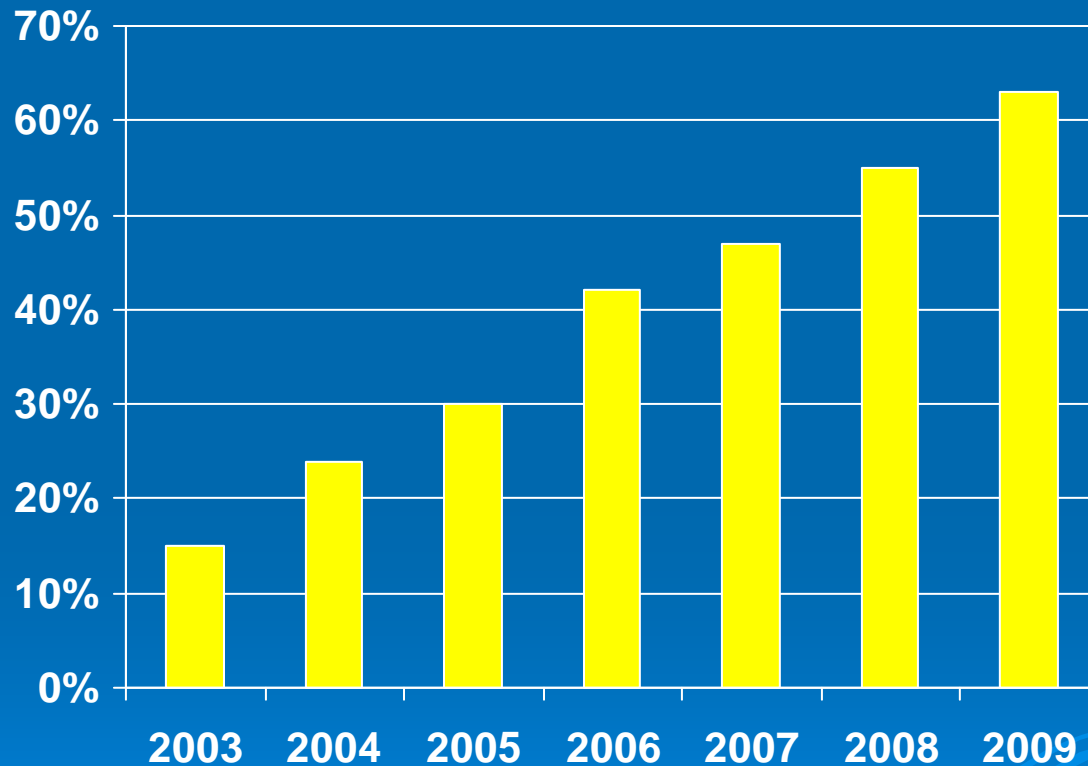




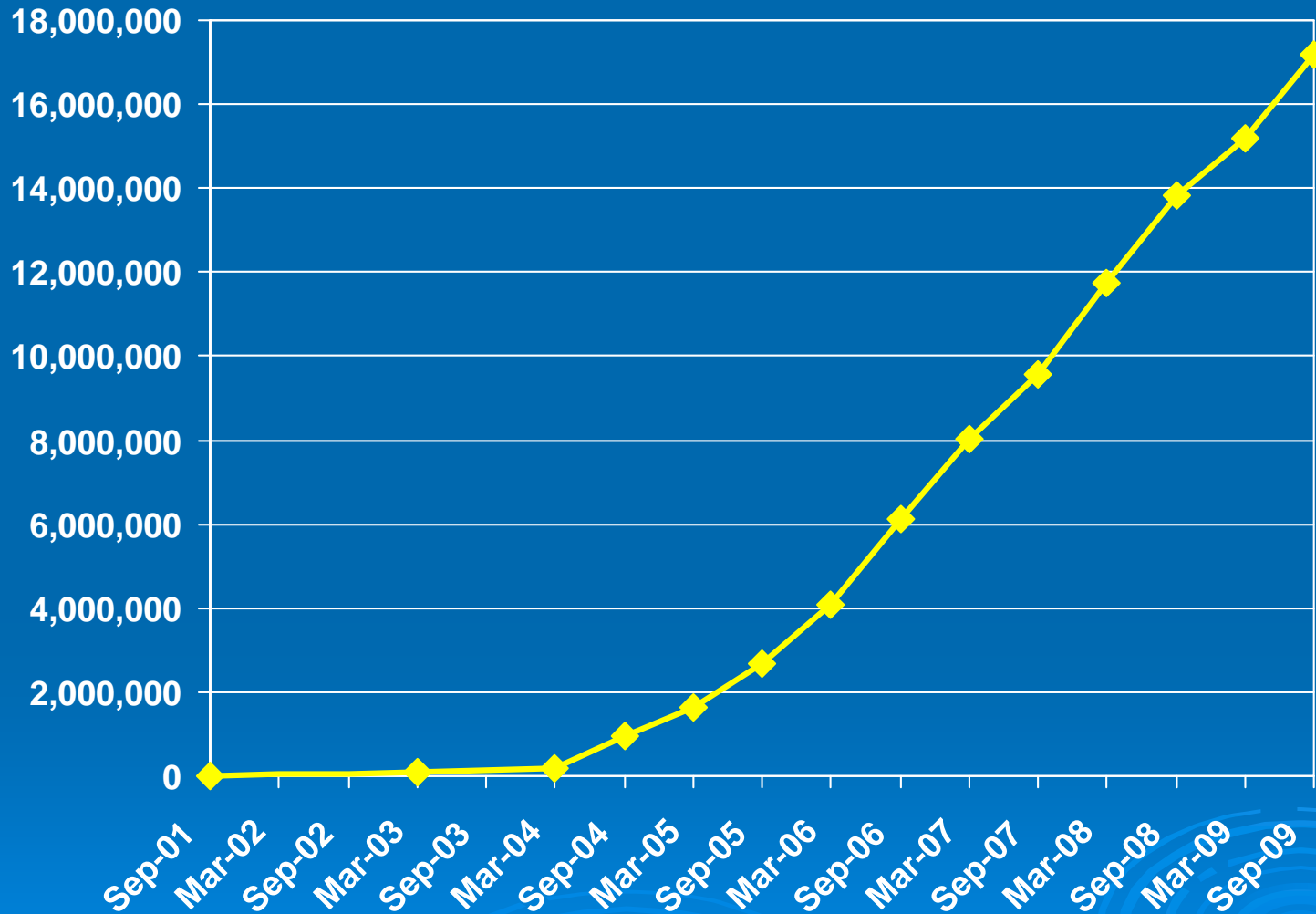
FCC Commissioner
Robert M. McDowell

Approximate Percentage of Americans Subscribing to Broadband at Home



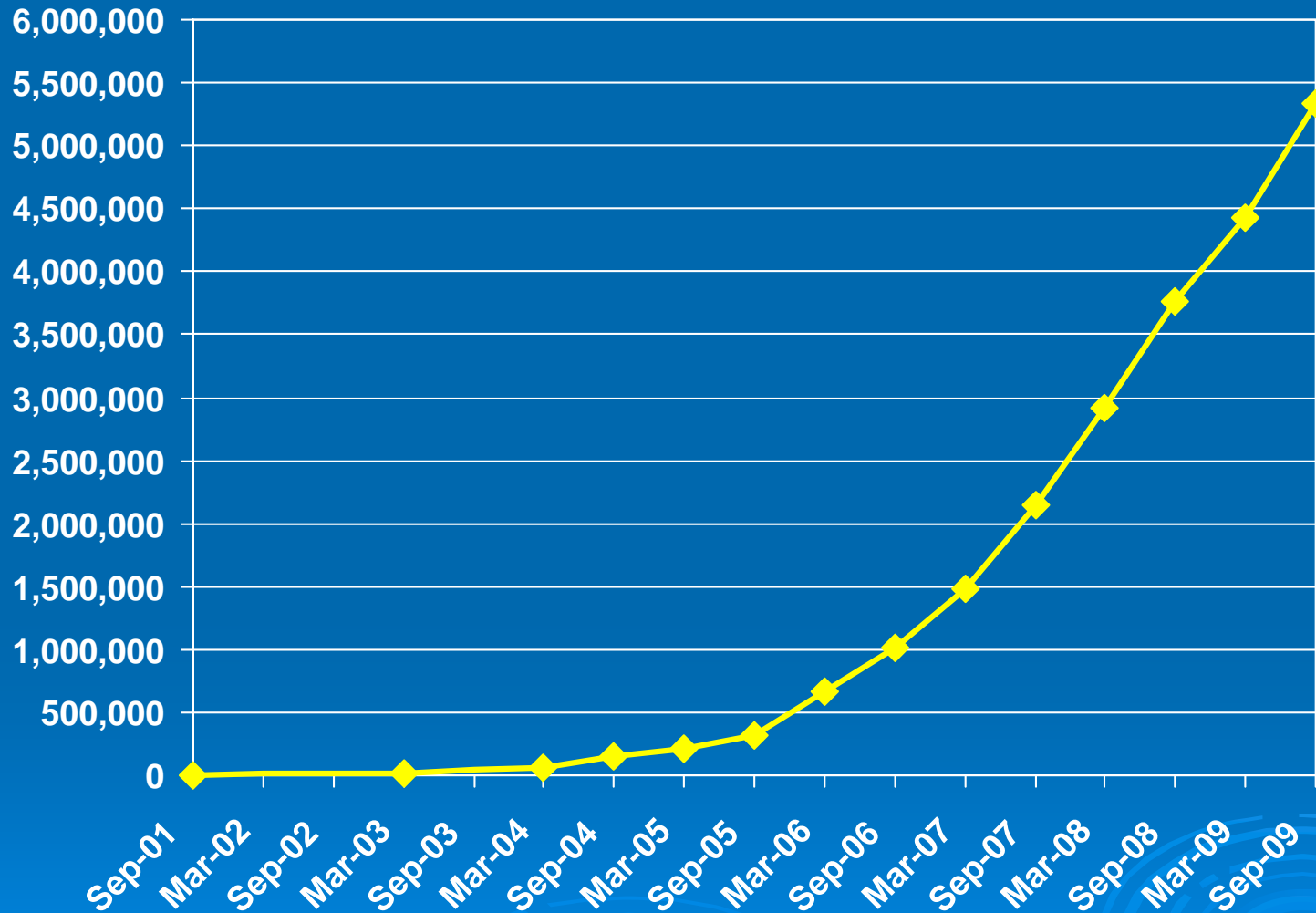
Source: John Horrigan, Pew Internet and American Life Project, Home Broadband Adoption 2009, at 11 (2009); John Horrigan, Pew Internet and American Life Project, Home Broadband Adoption reports from 2003 to 2009.

