

Broadband Investment and Consumer Choice Act

- **USF**—Not addressed in this bill
- **Video**
 - No franchise or buildout obligations
 - New entrants such as telcos will pay up to 5% to local governments like cable does
 - Must carry obligations apply to all video service providers as well as up to four PEG channels selected by local governments
 - All video service providers are given access to compulsory license
 - All video content in which a multi-channel video distributor (MVPDs) such as a cable operator has an attributable ownership interest must be made available to other MVPDs (IPTV) on fair and equal terms—provision sunsets in 10 years
 - Exclusive sports contracts are prohibited—provision sunsets in 10 years
- **Basic Telephone Service**—ILECs required to provide at current rates to residential customers at current residential rates until 2010—after 2010 rates may be increased annually by the increase in the CPI
- **Consumer Access to Content**—
 - Consumers shall have access of their choice of legal content over broadband facilities—providers may perform network optimization security and prioritization so long as it is not done to block access to legal content—blocking of access to VoIP is prohibited
- **Retail Regulation**—No state or federal regulation of rates, terms and conditions other than with respect to BTS
- **Wholesale Regulation**
 - Facilities based providers must interconnect with other facilities based providers at commercially reasonable rates, terms and conditions—if providers cannot agree, FCC required to establish default framework that includes inter-provider compensation—FCC authority ends 5 years from enactment
 - Access to local copper loops until 1/1/2011
 - Facilities based providers shall provide access to poles, ducts and conduits at commercially reasonable rates to other facilities based providers and disputes are settled in the same manner as interconnection disputes
 - Except for the above, no other state or local federal wholesale regulation is permitted.

Government Owned Networks

- State or local government seeking to provide a communications service must give a non-government entity the option of bidding with the non-government entity being provided the same terms, conditions, financing, rights of way, land, space and accommodations as the government entity
- If the bids are identical preference shall be given to the non-government entity