

DOCKET FILE COPY ORIGINAL

RECEIVED

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

APR 2 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of
Local Competition and Broadband Reporting

CC Docket No. 99-301

REPLY COMMENTS
of the
GENERAL SERVICES ADMINISTRATION

GEORGE N. BARCLAY
Associate General Counsel
Personal Property Division

MICHAEL J. ETTNER
Senior Assistant General Counsel
Personal Property Division

GENERAL SERVICES ADMINISTRATION
1800 F Street, N.W., Room 4002
Washington, D.C. 20405
(202) 501-1156

Economic Consultants:

Snavely King Majoros O'Connor & Lee, Inc.
1220 L Street, N.W., Suite 410
Washington, D.C. 20005

April 2, 2001

No. of Copies rec'd 074
List A B C D E

Table of Contents

	<u>Page No.</u>
Summary	i
I. INTRODUCTION	1
II. ALL CARRIERS SHOULD REPORT THE AVAILABILITY OF BROADBAND SERVICES BY ZIP CODE.	2
III. ALL CARRIERS SHOULD REPORT BROADBAND SUBSCRIBERSHIP IN RANGES BY ZIP CODE.	4
IV. THE COMMISSION SHOULD REPORT ILEC AND CLEC DSL SUBSCRIBERSHIP SEPARATELY BY STATE.	6
V. THE REPORTING THRESHOLD FOR VOICE-GRADE REPORTING SHOULD BE REDUCED.....	7
VI. THE SEMI-ANNUAL FILING SCHEDULE MEETS THE NEED FOR TIMELY DATA ON THE DEVELOPMENT OF COMPETITION.....	7
VII. THE EXISTING PROCEDURES FOR PROTECTING CONFIDENTIALITY SHOULD BE CONTINUED	8
VIII. CONCLUSION.....	10

Summary

In these Reply Comments, GSA supports the comments of parties urging the Commission to obtain additional data on the deployment of broadband services and the development of competition in the broadband and local telecommunications markets.

GSA explains that the concerns of some parties over the reporting of broadband availability are unwarranted, and recommends that all carriers be required to report the availability of broadband service by zip code. GSA also disagrees with the retention of existing reporting thresholds relating to broadband and voice-grade subscribership. GSA recommends that the broadband threshold be eliminated, and the voice-grade threshold significantly reduced. GSA further recommends that broadband subscribership be reported in ranges by zip code.

GSA agrees with WorldCom that the Commission should report ILEC and CLEC DSL subscribership separately by state. GSA agrees with USTA that the existing semi-annual reporting schedule should be retained. Finally, GSA agrees with virtually all commenting parties that the Commission's existing procedures for protecting confidentiality should be continued.

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of
Local Competition and Broadband Reporting

CC Docket No. 99-301

**COMMENTS
of the
GENERAL SERVICES ADMINISTRATION**

The General Services Administration ("GSA") submits these Comments on behalf of the customer interests of all Federal Executive Agencies ("FEAs") in response to the Notice of Proposed Rulemaking in CC Docket No. 00-301 ("Notice") released on November 9, 2000. The Notice seeks comments and replies on issues concerning the principal report used by the Commission to obtain information on the deployment of broadband and other telecommunications services.

I. INTRODUCTION

In Comments filed on March 19, 2001, GSA supported the extension of the Commission's broadband reporting requirements to additional carriers.¹ GSA also supported the reporting of additional data to describe the deployment of broadband services.²

¹ Comments of GSA, pp. 3-4.

² Id., pp. 5-7.

