

SOUTH CAROLINA CABLE TELEVISION ASSOCIATION NEWSLETTER

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PUPS, PIPES, & REVISIONS TO THE UNDERGROUND UTILITY DAMAGE PREVENTION ACT

In January 2010, Senators Rose and Davis introduced Senate Bill 1068 which proposed to revise the South Carolina Underground Utility Damage Prevention Act. That Act was adopted in 1978. As a result of the Act, South Carolina utilities created the Palmetto Utility Protection Service or PUPS. For a number of years some contractor groups have been pushing for changes in the way that PUPS operates. This year those people persuaded Senators Rose and Campbell to introduce S. 1068. The Senate Judiciary Public Utilities Subcommittee met in March and carried over the bill. The Committee agreed that the current law needs to be updated since it has not been revised to comply with the federal Pipeline Inspection, Protection, Enforcement and Safety Act (“PIPES”) passed in 2006. Senators Rose and Campbell asked interested parties to work on a compromise bill which would be introduced in the next legislative session.

PIPES added a section, State Damage Prevention Programs, which authorized the Secretary of Transportation to make grants available to state authorities to help strengthen the overall quality and effectiveness of state damage prevention programs. To qualify for the grants the state must either have in effect an effective damage prevention program or demonstrate that it has made substantial progress toward establishing a program that incorporates the following nine elements of effective damage prevention programs. The grants are administered by the U.S. Department of Transportation’s Pipeline and Hazardous Material Safety Administration (“PHMSA”).

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Pursuant to PIPES, 49 U.S.C.A. § 60134, an effective damage prevention program includes the following:

- (1) Participation by operators, excavators, and other stakeholders in the development and implementation of methods for establishing and maintaining effective communications between stakeholders from receipt of an excavation notification until successful completion of the excavation, as appropriate.
- (2) A process for fostering and ensuring the support and partnership of stakeholders, including excavators, operators, locators, designers, and local government in all phases of the program.
- (3) A process for reviewing the adequacy of a pipeline operator's internal performance measures regarding persons performing locating services and quality assurance programs.
- (4) Participation by operators, excavators, and other stakeholders in the development and implementation of effective employee training programs to ensure that operators, the one-call center, the enforcing agency, and the excavators have partnered to design and implement training for the employees of operators, excavators, and locators.
- (5) A process for fostering and ensuring active participation by all stakeholders in public education for damage prevention activities.
- (6) A process for resolving disputes that defines the State authority's role as a partner and facilitator to resolve issues.
- (7) Enforcement of State damage prevention laws and regulations for all aspects of the damage prevention process, including public education, and the use of civil penalties for violations assessable by the appropriate State authority.
- (8) A process for fostering and promoting the use, by all appropriate stakeholders, of improving technologies that may enhance communications, underground pipeline locating capability, and gathering and analyzing information about the accuracy and effectiveness of locating programs.
- (9) A process for review and analysis of the effectiveness of each program element, including a means for implementing improvements identified by such program reviews.

As one of PHMSA's damage prevention initiatives from late 2009 through spring 2010, the agency discussed damage prevention programs with key stakeholders in each state resulting in an evaluation of each state program against the nine elements. The results indicated that South Carolina's program is challenged with respect to elements 4, 6 and 7. The rating for element 4 (partnership in employee training) and element 7 (fair and consistent enforcement of the law) was "partially implemented/marginally effective program element needs improvement; no actions underway/planned for improvement." The rating for element 6 (enforcement agencies' role to help resolve issues) was "program element is not implemented and needs to be addressed." <http://primis.phmsa.dot.gov/comm/sdppc.htm?nocache=2568>. The fact that the current Act is out of line with federal recommendations gives leverage to contractors to seek legislative changes that are more favorable to excavators at the expense of utilities. Utility stakeholders including SCCTA representatives have been working hard over the summer to come up with revisions to update the Act that are more favorable than those proposed in Senate Bill 1068. Senate Bill 1068 would create another layer of oversight and bureaucracy, the SC Underground Utility Safety and Damage Prevention Board composed of members appointed by the Public Service Commission.



NEWS FROM THE EXECUTIVE DIRECTOR

Let me again thank each of you for your many contributions to another successful legislative session protecting our state's cable industry. The second year of a two year session ended in June and the legislation we have been following that did not pass *is dead*. However, I have listed below the legislation we followed and worked hard to revise, that passed and ultimately became law.

