



NATIONAL ASSOCIATION OF REALTORS®

The Voice For Real Estate®

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September 8, 2009

Federal Communications Commission
445 12th Street, SW
Washington, DC 20554
Attn: Office of the Secretary

Delivered via eRulemaking Portal

RE: GN Docket No. 09-47, 09-51 and 09-137Commnets – NBP Public Notice #1

Dear Federal Communications Commission:

The National Association of REALTORS® (NAR) respectfully submits the following comments in response to the Commission's Public Notice entitled "Comments Sought on Defining 'Broadband,'" in connection with the FCC's ongoing proceeding on the development of a National Broadband Plan for the United States. The National Association of REALTORS® is America's largest trade association, including NAR's five commercial real estate institutes and its societies and councils. REALTORS® are involved in all aspects of the residential and commercial real estate industries and belong to one or more of some 1,400 local associations or boards, and 54 state and territory associations of REALTORS®.

NAR strongly supports the FCC's goal of ensuring access to broadband capability for the entire United States. Broadband is increasingly important to NAR's 1.2 million members who rely on fast, effective internet connections to efficiently run their businesses.

The business of real estate is increasingly conducted online. Streaming video, virtual tours and voice-over-internet-protocol are just some of the technologies that are commonly used by REALTORS[®] today. In the future, new technologies will be adopted that will only increase our members' reliance on the availability of efficient, cost-effective access to broadband services. Moreover, broadband access is a significant feature considered by consumers when purchasing a home. A 2006 Commerce Department study found that real property values are 6 percent higher in communities where broadband is available.¹

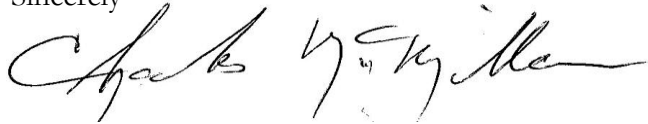
While NAR believes that many of the specific technical questions posed by this notice are best left to industry experts, we would like the Commission to consider certain high-level principles with respect to defining broadband in conjunction with the development of a National Broadband Plan:

- Bandwidth and speed should be the critical characteristics considered in the development of a definition for broadband.
- While we have no specific recommendation for data transmission speed, the Commission should consider a speed that supports the kinds of applications that are customarily used by business users.
- Information related to actual delivered speeds is more important to consumers of broadband services than advertised speeds.
- The FCC should avoid an application-based approach to defining broadband. It is impossible to predict which web applications will be critical to our members' businesses even a year from now. An application-based definition set by the Commission today will rapidly become obsolete as new applications are developed and take hold in the marketplace.
- The Commission's definition should embrace open internet principles including that:
 - 1) Consumers are entitled to access lawful content of their choice;
 - 2) Consumers are entitled to run applications and services of their choice subject to the needs of law enforcement;
 - 3) Consumers are entitled to connect their choice of legal devices that do not harm the network;
 - 4) Consumers are entitled to competition among network, application, service and content providers; and
 - 5) Network providers may not discriminate among data transmissions on the basis of the source of the transmission as they regulate the flow of network content.

¹ Sharon E. Gillett, et al., Measuring the Economic Impact of Broadband Deployment, February 2006, 3, [www.eda.gov/ImageCache/EDAPublic/documents/pdfdocs/mitmubbimpactreport ...](http://www.eda.gov/ImageCache/EDAPublic/documents/pdfdocs/mitmubbimpactreport...)

If you would like to discuss our comments and concerns, please have your staff contact Melanie Wyne, NAR's Sr. Technology Policy Representative at 202.383.1234 or mwyne@realtors.org.

Sincerely

A handwritten signature in black ink, appearing to read "Charles McMillan". The signature is fluid and cursive, with a prominent initial "C" and a long, sweeping underline.

Charles McMillan, CIPS, GRI
2009 President, National Association of REALTORS®