Comments were also filed by the following parties:

- The United States Telecom Association (“USTA”) and two individual incumbent local exchange carriers (“ILECs”)
- The Organization for the Promotion and Advancement of Small Telecommunications Companies (“OPASTCO”);
- The National Telephone Cooperative Association (“NTCA”);
- The Competitive Telecommunications Association (“CompTel”) and eleven competitive local exchange carriers (“CLECs”);
- The National Cable Television Association (“NCTA”);
- The Ohio Consumers Counsel and the National Association of State Utility Consumer Advocates (“OCC/NASUCA”);
- The State Corporation Commission of the State of Kansas (“KCC”);
- King County, Washington (“King County”); and
- The Commonwealth of the Northern Mariana Islands (“Mariana”).

In these Reply Comments, GSA responds to the comments and positions of these parties.

II. ALL CARRIERS SHOULD REPORT THE AVAILABILITY OF BROADBAND SERVICES BY ZIP CODE

In its Comments, GSA urged the Commission to require carriers to report on the availability of broadband offerings by zip code.³ GSA also recommended that the carriers report the number of homes passed by a broadband capable infrastructure, as

³ *Id.*, p. 7.

well as the number of video service customers that have broadband services available to them.⁴

Commenting parties generally support carrier reporting of the availability of broadband offerings by zip code.⁵ King County states:

From a consumer and potential consumer standpoint then, the first determination must be whether there are any broadband services available. King County strongly supports collecting data on service availability. In our view, this is the most important data to collect – more important even than subscribership data.⁶

KCC agrees, and states:

In addition to surveying for subscribership data, the survey should be broadened to include availability information. A distinction should be made between service “availability” and “subscribership.” These two aspects of services deployment are influenced by different factors and would seem to warrant different considerations and involve different stakeholders.⁷

Some parties express concern that the collection of precise data on availability could be difficult and burdensome depending upon the criteria used for measuring availability.⁸ For example, Advanced TelCom Group, Inc. (“ATG”) points out that the availability of Digital Subscriber Line (“DSL”) broadband to a particular location is dependent upon the condition of the local loop serving that location.⁹ WorldCom, Inc. (“WorldCom”)

⁴ *Id.*

⁵ See, e.g., Comments of NTCA, p. 3; Mariana, p. 3.

⁶ Comments of King County, p. 7.

⁷ Comments of KCC, p. 1.

⁸ See, e.g. Comments of Sprint Corporation (“Sprint”), p. 2; Qwest Communications International Inc. (“Qwest”), pp. 6-7; AT&T Corp. (“AT&T”), p. 2.

⁹ Comments of ATG, p. 3.

notes that wireless cable and satellite availability is dependent upon line-of-sight conditions.¹⁰

GSA does not believe that these concerns represent an insurmountable obstacle to availability reporting. Good faith estimates will provide sufficient precision for the measurement of availability. Carriers routinely announce estimates of their progress in making broadband services available to the public, and the reporting of this information to the Commission in a standardized manner will add little in the way of burden.

In any case, the Commission is specifically charged with tracking “the availability of advanced telecommunications capability to all Americans.”¹¹ This responsibility can not be met by merely tracking subscribership. The Commission must institute procedures for the reporting of broadband availability by all carriers.

III. ALL CARRIERS SHOULD REPORT BROADBAND SUBSCRIBERSHIP IN RANGES BY ZIP CODE

In its Comments, GSA urged the Commission to require carriers to report broadband subscribership in broad ranges by zip code.¹² GSA also recommended that the reporting threshold be lowered from 250 subscribers to 100 subscribers.

Most carriers opposed the lowering of the reporting threshold,¹³ and some also objected to the reporting of subscribership by zip code.¹⁴ Other commenting parties,

¹⁰ Comments of WorldCom, p. 5.

¹¹ Pub. Law No. 104-104, Title VII, §706(b) (emphasis added).

¹² Comments of GSA, p. 6.

¹³ See, e.g., Comments of Winstar Communications, Inc. (“Winstar”), p. 5; Focal Communications Corporation (“Focal”), p. 2; Global Crossing North America, Inc. (“Global Crossing”), p. 4.