H4551 – 911 Bill. South Carolina's pre-paid wireless phone customers will begin paying 911 service fees much like landline phone customers starting next year under this bill signed into law in March. Cable companies offering VoIP service have been collecting and remitting the 911 fees just like the landline carriers. This bill clarifies that other VoIP carriers are also required to pay 911 service fees. Starting July 2011, a 61 cents-per-month fee will be charged to support 911 services across the state. The fee for wireless customers is remitted to the state Department of Revenue and distributed according to a state formula. Wireless companies are allowed to keep 2 percent of the fee for administrative costs.

H4261 and H4256 – SLED Subpoena Bills. SC Law Enforcement Division (SLED) introduced two bills this session which addressed SLED's ability to serve administrative subpoenas to a communications entity in certain limited situations. Our team worked with SLED to ensure we had immunity language in these bills and the legislation is consistent with federal law. 18 U.S.C. §2703(c) (2) contains federal restrictions on the information that can be obtained with administrative subpoenas. We added references to the federal provision directly after the sentence granting SLED the authority to issue administrative subpoenas. These bills were signed into law June of this year.

S973 – Sex Offenders/Social Networking – This bill requires sex offenders to register with SLED and makes the registry available to "authorized Internet entities" for use by those entities in prescreening or dropping sex offenders from the use of their services. Our team worked with legislative leaders and others to redefine "authorized Internet entities" and offer immunity language. This piece of legislation was signed into law in June.

The following issues are being discussed this summer which will certainly impact the cable industry next session:

PUPS - (previously filed as S1068 in 2009) Associated General Contractors prompted a bill filed in the Senate dealing with amending the Underground Utility Damage Prevention Act. AGC believes the State of SC is currently NOT in compliance with the federal PIPES Act and its 1978 law is outdated. Most utility groups agreed the SC law should be updated but each stakeholder should have input into the new law. Most believe the proposed bill adds difficult administrative processes for utilities. Senator Mike Rose (author of S1068), Chairman Rankin, and Senators Hutto and Campbell agreed that all interested parties get together and work on a compromise bill. A number of meetings have been held with operators, lobbyist and lawyers resulting in the creation of a draft bill to share with Senate Judiciary lawyer Nancy Coombs. A new PUPS bill will be filed late this year or in 2011. *(Continued on page 4...)*

News from the Executive Director (continued from page 3)

TRAC – The Tax Realignment Commission continues to meet to study the state’s complex tax system and will report to the SC General Assembly this November. Subcommittees have been formed out of TRAC to study particular issues and make recommendations. TRAC recently approved the repealing of a number of tax exemptions to increase state revenues. Some of the exemptions impacting cable are as follows:

1. delete exemption regarding toll charges for the transition of voice or messages between telephone exchanges,
2. delete exemption regarding cable TV production, broadcasting and distribution of programs,
3. delete exemption regarding film production, &
4. delete exemption regarding film reproduction.

A number of our member companies are currently studying the impact of repealing these exemptions.

As you are aware, it is against the rules to lobby TRAC committee members. Once the TRAC report is reported out to the General Assembly in November, subsequent bills will be filed to address the changes recommended.

The potential for new legislation effecting PUPS and corporate taxes will greatly impact cable and will certainly keep us busy in 2011. This association will play a major role in these two issues and many others that may impact our industry.

I look forward to seeing many of you in August at the 2010 Joint Summer Meeting!

Ray Sharpe



**2010 Carolinas
Joint Summer Meeting
August 7 – 9, 2010
Charleston Place
Charleston, South Carolina**

*Hosted by
The South Carolina Cable Television Association*

FEDERAL BROADBAND INITIATIVE – ROUND 2

On July 7, 2010, U.S. Commerce Secretary Gary Locke announced 29 American Recovery and Reinvestment Act of 2009 (“ARRA”) investments to begin the second round of National Telecommunications and Information Administration (“NTIA”)’s Broadband Technologies Opportunities Program (“BTOP”) awards. The awards will continue on a rolling basis. In the first round NTIA awarded 82 BTOP grants worth \$1.2 million to expand broadband access and adoption through projects that will affect 45 states and territories. NTIA will announce all grant awards by September 30, 2010. The second round announcement included a Comprehensive Community Infrastructure award to the University Corporation for Advanced Internet Development which affects all states and the District of Columbia. The University Corporation received a \$62.5 million grant with an additional \$34.3 million applicant-provided match to interconnect more than 30 existing research and educational networks, creating a nation-wide high-capacity network that will enable advanced networking features for more than 100,000 essential community anchor institutions.