Approx. Number of Homes Passed By Fiber



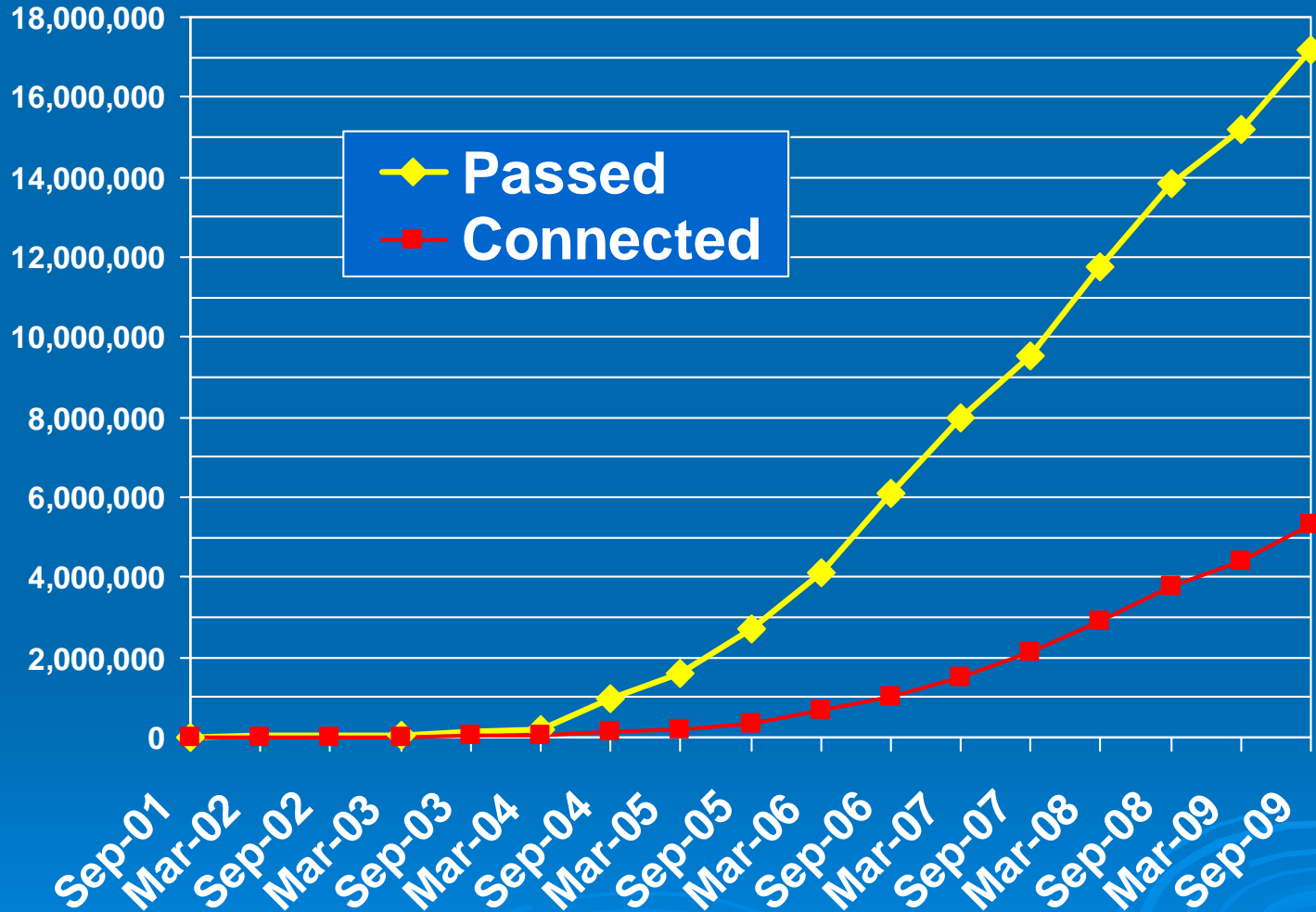
Source – Fiber To The Home Council – North American FTTH/FTTP Status (Sept. 29, 2009). Available at: <http://www.ftthcouncil.org/sites/default/files/RVAFTTHPreso092809forrelease.pdf>.

