

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

In the matter of:

Local Telephone Competition and  
Broadband Reporting

WC Docket No. 04-141

Local Competition and Broadband  
Reporting

CC Docket No. 99-301

**REPLY COMMENTS OF THE CALIFORNIA PUBLIC UTILITIES  
COMMISSION AND OF THE PEOPLE OF THE STATE OF CALIFORNIA  
ON THE NOTICE OF PROPOSED RULEMAKING AND ORDER ON  
RECONSIDERATION REGARDING FORM 477 LOCAL COMPETITION  
AND BROADBAND DATA GATHERING PROGRAM**

**I. INTRODUCTION**

The California Public Utilities Commission and the People of the State of California (California or CPUC) submit these Reply Comments to the Federal Communications Commission (FCC or Commission) on its Notice of Proposed Rulemaking (NPRM) and Order on Reconsideration Regarding Form 477 Local Competition and Broadband Data Gathering Program released on April 16, 2004. The CPUC herein responds some to the issues raised by the commenters in their opening comments.

## II. DISCUSSION

Many of the commenters oppose the additional Form 477 reporting requirements proposed by the FCC in the NPRM. They state that these additional requirements are not necessary and too burdensome. They urge the FCC to leave the Form 477 as is.

Specifically, a number of commenters assert that the FCC should not require broadband service providers to provide more granular data on a zip code basis. Sprint comments that reporting by zip code would require a significant amount of software development to match information about the customer's type and number of connections with the customer's zip code.<sup>1</sup> Verizon states that it does not maintain operating data broken down by zip code.<sup>2</sup>

SBC, on the other hand, supports the FCC's zip code proposal and states that filers should be required to specify the number of high-speed connections, by technology, in particular zip codes.<sup>3</sup> SBC states that reporting the actual number of connections per zip code will provide a more accurate and complete picture of broadband deployment.<sup>4</sup>

Reporting data by zip code should not be as resource intensive as indicated by some of the commenters because carriers need to keep track of the addresses (zip code) and the broadband services (speed & price) their subscribers subscribe to in order to properly bill their customers. Therefore, broadband service providers should easily be able to track and provide the additional information on a zip code basis to the FCC. In addition, as stated in our opening comments, only general data on broadband services are

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<sup>1</sup> Sprint Comments at p.5.

<sup>2</sup> Comments of Verizon at p. 11.

<sup>3</sup> Comments of SBC Communications, Inc., at pp. 6-7.

currently available under Form 477. As a consequence, we find it difficult to accurately track and identify the availability and deployment of broadband services, especially in rural areas of California. Thus, the Commission should expand the current zip code reporting requirement.

Another issue in the NPRM is whether the FCC should reduce or eliminate the current reporting threshold for broadband service data of 250 broadband or high-speed connections. Organization for the Promotion and Advancement of Small Telecommunications Companies (OPASTCO) comments that the current reporting threshold should be maintained because sufficient information on broadband deployment in rural areas is available from other sources.<sup>5</sup> OPASTCO cites a study conducted by the The National Exchange Carriers' Association, a survey conducted by the National Telecommunications Cooperative Association, and its own survey of its membership as examples of alternative sources of information.

Although there are other available sources that provide data on broadband deployment in rural areas, these sources are not an adequate substitute for FCC collected data because they lack the comprehensiveness and neutrality of the FCC collected data. Private entities do not have the authority to compel all broadband service providers to provide broadband data to them as the FCC does. Private entities are also susceptible to pressures, intended and unintended, to meet the expectation of their clients who pays for the report. The FCC collects raw data, which allows the FCC and state commissions to

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<sup>4</sup> *Id.*

<sup>5</sup> OPASTCO comments at pp. 5-6.

conduct additional and separate analyses looking at issues such as rural broadband penetration. Rural, sparsely populated areas with small carriers can also fall through the cracks in a report prepared by investment or industry analysts that are focused on the big carriers or densely populated metropolitan areas. Therefore, the FCC should eliminate the current reporting threshold for broadband service data.

### III. CONCLUSION

For the foregoing reasons, the Commission should require broadband service providers to provide more granular data on a zip code basis and eliminate the current reporting threshold for broadband service data.

Respectfully submitted,

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