Earlier awards included the \$5.9 million SC Reach for Success Program by the S.C. State Board for Technical and Comprehensive Education, \$28.5 million to the One Economic Corporation for its 21st Century Information and Support Ecosystem project which includes South Carolina among other states, and \$1.7 million for Connection Nation, Inc.’s broadband mapping grant. Award information is available at <http://www.ntia.doc.gov/broadbandgrants/projects.html>.

On May 3, 2010, Governor Sanford submitted his recommendations to the NTIA for Round 2 BTOP applications that included the following:

Sustainable Broadband Adoption

- Judiciary Court of the State of South Carolina – *Increasing Community Access to the SC Courts*
- Elauwit Community Enhancement Foundation LLC – *SC Public Housing Broadband Adoption Project*
- South Carolina Educational Television – *Bringing Broadband Home*
- V-Health – *V-Health Telehealth Services*
- Farmers Telephone Co-op – *Adopt a Laptop*

Public Computer Center

- Elawit Community Enhancement Foundation – *SC Public Housing Computer Centers Project*
- South Carolina State Board for Technical and Comprehensive Education – *SC Reach Out for Success*

Community Infrastructure

- Clemson University – *Palmetto State Integrated Fiber Infrastructure: A Statewide Broadband Strategy*
- City of Columbia – *Capital Community Broadband Services Infrastructure Project*

On June 2, 2010, Rural Utilities Service posted a directory of Broadband Incentives Program Round Two Last Mile and Middle Mile Infrastructure applications that includes pending South Carolina applications. The link is http://www.broadbandusa.gov/files/BIP_Round2_Infrastructure_Application_Directory.pdf

Horry Telephone Cooperative v. City of Georgetown Update

Horry Telephone Cooperative (“HTC”) filed a case against the City of Georgetown, the Secretary of State and Southern Coastal Cable on November 4, 2008, in U.S. District Court in the Charleston Division. HTC alleged that Southern Coastal Cable and Georgetown have conspired to unlawfully stifle competition in the Georgetown cable market after the City Council refused to consent to HTC’s request for a state issued certificate of franchise authority in August 2008. In early May, the Court granted Southern Coastal Cable’s motion to be removed as a party since there were no remaining claims against the company. On May 14, 2010, HTC, the City of Georgetown and the Secretary of State filed a stipulation of dismissal of federal claims and constitutional claims with prejudice. The stipulation of dismissal of the state claims was without prejudice allowing HTC to move forward with its complaint filed in the Georgetown County Court of Common Pleas on May 10, 2010.

PSC NEWS

Commission Elections

Commissioners David A. Wright and Elizabeth “Lib” Fleming were reelected to the Public Service Commission. Mignon Clyburn’s seat representing the 6th Congressional District was filled by Richland County Magistrate Nikiya “Nikki” Hall. On July 14, 2010, John E. Howard was sworn in as the Chairman and David A. Wright as Vice Chairman.

Regulation Updates

The Public Service Commission is proposing a revision to its regulations to require all telephone utilities who provide residential local exchange service to file security in the form of a performance bond or irrevocable letter of credit no less than \$100,000 or \$50,000 certificate of deposit as a condition of providing service in South Carolina unless the company or together with its affiliates has invested at least \$5 million in telecommunications facilities in the state. The Commission may waive the requirement upon petition by the utility if the company provides evidence of financial stability as deemed

appropriate by the Commission. Interested persons may submit written comments by September 1, 2010. A hearing is scheduled for October 26, 2010.

USF Audit Results

On June 9, 2010, the Office of Regulatory Staff filed the results of its annual audit of the S.C. Intrastate Universal Service Fund for 2009. The report indicated that overpayments and credits payable were reduced during 2009 and many outstanding accounts receivable issues from prior years were resolved. Gross accounts receivable decreased from \$473,052 to \$217,977. Assessable revenues reported during 2009 were also down. Several factors contribute to this decline including (1) the Commission’s decision to exclude international revenues from assessment, (2) consumer migration to wireless and VoIP; and /or (3) nationwide, flat-rate calling plans. Total assessments in 2009 and 2008 were \$52 million and \$53.9 million respectively. The report is available on the Office of Regulatory Staff’s website at www.regulatorystaff.sc.gov.