Approx. Number of Homes Connected By Fiber



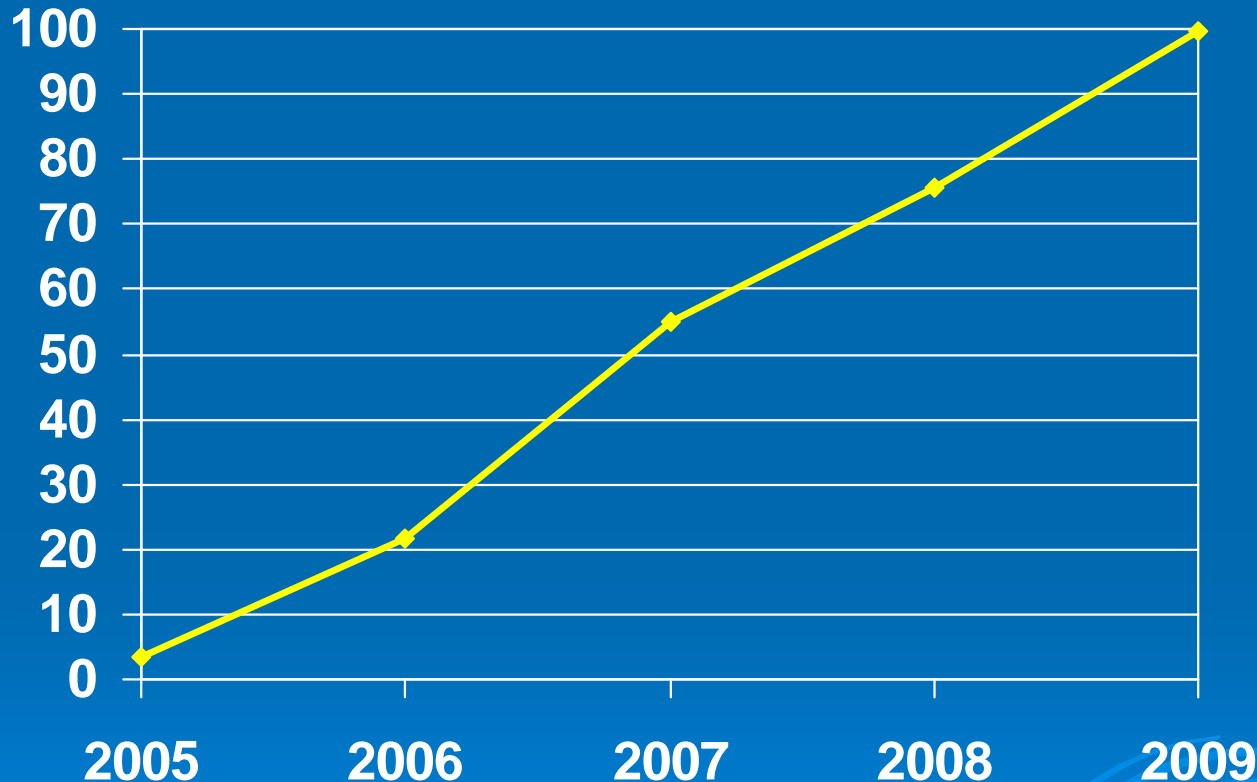
Source – Fiber To The Home Council – North American FTTH/FTTP Status (Sept. 29, 2009). Available at: <http://www.ftthcouncil.org/sites/default/files/RVAFTTHPreso092809forrelease.pdf>.

Approx. Fiber Penetration



Source – Fiber To The Home Council – North American FTTH/FTTP Status (Sept. 29, 2009). Available at: <http://www.ftthcouncil.org/sites/default/files/RVAFTTHPreso092809forrelease.pdf>.

