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Today's News

MCDOWELL UNDECIDED on unreasonable network management petitions. He questions need for 'dusty' broadcast rules. (P. 1)

'PHANTOM TRAFFIC' FIX proposed by Stevens in bill requiring rules to facilitate billing of intercarrier calls. (P. 2)

POLE ATTACHMENT PROTECTIONS critical, CTIA and wireless carriers tell FCC. (P. 11)

NETWORK MANAGEMENT PRACTICES of AOL, AT&T, Cablevision should be disclosed, Vuze says. Study raises concern. (P. 12)

KEEP NSL 'RELEVANCY' STANDARD, Senate Judiciary told. Specter assails Bush on programs. (P. 13)

PUBLIC TV STATIONS focus on converter, antenna issues, as viewers use NTIA coupons. (P. 15)

GREEN TELECOM, greenhouse-gas control mandate to merge, WCA told. (P. 16)

BLOGS OVERSHADOWED IN CAMPAIGN by mainstream media, tracking firm finds. Bloggers no longer set agenda as they did last year. (P. 17)

Commissioner McDowell Still Mulling Record in Comcast-Vuze Dispute

FCC Commissioner Robert McDowell is still analyzing the record surrounding allegations from Vuze and others that Comcast interfered with peer-to-peer Internet traffic, he told reporters Wednesday after a speech at Michigan State University's Quello Symposium at the National Press Club. Coming to a solution will require "extra due diligence" among all five FCC commissioners, after major network operators skipped an en banc hearing on the matter last week (CD April 18 p1), he said. "I'm still in 'collecting-information mode' and analyzing," McDowell said. Confusion among experts about the facts of the matter has persisted ever since the commission's hearing at Harvard in February, he said.

Questions remain about where the commission will draw the authority for any enforcement against Comcast, as the last such dust-up involving Madison River was handled under Title II of the Communications Act. "Right now, it's Title I at best," McDowell said. "And Chairman Martin said at the time [the network neutrality principals were adopted] that it wasn't enforceable," he said. Earlier, and with the caveat that he wasn't referring specifically to the Comcast matter, he told the symposium that Title I was written broadly and vaguely and courts had yet to clarify some of the issues.

McDowell also questioned why the commission has been "dusting off decades-old regulations to impose on broadcasters" at a time when that industry can least afford cumbersome rules. After reciting a litany of statistics showing broadcasters' diminishing role in the overall media landscape, he questioned recent FCC

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rules that seem to revive the long-ago discarded 'ascertainment' and 'financial interest and syndication' rules. "Why is the commission going back in time to dig up regulations that only made sense in a broadcast-dominated media market," he said in a speech to the Quello Symposium. "Doesn't Section 202(h) of the Act compel us to move in a de-regulatory direction as competition grows?"

Rules forcing pay-TV operators to sell programming la carte are also unnecessary, McDowell said. "I doubt that streaming of prime-time's most popular shows, companies with business models like Netflix and Vuud and Web sites like Hulu and Joost would exist today if the government had tried to engineer them through regulation," he said. "Why should government consider imposing such a mandate when the market is providing per-episode a la carte already," he said. -- Josh Wein

All Agree Changes Needed

Stevens Bill Seeks Billing Clarity to Halt 'Phantom Traffic'

Upset over rural carriers' losses on untraceable phone traffic, Sen. Ted Stevens, R-Alaska, proposed a bill requiring voice providers to ensure calls have enough billing information. Stevens, vice chairman of the Senate Commerce Committee, urged the phone industry at a Wednesday hearing to collaborate on a solution to "phantom traffic" -- calls carried on networks that elude carriers' billing systems.

Rural carriers welcomed the bill, which has bipartisan support, complaining that phantom traffic has cost them money for a long time. The FCC has been working for nearly seven years on a larger revamping of the inter-carrier compensation system, but no resolution is ready, Stevens said. His bill would require FCC action within 12 months. The agency would have to consider industry standards for signaling, examine current signaling equipment's limitations and study the cost of updating equipment.

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