mandatory piggy-backing on the in-place facilities of incumbents."

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Sprint Nextel plans this month to start its Xohm mobile WiMAX broadband service in Baltimore and in Washington, D.C., and Q4 in Chicago, a company spokesman said. "Market development activities" are under way in Boston, Fort Worth, Philadelphia, Dallas and other cities, he said. Sprint will fold Xohm into the new Clearwire joint WiMAX venture. -- YW

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About 19.6 million Symbian OS handsets shipped in Q2, making 225.9 million total, Symbian said. Royalty per unit fell to \$3.70 the first half, from \$4.40 a year earlier, as licenses moved to version 9 of the Symbian OS, whose pricing structure differs, it said. Eight vendors sell 159 Symbian handset models, and 92 models are in development, it said.

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MetroPCS will work with Best Buy to sell MetroPCS handsets and services, it said. The deal will help the carrier reach customers in the 14 markets where its service is available, it said. Customers can buy the service at Best Buy Mobile at more than 200 stores, it said. The deal marks a "great expansion" of MetroPCS distribution, CEO Roger Linquist said.

## State Telecom Activities

Provo, Utah, completed the \$40 million sale of its pioneering iProvo municipal fiber-to-the-premises network to Broadweave Networks, taking the city out of what once was the nation's largest municipal all-fiber broadband network. The city isn't entirely clear, however, because it still will hold the iProvo construction bonds while Broadweave makes payments. The sale, which closed Friday, includes a multi-million-dollar surety should Broadweave fail to keep up payments. The sale marked industry's first privatization of a municipal fiber-to-the-premises network. The deal seemed troubled earlier this summer when a major investor backed out, but others stepped in so the deal could close, Broadweave said. Broadweave gained a network that passes 36,000 homes and businesses. Provo Mayor Lewis Billings said the city is pleased by a deal in which everybody will benefit. Broadweave, which assumed network operations at the end of June, said initial results exceeded estimates. The city said it had to sell the network when the wholesale-only business model required by state law failed to cover capital and operating costs, putting Provo millions in the red.

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The Alaska Regulatory Commission (ARC) adopted new filing procedures, evaluation criteria and emergency service standards for telecom carriers seeking eligible telecom carrier (ETC) status so they can receive universal service subsidies. The new rules (Case R-06-3) require ETC applicants to self-certify that they can supply supported services throughout the proposed area or file a network deployment plan explaining how and when they will be able to provide the supported services. Spurred by rural incumbents' concerns, the ARC added "cream-skimming" regulations that allow for review of whether a proposed deployment plan would give an applicant an unfair edge over an incumbent by targeting the incumbent's most profitable or lowest cost customers. Competitive ETC applicants also must offer local calling plans similar to those the incumbent offers. ETCs must be able to run network facilities at least eight hours without commercial power, must be able to reroute traffic around damaged lines and be able to manage demand surges caused by emergencies. They also must have plans and pro-

cedures for minimizing and repairing damage in disasters. The ARC said the regulations allow carriers to request waiver of specific requirements for good cause.

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Hearings on an ethics charge against Montana Public Service Commissioner Brad Molnar were postponed to allow him time to consult with his new lawyer. The hearing had been set for last Thursday before appointed hearing examiner Bill Corbett, but Molnar said he no longer wanted to act as his own attorney and needed legal assistance. The lawyer he retained is state Rep. Ken Peterson, R-Billings, a licensed Montana attorney. Molnar, a Republican, is running for a second term on the PSC. The ethics charges were filed in June by campaign managers for Molnar's Democratic opponent, Ron Tussing. They allege Molnar violated ethics laws by accepting a \$2,000 gift from two electric utilities with cases pending at the PSC. Molnar said the money was for a one-day energy conservation education event and was legal because state law allows PSC members to accept utility gifts for public education programs.

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AT&T asked the Missouri Public Service Commission to release it from price cap regulation under terms prescribed by a 2008 state law. AT&T wants to shift to a regulation scheme prescribed by the law that will end caps on retail services other than basic exchange and free AT&T from a host of PSC rules on billing, network engineering and maintenance, and service quality. Basic exchange could rise \$2.50 monthly over a four-year period. AT&T said it more than qualified under a statutory competition test requiring 55 percent of its lines be in exchanges designated as competitive. It said 90 percent of its lines are in competitive exchanges, qualifying it for the deregulation.