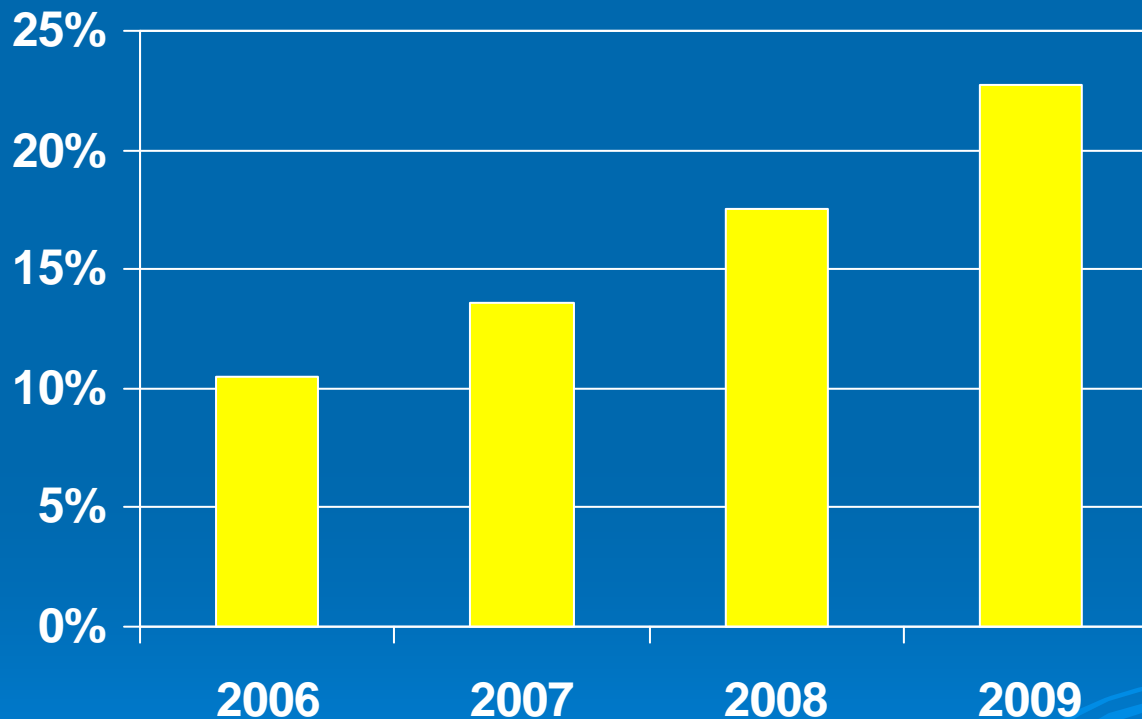
Wireless Broadband Subscribers in the United States (in millions)



Source: ComScore M:Metrics MobiLens Market Viewer - United States (accessed Nov. 11, 2009).

