

Industry and conservation groups said the FCC should act "expeditiously" to wrap up outstanding issues and approve interim standards for the antenna survey registration program. Representatives of CTIA, PCIA, NAB and the National Association of Tower Erectors as well as the American Bird Conservancy, the Defenders of Wildlife and the National Audubon Society met with Jennifer Flynn, an aide to FCC Chairman Julius Genachowski, they said in an ex parte filing. The groups discussed with Flynn a memorandum of understanding they submitted to the FCC in May (CD May 6 p5).

Public interest groups encouraged the FCC to pursue its open Internet goals. Free Press representatives met Tuesday with Chief of Staff Ed Lazarus to promote a "clear, bright-line rule" on discriminatory conduct, with a low bar for making a prima facie case so consumers could bring their complaints to "meaningful adjudication." The group said paid prioritization harms consumers and should be banned and also emphasized a need for technologically-neutral net neutrality rules. Free Press also argued against a no-blocking rule. A simple rule like that "creates enormous potential for anti-competitive, anti-consumer behavior: broadband providers can simply argue that they are delaying, rather than blocking, access to content," it said. The Center for Democracy & Technology's David Sohn spoke with Lazarus by phone Wednesday and supported Title II classification. Wireless carriers shouldn't be allowed to block applications, except those that harm the network, and they should concentrate on individuals' bandwidth use to deal with congestion, Sohn said. The National Religious Broadcasters said separately that the FCC should pursue ancillary jurisdiction under Title I over broadband networks. Title II is an inappropriate jurisdictional basis, and the proposed delegations of authority from Congress aren't sufficient, the group said. "If the Commission desires this kind of authority, then it must be up to Congress to *expressly grant it*." The commission's justification for the change has not been a "reasoned analysis" but the *Comcast* decision, the group said. Just because the court said the commission overreached in *Comcast* "does not render 'reasonable' the attempt to overreach again, this time using an assertion of ill-fitted jurisdiction under Title II," it said.

The FCC's Consumer Bureau and Office of Engineering and Technology scheduled an open meeting for Wednesday to discuss technical methods for performance testing of residential fixed Internet service. The meeting will be 10 a.m. in the seventh floor North Conference Room.

Capitol Hill

The Senate Commerce Committee approved Thursday a spectrum bill to streamline relocation for federal users. By voice vote, the committee reported S-3490 to the full Senate with a substitute amendment by sponsor Sens. Mark Warner, D-Va., and Roger Wicker, R-Miss. The legislation aims to set up a more orderly process for moving federal users off bands that would be reviewed by a three-member technical panel reporting to the FCC and the NTIA. At the markup, Chairman Jay Rockefeller, D-W.Va., said the bill would ensure that relocation is open and transparent. But it may need further adjustments before it hits the Senate floor, he said. Sens. Olympia Snowe, R-Maine, and John Kerry, D-Mass., have concerns, but Warner and Wicker plan to work with them before the next vote, said Warner. The Wireless Broadband Coalition, representing AT&T, Verizon, T-Mobile, Cisco and Qualcomm, welcomed approval by the committee. The bill "doesn't make spectrum allocation decisions, but it does make future spectrum allocation decisions easier to implement," said the coalition's executive director, David Taylor. "Delays in the AWS spectrum relocation process have slowed broadband deployment. The WBC believes that Federal policy should seek to promote infrastructure investment and broadband deployment, not slow it down." The Warner-Wicker bill will spur broadband deployment and investment and create jobs, and the coalition believes it "can and should be enacted into law this year." The legislation "will make the spectrum relocation process more predictable and transparent, thereby producing a more efficient relocation process for all parties and advancing the broadband deployment goals we all share," said CTIA President Steve Largent. "We hope the full Senate will act on S. 3490 as soon as possible." The spectrum bill is similar to House legislation HR-3019 by Rep. Jay Inslee, D-Wash., but it addresses some concerns that had been raised by the White House (CD June 17 p6). The House Commerce committee passed the Inslee bill in March. — **AB**