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BROADBAND TODAY: LEGAL AND POLICY DEVELOPMENTS FOR ISPs
APRIL 5, 2001 – SPRING ISPCON -- BALTIMORE

Moderator:

Donna N. Lampert, Managing Partner, Lampert & O'Connor, P.C.

Speakers:

David Baker, Vice President, Law & Public Policy, EarthLink, Inc.

**Daniel Gonzalez, Vice President, External and Regulatory Affairs,
XO Communications**

**Douglas Cooper, Director, Regulatory and Market Development,
Catena Networks**

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Broadband Overview and Background: Setting the Stage

- Today, approximately 8 million U.S. and Canadian households subscribe to broadband services (high speed, always on)
- Cable modem subscribers are about 2/3rds with remainder DSL subscribers and few others but some analysts and experts expect DSL to gain ground
- Expected growth is enormous, with cable modem penetration expected to increase roughly fourfold to approximately 14 million homes in 2005 and DSL penetration to increase about ten times to over 11 million homes in 2005
- Emerging technologies should also increase with satellite predicted to reach about 1 ½ million homes and fixed wireless to almost 2 million homes in 2005
- Most importantly, broadband is an underserved market – Recent GAO Report finds that although 52% of survey respondents live in areas with access to broadband service either through cable or DSL technologies, only 12% actually subscribe to high-speed service

Current Issues: What Difference Does Regulatory and Legal Policy Make?

- **DSL: What is the future of data-centric competitive carriers?**
 - ⇒ Has the market spoken? Will these companies be there for ISPs and what will the relationships look like?
 - ⇒ Does line sharing have a future and how does it affect DSL service rates for ISPs?
 - ⇒ How will next-generation networks change the way services are delivered?
- **Engaging the Incumbents: The future of competition between telephone company-affiliated Internet Service Providers and independents**
 - ⇒ Separate Affiliates and their impact on ISPs: Have we seen the death of DSL tariffs and what does it mean for ISP customers?
 - ⇒ Safeguarding fair competition – What is the future of the FCC's Computer III rules and what will Computer IV look like?
 - ⇒ Partners or competitors – Must ISPs make the choice?
- **Cable modem service and the ISP relationship: Will access be open and who will decide?**
 - ⇒ What are cable modem services – next generation cable television or telecommunications – and why does it matter?
 - ⇒ Irons in the fire: Where are the courts, the cities, the states and the FCC?
 - ⇒ Expectations in the market – what should open access agreements look like?
- **Legislative possibilities: Will Congress really move on broadband legislation?**
 - ⇒ Rural areas and tax credits: Bringing broadband to the people
 - ⇒ Deregulation – granting Bell Operating Company relief, Title VII and other proposals

CONCLUSION: STAY INFORMED! THE LAW MATTERS TO ISPs