July 8, 2020

VIA ECFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
455 12th Street SW
Washington, DC 20554

Re: Establishing the Digital Opportunity Data Collection; Modernizing the FCC Form 477 Data Program, WC Docket Nos. 19-195 and 11-10

Dear Ms. Dortch,

To discuss issues in the Commission’s broadband mapping and reporting dockets listed above, Steve Morris and the undersigned of NCTA – The Internet & Television Association, Christine Sanquist of Charter Communications, and Beth Choroser of Comcast Corporation met by phone call on June 6th with Travis Litman, Chief of Staff and Senior Legal Advisor for Wireline and Public Safety for Commissioner Rosenworcel; on June 7th with Bill Davenport, Chief of Staff and Senior Legal Advisor for Wireless and International for Commissioner Starks; on June 7th with Preston Wise, Rural Broadband Advisor for Chairman Pai; on June 8th with Arielle Roth, Wireline Legal Advisor for Commissioner O’Rielly; and on June 8th with Joseph Calascione, Legal Advisor for Commissioner Carr. Jenny Prime of Cox Enterprises, Inc. joined the calls with Advisors Davenport, Wise, Roth, and Calascione.

During the meetings, we raised concerns with the Commission’s proposal to adopt maximum buffers for the reporting of wireline broadband service.1 Specifically, we noted that because maximum wireline network deployment distances vary across technologies, providers, and locations, there is no single industry standard that will apply accurately to all wireline networks, or even to all cable networks, in all circumstances. Therefore, adoption of the one-size-fits-all standard proposed in the draft order will result in less accurate maps that fail to reflect providers’ actual network deployment, contrary to the intent of both the Commission in revising its rules and of Congress in adopting the Broadband DATA Act.2

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2 Id. at ¶1 (“Accurate and precise broadband maps are of enormous importance not only to the
We also explained that the Commission lacks a sufficient record to adopt a specific maximum buffer, as the wireline buffers proposed in the draft order were not supported by any commenters or based on any information submitted in the record of this proceeding. Instead, the buffers selected, 6600 route feet from an aggregation point and 240 feet for drops, are based on outdated information provided by telephone companies in creating the Commission’s universal service Connect America Cost Model, and then arbitrarily rounded up 20 percent. Buffers created in this manner are unlikely to be accurate for any current wireline technology, but they are particularly inapt for the hybrid-fiber coaxial (HFC) networks deployed by NCTA’s member companies. For HFC networks the buffers included in the draft order are inadequate and will result in substantial underreporting of served locations.

As an initial matter, the draft item incorrectly identifies cable headends as the aggregation points for HFC networks. Instead, traffic generally is aggregated and disbursed at optical nodes or cable modem termination systems (CMTS) in HFC networks. But even with correct aggregation points, the maximum buffer distances do not accurately reflect the construction and operation of HFC networks. For example, Cox conducted a preliminary analysis using a larger buffer of 6840 airline feet, or as-the-crow-flies concentric circles rather than route feet, and found that it had served locations outside of this buffer in all of its markets. Comcast conducted a similar analysis and found that 21 percent of its locations were outside of this buffer. Even when the buffer distance was extended to 10,000 airline feet, Comcast still found that 9 percent of its locations were outside of the buffer. Because the excluded served locations for both companies include locations where a consumer is not currently purchasing service, the exceptions identified in the draft item do not save the flawed approach.

Given the inaccuracies buffers will introduce into the broadband reporting process, the Commission should not impose them on wireline networks. If the Commission does adopt buffers, however, it must make sure that they more accurately reflect current network deployment practices and capabilities. Rather than adopting arbitrary and incorrect distances, the Commission should seek further comment on how best to implement buffers for wireline networks, including whether separate distance buffers may be needed for different types of wireline networks. Absent the collection of such a record on which to base more accurate buffers, the Commission will be imposing a significant, but wholly unnecessary, additional

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4 Id. at ¶17 n.50.

5 An analysis based on route feet uses the path the facility would take to travel from the aggregation point to the serviceable locations, including potentially following roads and traveling around obstacles. An airline feet analysis consists of a straight line from the aggregation point to the serviceable locations. A buffer based on 6600 route feet would cover less distance and provide a smaller covered zone given the need to account for paths that are not straight than would a buffer based on 6600 airline feet.

burden on reporting entities and on the Commission staff due to the number of waivers that will be required to report served locations beyond the buffers.

In spite of the clear flaws with adopting wireline broadband buffers based on the existing record, if the Commission decides to move forward with the proposal at this time it must increase the buffers proposed in the draft order as they are inadequate and will result in substantial underreporting of served locations for HFC networks. At a minimum, the maximum distance from an aggregation point should be no less than 12,000 route feet, and the drop length no less than 250 feet. These distances would more accurately reflect the real-world parameters of cable networks and will minimize the need for waivers as compared to the buffers included in the draft order.

Finally, in addition to the wireline buffer issue, we also raised the issue of resubmitting data in response to crowdsourcing information. The draft order would require providers to resubmit corrected information within 30 days of agreeing that crowdsourcing data has uncovered an inaccuracy. If there are many crowdsourcing data inquiries occurring at the same time, it could be possible that a provider would need to resubmit its data on a rolling basis. To minimize the need to constantly update the map and to minimize the potential burden on reporting entities and Commission staff, we asked the Commission to limit the number of times data would need to be resubmitted to once in a 30-day period.

Respectfully submitted,

/s/ Jennifer K. McKee

Jennifer K. McKee

cc: T. Litman
B. Davenport
P. Wise
A. Roth
J. Calascione

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7 Id. at ¶78.