¹⁴ See, e.g., Comments of Qwest, pp. 4-6; Verizon Wireless (“Verizon”), p. 6; NCTA, p. 8.

however, supported detailed reporting of broadband subscribership by all carriers.¹⁵

KCC states:

With respect to subscribership, the KCC suggests eliminating the reporting threshold of 250 lines, or their equivalent. While the threshold approach is intended to minimize the reporting burden on small entities, the KCC suggests that the benchmark may not have such effect since service providers must maintain familiarity with the reporting requirements and maintain a line count in order to determine their respective reporting obligations. The actual reporting of information, using the Form 477 process, is mechanized and quite streamlined. In addition, in smaller or emerging markets this threshold very likely has the effect of under reporting subscribership and, thus, distorting the view of actual levels of deployment in the very markets expected to be problematic (low density, typically rural markets). In the KCC's view, elimination of this threshold would not pose a significant or substantive reporting burden to service providers.¹⁶

KCC also recommends that zip code data be summarized by county or city, and, where possible, blending this information with the latest census data.¹⁷ King County suggests that Census Bureau tract-based data would be useful.¹⁸

Although in its Comments GSA recommended a reduced threshold, GSA is now persuaded that the reporting threshold for broadband subscribership should be eliminated entirely. Since all carriers will be reporting on the availability of broadband offerings by zip code, it adds little burden for them to also report on subscribership by zip code in broad ranges. GSA suggests the following specific ranges within each zip code:

¹⁵ See, e.g., Comments of WorldCom, p. 2; Mariana, p. 3.

¹⁶ Comments of KCC, pp. 1-2.

¹⁷ *Id.*, p. 2.

¹⁸ Comments of King County, pp. 16-17.

- Less than 100 subscribers
- 100 to 1000 subscribers
- More than 1000 subscribers

This level of detail can be estimated with ease when exact counts are not readily available. It will, however, provide meaningful information on the extent of broadband subscribership.

IV. THE COMMISSION SHOULD REPORT ILEC AND CLEC DSL SUBSCRIBERSHIP SEPARATELY BY STATE

In Its Comments, WorldCom urges the Commission to publicly report subscribership to DSL services separately for ILECs and CLECs.¹⁹ WorldCom notes that the Commission gathers this information, but has not displayed it in any published report.²⁰

GSA strongly supports WorldCom's proposal. The Commission's reports on long distance market shares have long been relied upon by Federal and state policy makers. The Commission's local competition reports are becoming similarly valuable in the assessment of local competition. It is time for the Commission to report on the status of DSL competition. GSA recommends that the Commission not only differentiate between ILEC and CLEC DSL subscribership, but also between CLEC DSL subscribership over ILEC or CLEC facilities. This breakdown would be consistent with data already collected on voice-grade competition.

Separate reporting of ILEC and CLEC DSL subscribership at the state level will provide adequate information without raising confidentiality concerns. Over time, this

¹⁹ Comments of WorldCom, p. 6-7.

²⁰ Id.

information will prove critical to the assessment of competition in the market for broadband services.

V. THE REPORTING THRESHOLD FOR VOICE-GRADE REPORTING SHOULD BE REDUCED

In its Comments, GSA recommended that the Commission reduce the reporting threshold for voice-grade services.²¹ GSA suggested two alternatives. First, GSA suggested that the threshold could be lowered from 10,000 to 2,500 lines per state. Alternatively, GSA suggested that the threshold could be set at a percentage of the estimated total lines in each state. Such a threshold would result in more uniform precision in measuring the development of competition in states that differ widely in population.

No other party specifically addressed the reporting threshold for voice-grade service in their Comments. GSA suggests, however, that a lowering of the voice-grade reporting threshold is in the public interest and should be adopted.

VI. A SEMI-ANNUAL FILING SCHEDULE MEETS THE NEED FOR TIMELY DATA ON THE DEVELOPMENT OF COMPETITION

In its Comments, GSA recommended that the existing semi-annual reporting schedule be retained.²² GSA noted that this schedule strikes a reasonable balance between the need for more timely information in a changing marketplace, and the burden imposed on carriers by more frequent reporting.²³

²¹ Comments of GSA, p. 4.

