

August 26, 2016

Chairman Tom Wheeler
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Dear Chairman Wheeler:

As the economic development organization for a rural county in Colorado, we would like to offer comments on the FCC's May 2 Further Notice of Proposed Rulemaking (FNPRM) business data services, also known as "special access." As you are well aware, millions of consumers depend on business data services when they use their smart phone, visit a major retailer, withdraw cash from an ATM machine, or start their workday online. It is an essential service, especially in rural communities that rely on a broadband connection to support their businesses and stay connected.

As the Commission prepares to draft rules for future years, we hope that you will reevaluate the data you have to include all of the major BDS competitors whose numbers were not included in the original economic analysis. It is our understanding that earlier this year, the largest cable operators (and BDS competitors) revised their 2013 data filings to show that the actual figures for cable Ethernet (BDS) availability could be 22 times larger than the number the Commission has been working with for its FNPRM. This new data is critically important. We believe a failure to include this data may result in an analysis that does not consider the presence of a major new competitor in thousands of census blocks where cable operators indicate they have been Ethernet-capable since 2013 and have many BDS customers today. We believe that a complete analysis of the data is necessary. This issue is too important to rural communities like ours to take shortcuts.

While we appreciate the Commission staff's efforts to respond to this development in the analysis phase, we believe a defensible approach must ultimately use the same methodology to measure all competitors from all industry sectors. For this reason, we hope you will direct Commission staff to revise the economic analysis of the 2013 data to incorporate the revised cable coverage, count competitors the same way, and give parties in the BDS proceeding an opportunity to comment on it before moving to a final rule.

Thank you for your consideration.

Sincerely,



Kristi Pollard
Executive Director