MEMBER NEWS

Key Contact Conference



The SC Cable Television Association participated in NCTA's 2010 Key Contact Conference by visiting SC's Congressional delegation. *Shown here left to right: Sam McGill (Atlantic Broadband), Bill Watson (Comcast Communications), Mary Anne Jacobs (Time Warner Cable), SC Second District Congressman Joe Wilson, Ray Sharpe (SCCTA), Dan Jones (Time Warner Cable) & Justin Damiano (Comcast Communications).*

JACOBS – RILEY INSTITUTE DIVERSITY FELLOW

Mary Anne Jacobs, Senior Director Government Relations for Time Warner Cable was named a Riley Institute Diversity Fellow after successfully completing the requirements of the South Carolina Diversity Leaders Initiative. The Riley Institute, in cooperation with the American Institute for Managing Diversity (AIMD), launched the unique program in 2003. The program encourages community leaders to consider the challenges and opportunities presented by the many facets of diversity in our state, including among others, differences in cultural background, language, gender, and physical ability. Jacobs joins over 400 CEOs of corporations, mayors, city and county council members, legislators, school superintendents, pastors and rabbis, non-profit heads, chamber of commerce directors, and community leaders that have graduated from the Riley Institute Diversity Leaders Initiative (DLI).



USF Bundles Decision

The Commission issued its order on July 13, 2010, allowing unregulated bundles and contract service offerings to continue to receive subsidies from the state Universal Service Fund. The Commission held that while the bundling statute prohibits the Commission from imposing requirements or otherwise regulating bundled and contract service offerings, it retains the authority to regulate the underlying basic local exchange telephone service. The Commission noted that the incumbents must maintain stand-alone tariffs for basic local exchange service even when offering bundled or contract services. This means the company retains its carrier of last resort obligation and must stand ready to serve the customer upon request with basic service on a stand-alone basis at Commission-approved tariff rates. The Commission rejected the SCCTA's position that continuing USF support for bundles and contracts expands the state USF to deregulated services indicating that accepting the SCCTA position would be harmful to consumers.

STATE-ISSUED CERTIFICATES OF FRANCHISE AUTHORITY

In Mid-May AT&T filed an application to amend its state-issued certificate to include the following additional areas: Charleston, Folly Beach, Gaston, Goose Creek, Hanahan, Hollywood, James Island, Kiawah Island, Lincolville, Mount Pleasant, North Charleston, Ravenel, Summerville, Berkeley County, Charleston County, and Dorchester County. As of June 14, 2010, the South Carolina Secretary of State has issued the following certificates. New areas/certificates are highlighted in red:

ATLANTIC BROADBAND.....	Aiken, Aiken County, Allendale, Bamberg, Bamberg County, Barnwell, Burnetown, Denmark, Fairfax, Jackson, New Ellenton, Snelling, Williston
BALDWIN COUNTY INTERNET/ DSSI SERVICE, LLC.....	Beaufort County, Charleston County, Greenville, Greenville County
BELLSOUTH..... TELECOMMUNICATIONS, INC. d/b/a AT&T SOUTH CAROLINA	Anderson, Anderson County, Arcadia Lakes, Blythewood, Calhoun County, Camden, Cayce, Central, Charleston County , Clemson, Columbia, Duncan, Easley, Elgin, Forest Acres, Gaston , Greenville, Greenville County, Greer, Hollywood , Irmo, Kershaw County, Lexington County, Liberty, Lyman, Mauldin, McConnells, Oconee County, Pickens, Pickens County, Pine Ridge, Richland County, Seneca, Spartanburg, Spartanburg County, Springdale, West Columbia, York, York County
BERKELEY CABLE TV, INC.....	Berkeley County , Harleyville, Jamestown, Moncks Corner, St. Stephens
BROADBAND EXPERIENCE..... d/b/a FAMILY VIEW CABLEVISION	Central, Clemson, Pickens County
CAROLINA TELECOM SERVICES.....	Hickory Grove, Sharon
CATAWBA, INC.....	Rock Hill
CHARTER COMMUNICATIONS, LLC...	Abbeville, Clinton, Easley, Greer, Greenville, Greenville County, Honea Path, Laurens, Mauldin, Newberry County, Oconee County, Pelzer, Pickens County, Salem, Six Mile, Spartanburg, Spartanburg County , Starr, Travelers Rest, Union, West Pelzer, Whitmire, Woodruff
CHESNEE COMMUNICATIONS.....	Cherokee County, Chesnee, Spartanburg County

