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Prospects Are Cloudy for Telecom Legislation

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When Congress adjourned for its pre-election break in late September, it left several important bills on the table. Although there is almost certainly going to be a “lame duck” session in November, many expect federal legislators to focus primarily on necessary appropriations legislation at that time. But it is also possible that substantive bills will get some attention, with pending reforms to the Communications Act falling squarely into this category. Members and staffers from both Houses and both sides of the aisle hold out hope that policy differences can be resolved in the short time available. Prevailing wisdom believes otherwise.

It has been more than ten years since passage of the last major telecommunications reform legislation, the Telecommunications Act of 1996, and it is without question that these laws need fine tuning. Competing proposals were introduced in the House and Senate which address issues such as cable and video franchising, Internet access, universal service fund reform, and mobile telephone taxes. The House version has continued to move forward, but even the best efforts of Senator Ted Stevens (R-AK), Chair of the Senate Committee on Commerce, Science and Transportation, failed to achieve his ultimate goal. Substantial differences remain which are likely to doom this bill’s prospects for passage in the 109th Congress.

Rep. Joe Barton (R-TX), Chair of the House Committee on Energy and Commerce, introduced the “Communications Opportunity, Promotion and Enhancement Act” as HR 5252 on May 1, 2006. This bill progressed steadily, passing the House by a margin of 321-101 on June 8. On the other side of the Hill, Senator Stevens introduced a bill known as the “Communications, Consumer’s Choice, and Broadband Deployment Act of 2006” (S 2686) on June 13, 2006.

The mere presence of the Senate bill was enough to forestall action on HR 5252. Key members of the relevant committees in each House went back to the drafting table in June and emerged with a vastly amended version of HR 5252. Approximately 200 amendments later, the bill has been renamed the “Advanced Telecommunications and Opportunities Reform Act.” It passed the Senate Committee on Commerce, Science and Transportation and now serves as the starting point for any further changes when Congress returns in November.

The most hotly contested sections of this legislation deal with equal access to Internet service and content, and video franchising:

