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**[Primer] The FCC (mostly)
(de)regulates services, not
networks**

Network vs. service

- Service:
 - Class of service
 - Service
- Network:
 - Equipment
 - Class of network
 - Network
- Regulation:
 - Regulation of service
 - Regulation of network

Class of service

- **Telecommunications:**
 - the transmission ...
 - of information of the user's choosing, without change in the form or content ...
- **Telecommunication service:**
 - the offering of telecommunications for a fee directly to the public ...
 - regardless of the facilities used
- What constitutes a change in the form or content?

Service

- **Broadband Internet access service:**
 - a mass-market retail service
 - that provides the capability to transmit data to and receive data from all or substantially all Internet endpoints ...
 - by wire or radio
- What is the geographical scope of the service?
 - Last-mile?
 - Interconnection?
- If the service includes both telecommunications and an information service component, are they separable?

Equipment

- Telecommunications equipment:
 - equipment ...
 - used by a carrier
 - to provide telecommunications services ...
- Note connection between equipment and service, but not exclusive use

Class of network

- **Telecommunications network:**
 - the telecommunications facilities and equipment
 - including the software, features, functions, and capabilities that are provided by means of such facilities and equipment
 - used in the provision of a telecommunications service
- Note connection between network and service, but not exclusive use

Network

- **Public switched network:**
 - any common carrier switched network ...
 - that uses the North American Numbering Plan
 - or public IP addresses (?)
 - in connection with the provision of switched services
- Note connection between public switched network and service, but not exclusive use
- Note problem caused by pairing of network with addressing scheme

Regulation of service

- The FCC (mostly) (de)regulates services, not networks
 - Usually the service determines the type of regulation:
 - Title II: telecommunication services
 - Section 332: mobile services
 - commercial mobile service vs. private mobile service
 - Title VI: multichannel video programming, cable service
- Section 202: Discrimination
 - It shall be unlawful for any common carrier [i.e. provider of telecommunications service]
 - to make any unjust or unreasonable discrimination
 - in charges, practices, classifications, regulations, facilities, or services ...

Regulation of network

- But the FCC (sometimes) (de)regulates networks
- Interconnection
 - Each telecommunications carrier has the duty to interconnect directly or indirectly with the facilities and equipment of other telecommunications carriers ...
- Unbundling
 - Each incumbent local exchange carrier has the duty to provide ... nondiscriminatory access to network elements on a unbundled basis ...
 - ... in a manner that allows requesting carriers to combine such elements in order to provide telecommunications service

