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July 28, 2017

Marlene H. Dortch, Esq.  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

**Re: Modernizing the Form 477, WC Docket No. 11-10**

On July 27, 2017, Steve Morris of NCTA – The Internet & Television Association (“NCTA”), met with Amy Bender, Legal Advisor to Commissioner O’Rielly, to discuss the draft Further Notice of Proposed Rulemaking in the above-referenced proceeding.<sup>1</sup>

NCTA encouraged the Commission to clarify the discussion of Wi-Fi services in paragraph 14 of the draft item. NCTA explained that the offering of Wi-Fi service in a package with resold mobile service does not change the technical capability of the Wi-Fi connection. Accordingly, in seeking comment on whether there are circumstances in which Wi-Fi deployment should be reported as a mobile service, we encouraged the Commission to make clear that it is only asking about Wi-Fi that has the technical capability to enable mobile use (e.g., through seamless handoffs from one access point to another).<sup>2</sup>

NCTA also suggested that it was premature for the Commission to conclude that gathering broadband deployment data on the Form 477 at a more granular level would be beneficial, as suggested in paragraph 36 of the draft item. Even if the Commission is correct that it is beneficial to collect granular data from individual companies seeking benefits from the Commission (i.e., merger approval or universal service subsidies), extrapolating from that narrow context to suggest that imposing granular reporting obligations on thousands of companies on a nationwide basis also would be beneficial is premature.<sup>3</sup>

Finally, NCTA suggested that the Commission add a paragraph to the draft item seeking comment on the use of Form 477 data by the Commission. We explained that collecting any

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<sup>1</sup> *Modernizing the FCC Form 477 Data Program*, WC Docket No. 11-10, Further Notice of Proposed Rulemaking, FCC-CIRC1708-03 (rel. July 13, 2017).

<sup>2</sup> See Letter from Beth Choroser, Comcast, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 11-10 (filed July 25, 2017).

<sup>3</sup> We noted as well that the role of granular data in the merger context was not supported by the footnote in the draft item.

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data from broadband providers only has value to the extent the Commission can process the data it collects and publish it in a timely and informative manner. NCTA suggested that the item should solicit comment on whether the Commission does an effective job of processing and publishing broadband data derived from the current Form 477 and whether the changes to the Form 477 proposed in this item would help or hinder the Commission's ability to process and publish useful broadband data. The Commission also should solicit comment on whether there should be any changes in the manner in which it releases Form 477 deployment data to the public or in the use of that data in its semi-annual Internet Access Service report or its annual Broadband Progress Report. We also suggested that the Commission seek comment on whether, and how, it should use Form 477 data to provide broadband maps. In particular, the Commission has not updated the National Broadband Map (NBM) since taking over responsibility for broadband deployment data collection from NTIA and it should ask whether updating the NBM would be a worthwhile exercise or whether there are alternative approaches to mapping that should be considered.

Respectfully submitted,

**/s/ Steven F. Morris**

Steven F. Morris

cc: Amy Bender