²² *Id.*, p. 9.

²³ *Id.*

A number of carriers proposed that reporting be required only once a year.²⁴ USTA, however, found that "semi-annual collection of data provides a sufficient level of reporting."²⁵ Covad agrees, and states:

Covad believes that the current twice-a-year filing is enough to provide the Commission with timely information and not overburden CLECs with onerous reporting requirements that, again, would tie up scarce company resources.²⁶

KCC adds:

In our opinion, semi-annual reporting of this information, especially with the mechanized Form 477 reporting process, is neither burdensome nor intrusive. Continuing with semi-annual reporting will soon produce data points sufficient to make reasonable assessments and/or projections.

GSA urges the Commission to retain its semi-annual reporting schedule during this period of dynamic change and growth in the local and broadband markets.

VII. THE EXISTING PROCEDURES FOR PROTECTING CONFIDENTIALITY SHOULD BE CONTINUED

In its Comments, GSA supported the present system for protecting confidentiality.²⁷ GSA noted that the Commission's practice of aggregating data so as not to identify individual providers represents a reasonable balance between the need for information and the legitimate proprietary concerns of carriers.²⁸

²⁴ See, e.g., Comments of OPASTCO, p. 5; Sprint, p. 4; Hughes Network Systems ("Hughes"), p. 11.

²⁵ Comments of USTA, p. 6.

²⁶ Comments of Covad Communications Company ("Covad"), p. 8.

²⁷ Comments of GSA, pp. 9-10.

²⁸ *Id.*

Virtually all commenting parties agreed with GSA's position on this issue.²⁹ For example, AT&T states:

There are no possible benefits from public disclosure of carrier-specific disaggregated data, much less any compelling public need that could outweigh the obvious and substantial competitive harms associated with disclosure.³⁰

GSA recommends that the Commission continue its existing procedures for protecting confidentiality.

²⁹ See, e.g., Comments of Time Warner Telecom ("TWTC"), p. 9; WorldCom, p. 9; CompTel, p. 3.

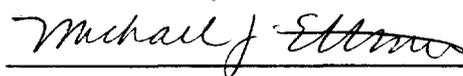
³⁰ Comments of AT&T, p. 3.

VIII. CONCLUSION

As a major user of telecommunications services, GSA urges the Commission to implement the recommendations set forth in these Comments.

Respectfully submitted,

GEORGE N. BARCLAY
Associate General Counsel
Personal Property Division



MICHAEL J. ETTNER
Senior Assistant General Counsel
Personal Property Division

GENERAL SERVICES ADMINISTRATION
1800 F Street, N.W., Rm. 4002
Washington, D.C. 20405
(202) 501-1156

April 2, 2001

CERTIFICATE OF SERVICE

I, MICHAEL J. ETTNER, do hereby certify that copies of the foregoing "Reply Comments of the General Services Administration" were served this 2nd day of April, 2001, by hand delivery or postage paid to the following parties.

The Honorable Michael K. Powell,
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

The Honorable Harold Furchtgott-Roth,
Commissioner
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

The Honorable Susan Ness,
Commissioner
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

The Honorable Gloria Tristani
Commissioner
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C 20554

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W. TW-A325
Washington, D.C. 20554

Ms. Suzanne McCrary
Industry Analysis Division
Federal Communications Commission
445 12th Street, S.W., Sixth Floor
Washington, D.C. 20554

Editorial Offices
Telecommunications Reports
1333 H Street, N.W., Room 100-E
Washington, D.C. 20005

Ms. Edith Herman
Senior Editor
Communications Daily
2115 Ward Court, N.W.
Washington, D.C. 20037

International Transcription Service
1231 20th Street, N.W.
Washington, D.C. 20036