## International Telecom

Colombia adopted digital video broadcasting standard DVB-T for its digital terrestrial TV, the European Commission said. It said Colombia expects to invest around \$150 million in a national and regional public DTV network. By 2010 a quarter of Colombians will be receiving digital broadcasts, the commission predicted. Set-top boxes will cost about \$34. DVB-T has been adopted in more than 120 countries in Europe, Asia, Africa, Oceania and Latin America, the commission said.

## Telecom Notes

As expected, a challenge by a group of wireless carriers to an interim FCC cap on the Universal Service Fund high-cost program will go to federal appeals court. Friday, the Rural Cellular Association and a group of small wireless eligible telecom carriers petitioned for review in the U.S. Court of Appeals for the District of Columbia Circuit. The parties had petitioned the FCC for reconsideration, but last week withdrew that challenge to permit court action (CD Aug 26 p8).

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Nokia's new N78 and N96 handsets "slightly differ" in VoIP support from previous models, but are compatible with outside developers' VoIP applications, a Nokia spokeswoman said in responding to questions about the phones' VoIP compatibility (CD Aug 27 p5). Both have the session initiation protocol stack, she said. The company remains "fully committed to enable VoIP experience" on its N-series and E-series device lines, she said. The manufacturer "strives to improve" VoIP hardware features, usability and third-party offerings, she added.

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Motorola teamed up with Deutsche Telekom to deliver IPTV in Germany, the companies said. DT also will use Motorola's HD-ready IPTV set-tops for its T-Home Entertain services, they said. The deal gives T-Home users access to varied multimedia applications in addition to standard TV offerings using a Motorola VIP1616E set-top, they said. The set-top with DVR supports standard definition digital video. Its two-way IP capability permits use in multiple applications, including broadcast TV, time-shifted TV, multicast and video on demand.

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VoIP provider BroadSoft will acquire Genband's M6 Communication Applications Server, product line and related customer base, the companies said. The deal marks the start of a long-term partnership and allows Broad-

Soft to expand its VoIP business and Genband to advance its IP gateway production innovation, they said. The companies also signed an agreement to cooperate on network transformation projects, allowing customers to bundle voice, data and web-based services across an Internet Protocol network, they said.

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Online social networking will have more than 140 million mobile users in 2013, producing revenue exceeding \$410 million, ABI Research said. Subscription numbers will rise at "a modest rate" the next three years, then "accelerate sharply," the report said. The forecast is conservative, because emerging markets are hard to predict, it said. Some mobile versions of social networks will follow the model common to MySpace, Facebook and other Internet-based groups: free browser-based access. That's a problem for mobile operators, since it limits the revenue sources to data traffic charges, ABI said. An ideal model includes a recurring revenue stream, it said: subscribers paying monthly for application on their handsets.

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An ATIS update on usage data standards benefits network operators and vendors by providing functional requirements and architecture (FRA) for usage data collection and distribution and each FRA specification's context, ATIS-TMOC Chairman Amit Kleinmann said in an interview. The previous FRA specification included references to other "standardization efforts," he said. Since those references were changed, the standard has been updated, providing "a diagram that illustrates" relationships among the specifications, he said. The specifications were very popular and were implemented in IP Multimedia Subsystem based products and solutions, he said. ATIS hopes the update will create a "common language" and will offer the context of different ATIS specifications, he said. ATIS recently revised FRA on usage data for packet-based services (CD Aug 28 p9). -- YW

## Broadcast

The Pennsylvania Association of Broadcasters is setting up a statewide "soft" analog cutoff test Nov. 17. Stations taking part will briefly turn off their analog transmitters or broadcast a message along the lines of "If you are watching this message, you or your pay [TV] provider are not ready for February 17, 2009," the group said. So far, 40 stations have signed on. The test is aimed at viewers of over-the-air analog TV and pay-TV subscribers whose service providers may not be ready for the transition, the group said. Stations will tell viewers that "if they have cable/satellite service and fail the test, *they* should contact *their* provider and ask when they will be ready for the digital TV transition," it said.

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Winegard introduced a battery adapter for its government-subsidized converter boxes. The \$15 add-on uses six D-cell batteries, on which it can operate for up to 18 hours. "No need to replace your existing battery powered analog TV when you buy this battery pack and a Winegard Converter Box," it said on its Web site. Shipping is \$5.