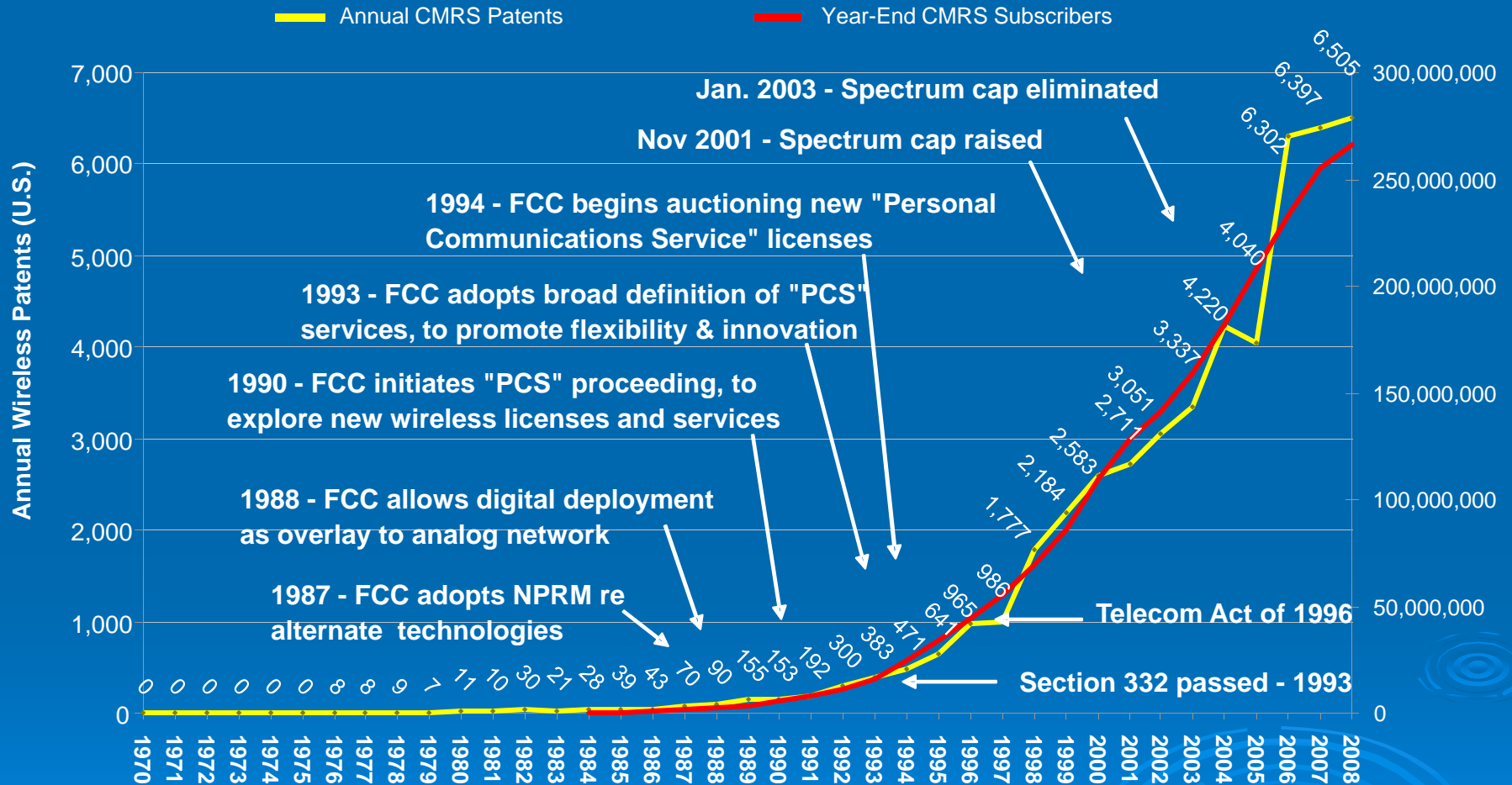
Cutting the Cord

Percentage of American Homes with Wireless Service Only



Source: Stephen J. Blumberg & Julian V. Luke, Division of Health Interview Statistics, National Center for Health Statistics, *Wireless Substitution: Early Release of Estimates From the National Health Interview Survey, July-December 2008* (May 6, 2009).

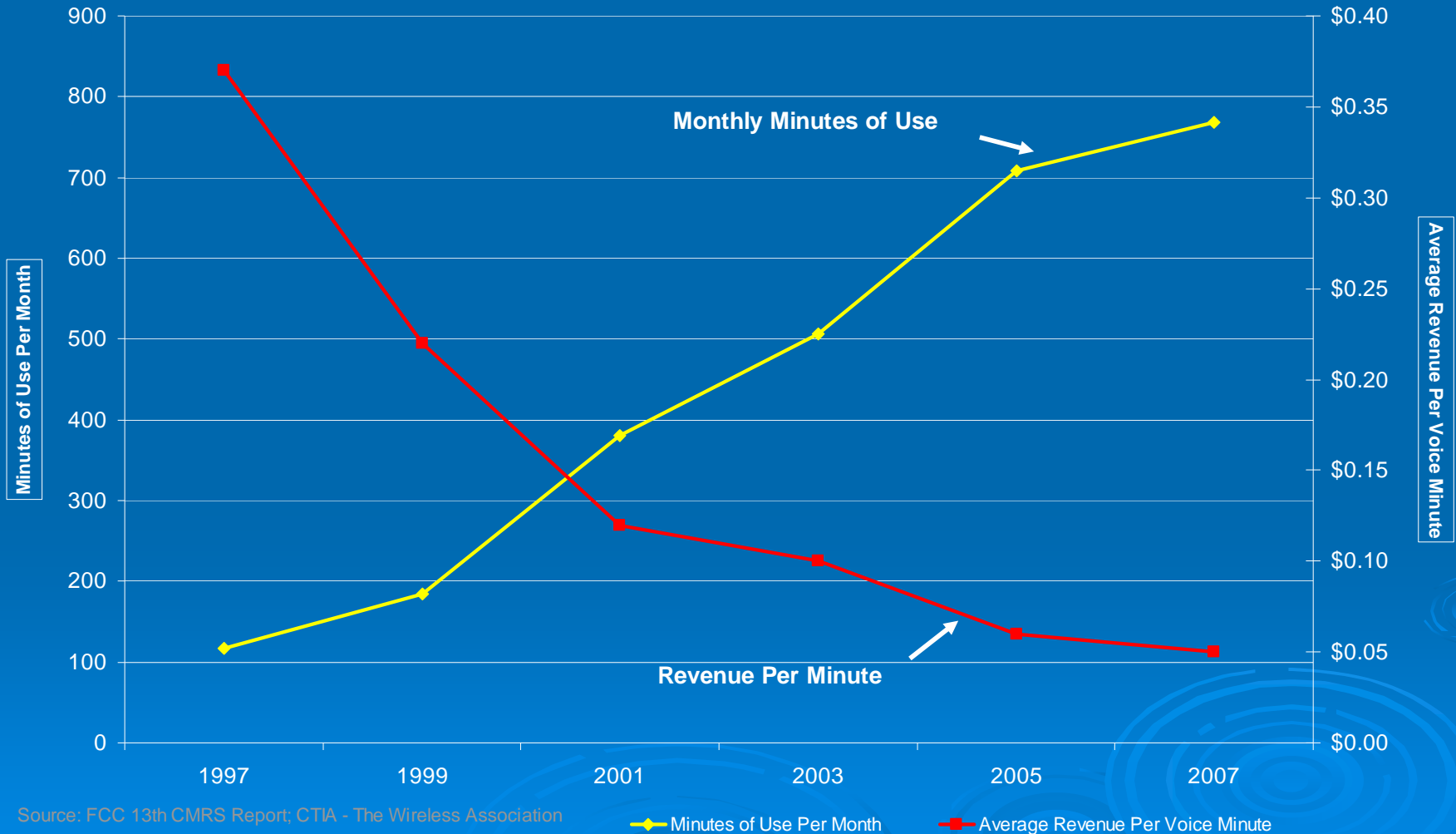
Deregulation of Wireless Services



Source: FCC, CTIA - The Wireless Association.