State-Issued Certificates of Franchise Authority *continued...*

COMCAST OF CAROLINA.....	Edisto Beach, Goose Creek, Hampton County, Hanahan, Isle of Palms, James Island, Summerville
COMCAST OF GEORGIA/SC II.....	Beaufort County, Charleston, Edisto Beach, Hampton County, Hollywood, Meggett, Town of Seabrook Island
COMCAST OF GEORGIA/SC INC.....	Aiken County, Burnetown, Hampton County
COMCAST OF THE SOUTH.....	Calhoun Falls, Prosperity
ELK COMMUNICATIONS, LLC.....	Gaston, Lexington County, Swansea
FALCON VIDEO COMMUNICATIONS...	Beaufort, Beaufort County
FARMERS TELEPHONE..... COOPERATIVE	Andrews, Clarendon County, Coward, Florence County, Georgetown County, Greeleyville, Lane, Lee County, Lynchburg, Mayesville, Paxville, Pinewood, Scranton, Sumter, Sumter County, Turbeville, Williamsburg County
FTC DIVERSIFIED SERVICES, INC.....	Bishopville, Clarendon County, Florence County, Georgetown County, Kingstree, Lake City, Lee County, Manning, Olanta, Summerton, Sumter, Sumter County, Williamsburg County
GREAT FALLS CABLEVISION, INC..... d/b/a TRUVISTA	Town of Great Falls
HARGRAY CATV CO., INC.....	Bluffton, Estill, Hampton, Hardeeville, Hilton Head Island, Jasper County
HOME TELECOM.....	Charleston, Goose Creek, North Charleston
HORRY TELEPHONE COOPERATIVE...	Conway, Surfside Beach
HPI ACQUISITION CO., LLC.....	Anderson, Due West
MANAGED SERVICES INC.....	Berkeley County, Horry County, Jasper County, Richland County
METROCAST COMMUNICATIONS..... OF MISSISSIPPI, LLC	Marlboro County, McColl
NORTHLAND CABLE TELEVISION.....	Laurens County, Pendleton, Pickens County, Seneca, West Union
PALMETTO CABLE TV, LLC.....	Fort Mill, Lancaster County
PALMETTO RURAL TELEPHONE..... COOPERATIVE, INC.	Bamberg County, Colleton County, Cottageville, Lodge, Smoaks, Walterboro, Williams
PASSPORT COMMUNICATIONS.....	Fort Mill
PINE TREE CABLEVISION.....	Aiken County, Bamberg County, Barnwell County, Bethune, Cottageville, Gaston, Jefferson, Kershaw County, Lamar, McBee, Orangeburg County, Perry, Salley, Wagener
PBT COMMUNICATIONS.....	Gilbert, Lexington, Lexington County, Pelion, Summit, Wagener

State-Issued Certificates of Franchise Authority *continued...*

RST COMMUNICATIONS, INC.....Gaffney

TECHCORE CONSULTANTS II..... Bowman, Dorchester County, Earhardt, Eutawville, Holly Hill, Orangeburg County

TIME WARNER CABLE, LLC..... Andrews, Charleston County, Georgetown County, Summerville

TIME WARNER ENTERTAINMENT..... Cayce, Columbia, Conway, Florence County, Forest Acres, Georgetown County,
ADVANCE/NEWHOUSE PRTSHP **Hemingway**, Lane, Lee County, Lexington, Lexington County, Myrtle Beach, Myrtle
Beach Air Force Base, Orangeburg, Orangeburg County, Pamplico, Quinby, Richland
County, Springdale, Surfside Beach, Sumter, Sumter County, West Columbia

TIME WARNER ENTERTAINMENT
ADVANCE/NEWHOUSE PTRSHP..... Clover, Fort Mill, York County
-CHARLOTTE DIVISION

TIME WARNER NY CABLE, LLC..... Bluffton, **Darlington County**, Dillon County, , Georgetown County, Goose Creek,
Hardeeville, Hilton Head, Jasper County, Lakeview, Marion County, Nichols

VIDEO VISION, INC.....Fort Lawn, Heath Springs, Kershaw, Lancaster County

YRT2, INC..... Berkeley County, Columbia, Dorchester County, Greenville, Greenville County, Horry
County, Myrtle Beach, Summerville