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CBS sales should get a lift this quarter and next from the network's purchase of CNet, Stanford Group analyst Fred Moran wrote. He expects CNet to contribute \$100 million in sales Q3 and \$140 million Q4. Political ad sales and license revenue also should help make up for its radio division's poor performance, he said.

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The FCC seeks comment on changing the DTV table of allotments so WWSI Atlantic City, N.J., broadcasts on channel 10, instead of 49, after the DTV transition, a Media Bureau rulemaking notice said Tuesday. Last week, the station and WHTM-TV Harrisburg, Pa., resolved conflicting DTV applications (CD Aug 28 p12). Comments on the bureau proposal are due 30 days after the notice appears in the *Federal Register*, replies 15 days later.

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Clear Channel seeks an extension until Nov. 1 of a deadline for it to file a report on the change in ownership of many radio stations, the broadcaster said in a filing Friday. The company was taken private by leveraged buyout firms in a \$24 billion takeover about a month ago (CD July 31 p14).

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Small-market radio stations have outperformed counterparts in larger markets in 16 of the past 17 months, CL King analyst Jim Boyle wrote. "The average small radio market has grown its revenue by 1.4% per month during that period," he said in a report. "The average big radio market has seen its revenue plunge by 3.2% per month

during that period." Why the gap? "Small market radio sells quality rather than price and results more than switch-pitching their radio peers' clients," King said.

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Barrington Broadcasting's credit rating was cut to B- from B by Standard & Poor's. The rating service said it will monitor the company's credit for another possible downgrade. The ratings agency said Barrington may have trouble reducing debt and increasing earnings, steps needed to comply with "an aggressive schedule of tightening leverage covenants."

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Tribune stations in New York, Dallas, San Diego and Denver will carry local NFL games when they would otherwise be available only to pay-TV subscribers on the NFL Network, said Tribune. The deal with the NFL covers six games. The terms weren't disclosed.

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Licensing for the DVB-T terrestrial DTV broadcast standard has been transferred to Europe's Sisvel from MPEG LA in the U.S., the patent administrators said. Italy-based Sisvel will license the portfolio of DVB-T patents claimed by France Telecom, JVC, Matsushita and others, as an alternative to negotiating separate licenses with individual patent owners, the group said. Licensees already registered with MPEG LA will hear get details of the transfer from the group, Sisvel and MPEG LA said.

## Cable

Charter and the Big Ten Network set terms of their carriage agreement, the companies said Saturday. Charter will carry the network and its HD and VoD programming in Michigan, Minnesota and Wisconsin. Other terms weren't disclosed.

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High expectations, rising programming costs, increased marketing by Dish and weak local ad sales led Pali Research analyst Richard Greenfield to lower his rating on Mediacom stock to "neutral" from "buy," he wrote. Mediacom probably got a tougher deal to carry the Big Ten Network than its larger industry peers, he said. Greenfield estimated that the network could cost Mediacom as much as \$7 million a year to carry. Mediacom shares fell 7.9 percent Tuesday.

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The FCC won't make cable operators give it subscriber data by nine-digit ZIP codes as it awaits Office of Management and Budget review of that requirement, it said. After that Paperwork Reduction Act review of the change on requests for cable rate deregulation, the FCC will publish a *Federal Register* notice saying when it takes effect, according to a public notice. Until then, "the Commission will continue processing effective competition competing provider petitions that are supported by any reliable data as we have in the past," it said. The new requirements were to take effect Monday. The FCC also clarified that the detailed data are required of cable companies trying to show that more than 15 percent of homes in an area buy TV service from at least one other company only when they involve five-digit ZIP codes that lie partly within the franchise area.