Wireless Voice

Minutes of Use vs. Revenue per Minute

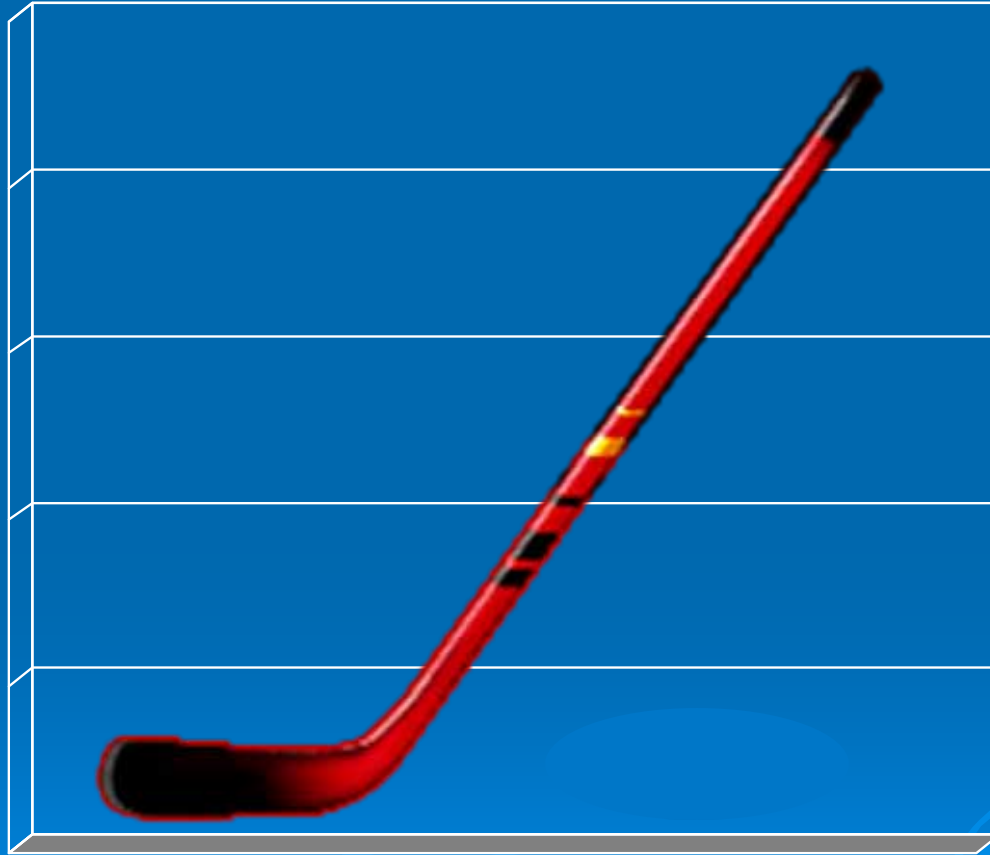


Source: FCC 13th CMRS Report; CTIA - The Wireless Association

◆ Minutes of Use Per Month

■ Average Revenue Per Voice Minute

Almost Every Key Trend Looks Like This



View of the Department of Justice

“Between the ongoing deployment of wireline broadband networks, the geographic expansion of wireless broadband services (hopefully spurred by the availability of additional spectrum to broadband wireless services), and increased transparency, the Department is hopeful that the vast majority of American households will benefit from significant competition in their local broadband markets.”

(continued...)

View of the Department of Justice

“Put differently, most regions of the United States do not appear to be natural monopolies for broadband service.”

-Ex Parte Submission of the United States Department of Justice, In the Matter of Economic Issues in Broadband Competition A National Broadband Plan for Our Future, GN Docket No. 09-51, p. 28 ¶ 1 (January 4, 2010).

FTC Unanimous and Bipartisan Warning

“Policy makers should be wary of calls for network neutrality regulation simply because we do not know what the net effects of potential conduct by broadband providers will be on consumers...”

