

January 27, 2015

VIA ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: *Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, and Possible Steps to Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996, as Amended by the Broadband Data Improvement Act, GN Docket No. 14-126; Protecting and Promoting the Open Internet, GN Docket No. 14-28; Framework for Broadband Internet Service, GN Docket No. 10-127; Applications of Comcast Corp., Time Warner Cable Inc., Charter Communications, Inc., and SpinCo for Consent to Assign or Transfer Control of Licenses and Authorizations, MB Docket No. 14-57*

Dear Ms. Dortch:

On behalf of Cogent Communications Group, Inc. (“Cogent”), I write in response to the letter submitted on behalf the National Cable & Telecommunications Association (“NCTA”) on January 22, 2015 (the “NCTA Letter”).

Adopting a tactic that has been used by opponents of effective *Open Internet* rules, the NCTA Letter employs hyperbole and indignation over press reports suggesting that the Commission is contemplating defining “advanced telecommunications capability” in the forthcoming Broadband Progress Report as a broadband service that provides download speeds of 25 Mbps or higher and upload speeds of 3 Mbps or higher.

As noted in the NCTA Letter, that revised benchmark “if adopted, would represent a substantial departure from the 4 Mbps/1 Mbps threshold used in the most recent Broadband Progress Report.”¹ Yes, it would. And there is a good reason for that.

American consumers are in the midst of a sea change in how they interact with the Internet. With increasing frequency, households are turning to existing and emerging online substitutes for the legacy services offered by their cable companies. At the same time, and as a

¹ NCTA Letter at 1 (citing *Inquiry Concerning the Deployment of Advanced Telecommunications to All Americans in a Reasonable and Timely Fashion, and Possible Steps to Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996, as Amended by the Broadband Data Improvement Act*, Eighth Broadband Progress Report, 27 FCC Rcd 10342 ¶ 7 (2012)).

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direct result of these shifting consumer preferences, Americans have a rapidly increasing need for faster broadband connections.

In other words, the time has come for the Commission to revisit the standard for what is considered broadband service. What may once have sufficed is no longer sufficient in an age in which a family may have four different people using four different devices to access bandwidth-intensive applications. It does not matter if those applications are streaming video, VoIP, telecommuting to a corporate VPN, or interactive entertainment. What matters is that the dynamic Internet economy, which is an engine for economic growth and innovation, compels a new paradigm of what constitutes broadband service.

Perhaps it is not surprising that the NCTA is taken aback by this trend. After all, as noted, many of the applications and services that consumers are using pose a direct threat to the lucrative bundled services which NCTA members sell. Some cable companies, such as Comcast and Time Warner Cable, by failing to adequately provision interconnection facilities with backbone networks, have reacted by impairing their own customers' ability to access those applications and services. But all cable companies—even those that have not leveraged their gatekeeper control over interconnection points to their subscribers' detriment—see their historical business models at risk.

The solution is not to raise legal and regulatory strawmen as the NCTA Letter does. Rather, the solution is for America's cable companies to devote their resources and energies to delivering the quality of broadband service that consumers need.

As it considers the forthcoming Broadband Progress Report, Cogent urges the Commission to focus on current and near-term broadband usage, and to adopt a standard that reflects a clear focus on the reasonable and timely deployment of broadband to all Americans. In doing so, the Commission should be mindful of its Congressional mandate in Section 706, and not succumb to the parochial interests of cable companies.

Sincerely,



Robert M. Cooper