**FCC ANNOUNCES
POLE ATTACHMENT DECISION**

On May 20, 2010, the FCC adopted an Order and Further Notice of Proposed Rulemaking that implements key recommendations of the National Broadband Plan for promoting broadband deployment and competition by speeding and reducing the costs of access to utility poles. The National Plan recognized that one way to lower the costs of telecommunications, cable and broadband deployment and promote competition is to reduce the cost of access to infrastructure. The Plan found that the impact of utility pole attachment rates on broadband can be particularly acute in rural areas where there are often more poles than households. The Order reduces costs and speeds access by clarifying the statutory right of communications providers to use the same space-and cost-savings techniques that pole owners use such as placing attachments on both sides. The Order also holds that companies attaching have a statutory right to timely access to poles. The Further Notice of Proposed Rulemaking seeks comment on revising rates to make them as low and as close to uniform as possible reducing the disparity between current telecom and cable rates. The Further Notice also seeks comment on a timeline to govern the pole attachment process and proposes rules to speed resolution of disputes. FCC 10-84.

SOUTH CAROLINA LEGISLATIVE UPDATE



The second session of the General Assembly adjourned a veto session on June 29, 2010, ending this legislative session. The following bills of interest became law since the first quarter newsletter. All legislation being followed that did not pass will have to be re-filed in the next session.

House Bill 4657 / R. 293 – General Appropriations Bill for 2010-2011

The budget bill includes significant reductions in appropriations across the entire array of government programs and services. The General Assembly overruled numerous line item vetoes of Governor Sanford including S.C. Film Commission rebates to motion picture production companies.

ACT 212 / Senate Bill 973 – Electronic Securing & Targeting of Online Predators Act

Sex offender must provide information on his/her Internet accounts to SLED as part of the Sex Offender Registry information. The SLED registry is available to Internet entities to prescreen or drop sex offenders from using the services.

ACT 178 / House Bill 4093 – Manufacturer Responsibility & Consumer Convenience Information Technology Equipment Collection and Recovery Act

This act establishes a recovery program for televisions, computing, and printing devices based on individual manufacturer responsibility and shared responsibility among consumers, retailers and government to ensure that these devices are retired in a manner that promotes resource conservation.

House Bill 4256 / R.348 – Law Enforcement Directive to Telephone Co.

Director of SLED or his designee can issue an administrative subpoena to a telephone company, Internet service provider or other communications entity under certain circumstances. Act includes SCCTA's amendment to clarify that the subpoena must comply with 18 U.S.C.§2703(c)(2).

House Bill 4261 / R.349 – SLED Administrative Subpoena

SLED may issue an administrative subpoena for the production of customer records during the investigation of criminal cases involving financial crimes. Act includes SCCTA's amendment to clarify that a subpoena issued pursuant to this section must comply with 18 U.S.C.§2703(c)(2).

House Bill 4478 / R. 351 – SC Economic Development Competitiveness Act of 2010

This bill implements private sector recommendations to foster an economic development climate to attract global business & industry investment including elimination of the corporate income tax.

ACT 171 / House Bill 4511 – S.C. Rural Infrastructure Act

The SC Rural Infrastructure Authority is established to provide loans and other financial assistance to a municipality, county, special purpose or public service district and a public works commission to finance rural infrastructure projects.

FCC BRIEFS

The following documents can be downloaded from the FCC's website at <http://www.fcc.gov>

On June 25, 2010, the FCC released its Local Telephone Competition Report: Status as of December 31, 2008. It included comprehensive information about VoIP subscribership. At year-end 2008 there were 141 million traditional switched access lines and 21 million VoIP subscribers. The report can be downloaded at www.fcc.gov/wcb/stats.

On June 28, 2010, the FCC voted to begin a fresh look at the Video Relay Service and to set out how VRS companies will be compensated during the next year. FCC 10-111.

On June 17, 2010, the FCC opened a new proceeding to identify the best legal approach for moving forward on its broadband efforts after the *Comcast* decision. The Notice of Inquiry asks for public comment on issues including (1) whether the FCC's "information service" classification for broadband remains legally sound; (2) the legal and practical consequences of classifying broadband Internet connectivity as a telecommunications service; and (3) a "third way" under which the FCC would reaffirm the Internet content and applications remain generally unregulated; identify the connectivity service that is offered as part of wired broadband Internet service as a telecommunications service; and forbear from applying all provisions of Title II other than the small number needed to implement universal service, competition and market entry, and consumer protection policies. FCC 10-114.