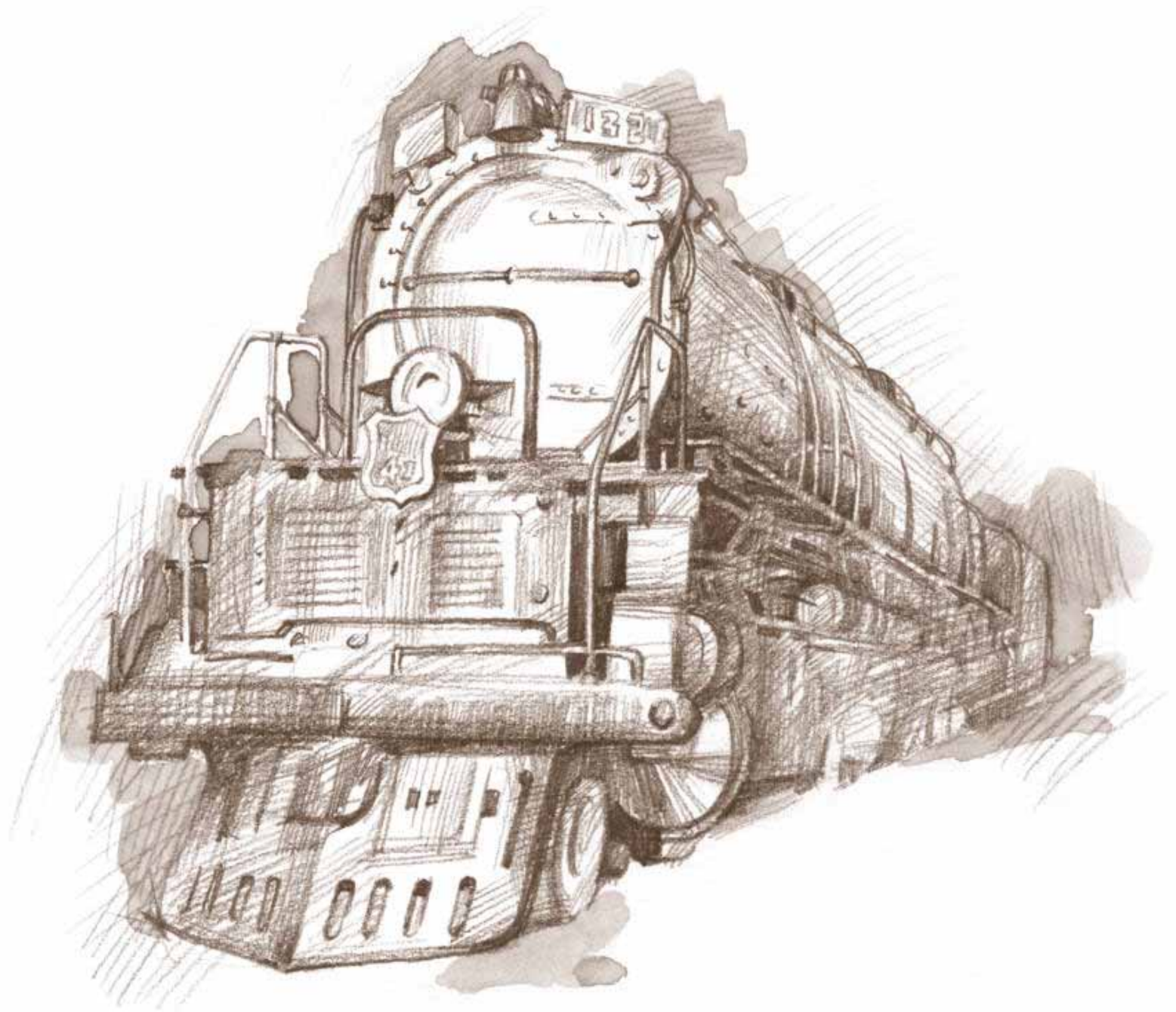
View of the Department of Justice

“Although enacting some form of regulation to prevent certain providers from exercising monopoly power may be tempting with regard to such areas, care must be taken to avoid stifling the infrastructure investments needed to expand broadband access.” (continued...)

View of the Department of Justice

“In particular, price regulation would be appropriate only where necessary to protect consumers from the exercise of monopoly power and where such regulation would not stifle incentives to invest in infrastructure deployment.”

-Ex Parte Submission of the United States Department of Justice, In the Matter of Economic Issues in Broadband Competition A National Broadband Plan for Our Future, GN Docket No. 09-51, p. 28 ¶ 2 (January 4, 2010).



Turner Broadcast Systems

“our precedents thus apply the most exacting scrutiny to regulations that suppress, disadvantage, or impose differential burdens upon speech because of its content.”

Citizens United

“[b]y taking the right to speak from some and giving it to others, the Government deprives the disadvantaged person or class of the right to use speech to establish worth, standing, and respect for the speaker’s voice. The Government may not by these means deprive the public of the right and privilege to determine for itself what speech and speakers are worthy of consideration.”

Consol. Edison

“Mere speculation of harm does not constitute a compelling state interest.”



Thank you



The Honorable Robert M. McDowell

Commissioner

Federal Communications Commission

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