## Mass Media Notes

Tension between two Hollywood actors unions flared again this week. The American Federation of Television and Radio Artists criticized an officer of the Screen Actors Guild Hollywood Division for sending an e-mail on AFTRA's approach to its Interactive agreement, which covers performances in video games and was negotiated jointly by the two unions in 2005. "The insertion by an officer of another labor organization into AFTRA's internal collective bargaining process has again generated unnecessary confusion and the dissemination of inaccurate information," AFTRA National President Roberta Reardon and Interactive Steering Committee National Chair Denny Delk wrote Monday in a letter to members. The interactive agreement expires Dec. 31. The episode is the latest hot spot between the unions, which split over how to approach talks with TV and film producers and studios. SAG is still without a contract. AFTRA and the Alliance of Motion Picture and Television Producers reached an agreement in May. Tuesday, SAG sent a 12-page flier outlining its negotiation strategy and asking members to mail post

cards saying whether the union should accept the studio's June 30 "final offer" or continue negotiations aimed at getting better terms. Among sticking points are new media and online residuals and studios' ability to use clips of actors' performances online without paying them again. The mailing is "just another delay tactic meant to mask the fact that SAG's negotiators have no coherent strategy," the AMPTP said.

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FCC, NTIA, Capitol Hill and industry officials will talk about the digital transition and other issues at a conference Sept. 22, said the Association for Maximum Service TV. Speakers include NTIA Acting Administrator Meredith Baker, chiefs of the CEA, NAB and NCTA, aides to three FCC commissioners and counsel for the Senate and House Commerce committees.

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Nielsen said it and IMMI began reporting daily TV ratings that include out-of-home viewing in offices, sports clubs, hotels, bars and other settings. The companies give special ratings-capable mobile phones to panelists and ask that they always carry them. Fox's June 30 broadcast of *House* drew 570,000 out-of-home viewers, the most of any broadcast prime-time show June 30 to July 27, Nielsen said. ESPN's July 14 presentation of the Major League Baseball Home Run Derby was the most viewed cable program out of homes, also with 570,000 viewers.

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Vivendi Q2 sales grew 15 percent from a year earlier to \$8.69 billion, the company said. Quarterly profit of \$1.1 billion grew 0.3 percent.

## Satellite

Intelsat and EchoStar continue to fight about when the filing window for the 85 degrees west slot opened (CD Aug 11 p10). In the latest salvo, Intelsat said EchoStar can't claim that a video recording of a July 2003 public meeting on FCC fixed satellite services filing rules is unavailable. "In fact, an archived video on the FCC's website is readily available to the public," Intelsat said. "The FCC's website instructs that a temporary link to all video will be provided upon request." Intelsat believes EchoStar's application, filed at 10:50 a.m., May 23, should be dismissed because the filing window didn't open until 11 a.m. EchoStar doesn't believe the commission had fixed an hour for the filing window to open. "Contrary to Intelsat's assertions, there is no public document that could constitute proper notice of an 11:00 AM start time for the May 23, 2008, filing window," EchoStar said. "Intelsat attempts to cobble together different documents and events from 2003 to support" its position. EchoStar's counsel was at the 2003 meeting, said Intelsat. "While EchoStar may be a new entrant to the FSS industry, their experienced counsel's actual knowledge of the contents of the meeting, including the discussion of the 11:00 AM filing window, belies any claim of lack of notice," said Intelsat. But "EchoStar filed its application first and should not be unfairly punished for following the process set forth by the International Bureau in the Public Notice," EchoStar said.

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The Netherlands Navy will use Inmarsat's FleetBroadband product using Stratos Global equipment and service, Stratos said. The Dutch Navy bought service and gear after a three-month test aboard *RNLN Van Kinsbergen*, Stratos said. Thrane & Thrane Sailor 500 FleetBroadband terminals were integrated with AmosConnect to manage e-mail traffic, Stratos said. Also tested were Web browsing, instant messaging, video chat, digital faxing by eFax and weather forecasting using MeteoConsult's SPOS, Stratos said.

## Communications Personals

Alcatel-Lucent changes: **Philippe Camus**, ex-European Aeronautic Defense and Space Co., becomes chairman Oct. 1; **Ben Verwaayen**, ex-BT, returns to company as CEO... **Tom Alexander**, ex-Turner Broadcasting, becomes PBS Kids Sprout senior vice president, marketing... Changes at Universal TV Group: **Pam Schechter** and **Crissy Thomas-Taylor** promoted to vice presidents, business affairs; **Rafael Gomez-Cabrera**, ex-NBC Universal TV Group, and **Rajal Lele**, ex-NBC Universal TV Distribution, become directors, business affairs... New at Wavecom Group: **Herbert Scheitler**, ex-Siemens, as vice president, automotive business; **Andreas Kohn**, ex-Cinterion, as technical director.