On June 15, 2010, the FCC released a comprehensive white paper entitled *The Public Safety Nationwide Interoperable Broadband Network, a New Model for Capacity, Performance and Cost* which provides the capacity analysis behind the National Broadband Plan's recommendations for the deployment and

operation of a nationwide 4G wireless public safety network.

On June 11, 2010, Commissioner Mignon Clyburn announced that she has launched *Clyburn Chat* a blog on the Commission's website which can be accessed at <http://reboot.fcc.gov/commissioners/clyburn/blog>.

On May 26, 2010, the FCC released the findings of an agency survey on the consumer mobile experience which indicated that 30 million Americans or 1 in 6 mobile users have experienced "bill shock," a sudden increase in their monthly bill that is not caused by a change in service plan. Nearly half of cell phone users who have plans with early termination fees (ETFs) and almost two thirds of home broadband users with ETFs don't know the amount of fees they're accountable for. The survey notes that 83% of adults in this country have a cell phone and 80% have a personal cell phone.

On May 21, 2010, the FCC approved the transfer of 4.8 million lines in primarily rural and smaller-city areas from Verizon to Frontier Communications. The companies agreed that (1) Frontier will significantly increase broadband deployment for the lines involved in this transaction only 62% of which are broadband-capable today; (2) Frontier will launch an anchor institution initiative to deploy fiber to libraries, hospitals, and government buildings, particularly in un-served and underserved communities; (3) Verizon and Frontier made a series of commitments to protect wholesale customers, including honoring all obligations under Verizon's current wholesale arrangements; and (4) Frontier will make available to the FCC data on its broadband deployment progress at an unprecedented level of detail to enable effective monitoring of compliance. FCC 10-87.

FCC BRIEFS *continued*

On May 20, 2010, the FCC adopted the 14th Annual Report on Mobile Wireless Competition. At the end of 2008, 90% of Americans had a mobile wireless device. FCC 10-81.

On May 20, 2010, the FCC issued an order that will enable consumers to transfer their numbers to new providers much more quickly. Last May, the FCC adopted an order that reduces the time allowed for transferring a number from 4 business days to 1. This order standardizes the data to be exchanged. FCC 10-85.

On May 10, 2010, the FCC released its *Telephone Subscribership in the United States*. In March 2009, penetration among low-income households nationwide was 90.4% and in South Carolina was 87.1%. The overall nationwide penetration rate was 95.6% and in South Carolina was 93.9%. The report can be downloaded from the Wireline Competition Bureau Statistical Reports site at www.fcc.gov/wcb/stats.

On April 23, 2010, the FCC released two white paper studies *A Broadband Network Cost Model: The Basis for Public Funding Essential to Bringing Nationwide Interoperable Communications to America's First Responders* and *A Giant Leap & A Big Deal: Delivering on the Promise of Equal Access to Broadband for People with Disabilities*.

On April 23, 2010, the FCC established its new Emergency Response Interoperability Center under the Public Safety and Homeland Security Bureau. FCC 10-67.

On April 21, 2010, the FCC issued a Notice of Inquiry & Proposed Rulemaking on the use of an economic model to precisely target support for areas where there is no private-sector business case for carriers to provide broadband and voice services. It seeks comment on how the economic model developed in the National Broadband Plan could be adapted to determine efficient levels of universal service support to provide all Americans with broadband access. FCC 10-58.

On April 21, 2010, the FCC issued a Notice of Inquiry and Proposed Rulemaking to promote innovation and consumer choice in the video device marketplace as recommended in the National Broadband Plan. FCC 10-60 & 61.

On April 21, 2010, the FCC issued a Notice of Inquiry seeking public comment on the proposed creation of a new voluntary cyber security certification program that would encourage communications service providers to implement a full range of cyber security best practices. FCC 10-63.

On April 21, 2010, the FCC launched an inquiry on the ability of existing broadband networks to withstand significant damage or severe overloads as a result of natural disasters, terrorist attacks, pandemics or other major public emergencies as recommended in the National Broadband Plan. FCC 10-62.

On April 21, 2010, the FCC issued an Order to enhance mobile voice service and opens new phase of data-roaming examination. FCC 10-59.