The big regulatory challenge: convergence



Fixed telephone service

Title II



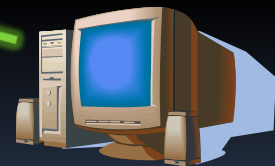
Mobile voice service

Title II / III



Cable tv service

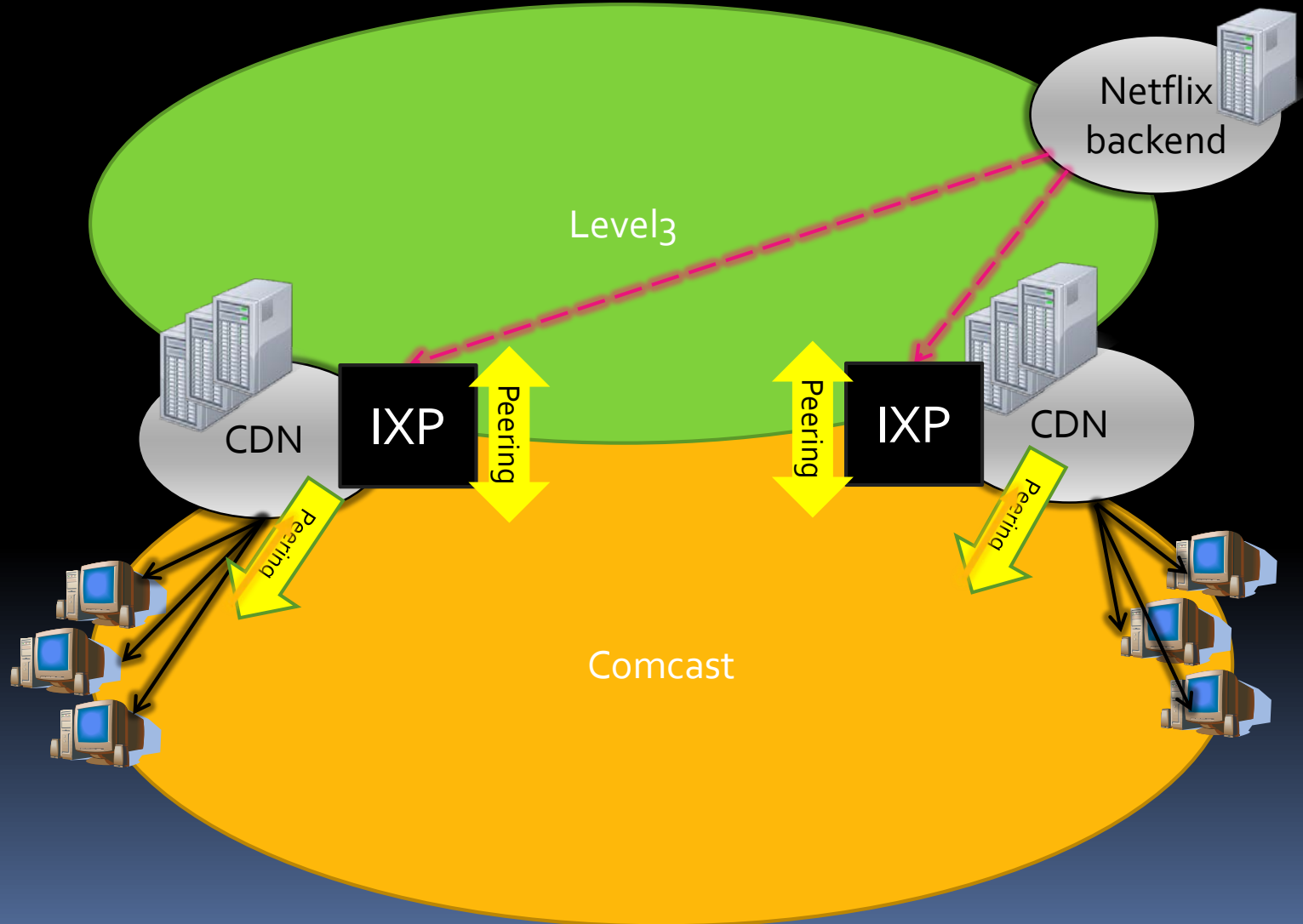
Title VI



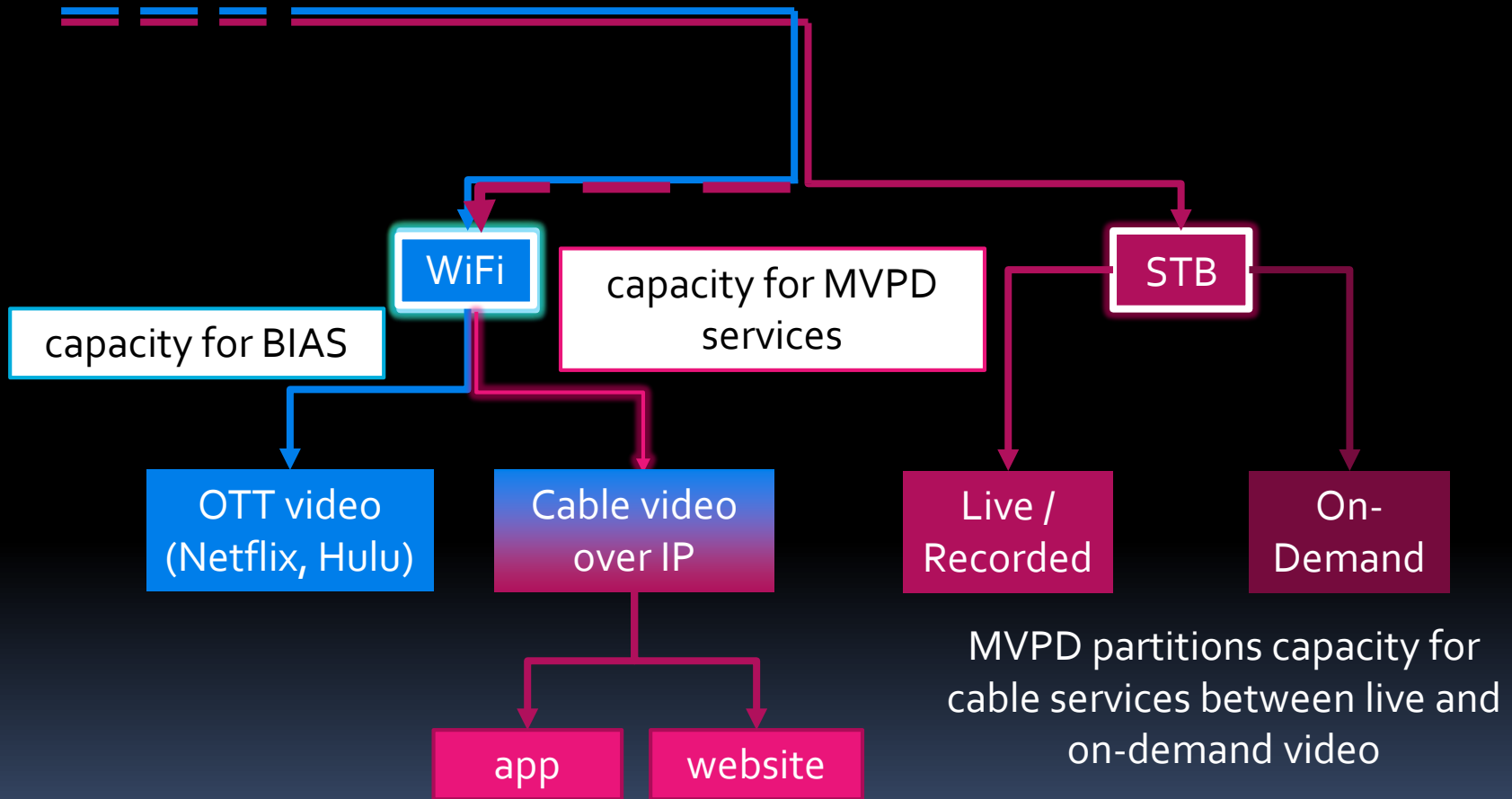
BIAS

Title II / III (?)
Title I (?)

Challenge: Where does the Title II service begin?



Challenge: What services fall under which Title?



MVPD may claim cable video over IP does *not* use BIAS capacity, and is thus *not* counted against data cap