

**Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Development of Nationwide Broadband Data to)	
Evaluate Reasonable and Timely Deployment of)	WC Docket No. 07-38
Advanced Services to All Americans,)	
Improvement of Wireless Broadband)	
Subscribership Data, and Development of Data)	
On Interconnected Voice over Internet Protocol)	
(VoIP) Subscribership)	

COMMENTS OF COMPTEL

COMPTEL respectfully submits these comments, pursuant to the Notice of Proposed Rulemaking (“*NPRM*”) released on April 16, 2007 (FCC 07-17) in the above-referenced docket. In its *NPRM* the Commission, amongst other things, seeks comment on how the Commission can improve its data collection regarding the availability and deployment of broadband services nationwide. COMPTEL fully supports the Commission’s consideration of ways to improve data collection on broadband deployment and, accordingly, encourages the Commission to expand the data collection requirements of the FCC Form 477 to include subscriber counts per 5-digit Zip Code. Nonetheless, COMPTEL is mindful of the fact that additional reporting requirements could pose significant hardship on small entities and, therefore, urges the Commission to evaluate the need for a reporting threshold for any additional requirements adopted. COMPTEL also offers proposed changes for the procedures in submitting the data required by the FCC Form 477 in order to lessen the burden on all filers.

COMPTEL urges the Commission to modify the FCC Form 477 to include line count by 5-digit Zip Code. Currently, the instructions for FCC Form 477 direct carriers to list the 5-digit Zip Codes in which the filer provides at least one broadband connection or voice-grade telephone service line to end-users. The instructions specifically state: “**Do not** report line counts or subscriber counts by Zip Code.”¹ COMPTEL supports a requirement, as raised in the *NPRM*, that filers submit customer counts along with the Zip Code lists.² Providing the actual number of connections by Zip Code will provide a more precise and comprehensive picture of broadband deployment.³

One of the goals of the Commission is to determine the extent of broadband deployment, and in particular the level of deployment in lower- income areas. In its *Fourth 706 Report*, the Commission recognized that subscribership data provides one of the most useful measures of broadband deployment.⁴ The Commission has used the carriers’ report of zip codes with at least one connection to claim that the gap in broadband subscribership between lower- and higher – income populations is decreasing.⁵ Yet, the Commission acknowledges that the presence of a reported subscriber in a Zip Code does not necessarily mean service is available throughout the

¹ Instructions for Local Telephone Competition and Broadband Reporting Form (FCC Form 477), Instructions for March 1, 2007 Filing (as of 12/31/06), p. 10.

² See *NPRM* at ¶ 27.

³ See SBC Comments, *In the Matter of Local Telephone Competition and Broadband Reporting*, WC Docket No. 04-141, p. 7 (filed June 28, 2004).

⁴ *Availability of Advanced Telecommunications Capability in the United States*, GN Docket No. 04-54, Fourth Report to Congress, FCC 04-208, p. 28 (rel. Sept. 9, 2004)(“Fourth 706 Report”).

⁵ *Fourth 706 Report* at 35.

Zip Code.⁶ “Broadband ‘availability’ could be non-existent for that carrier’s other customers located a few blocks or many miles away from that single customer.”⁷

The presence of a subscriber not only is an unreliable indication of availability, it provides no indication of widespread *deployment* in the area. The fact that there is one household in a low income area that is able to subscribe to the service does not mean that the service is affordable to households throughout the area. For example, although the Commission asserts that the data it collects indicates that the gap between subscribership in low-and high-income areas is closing, in its comments to the Commission in the *Verizon Forbearance* proceeding, the City of Philadelphia noted a significantly lower percentage of Internet penetration and broadband deployment in Philadelphia than nationwide, attributing it to a high proportion of low-income individuals and families in the Philadelphia MSA.⁸ Moreover, as the United States Government Accountability Office (“GAO”) has found in its recent report to Congress, “information about where subscribers are served may not depict with a high degree of accuracy the local deployment of broadband, especially in rural areas.”⁹ In order to truly assess the deployment of broadband in low income and rural areas the Commission must seek customer counts per 5-digit Zip Code. Collection of this information may also eliminate

⁶ *Fourth 706 Report* at 30.

⁷ *NPRM* at ¶ 10.

⁸ Comments of the City of Philadelphia, *Petition of Verizon Telephone Companies for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Boston, New York, Philadelphia, Pittsburg, Providence and Virginia Beach Metropolitan Statistical Area*, WC Docket No. 06-172, p. 19 (filed Mar. 5, 2007).

⁹ *NPRM* at ¶ 35.

the need to expand the data collection to a 9-digit Zip Code level of geographic aggregation, which could impose significant costs to some carriers, especially smaller entities.

COMPTEL agrees that the Commission needs to be concerned with the burden the data collection requirements impose on filers. In order to lessen the burden to filers, the Commission should consider developing a more mechanized system for data submission than the current web-based process. This would provide for “real time” transmission of the data and eliminate the need to fill out individual Excel forms which are then e-mailed to the Commission – often requiring multiple submissions due to size constraints that some IT administrators place on outgoing and incoming e-mail. The Commission should also create a template that could accommodate multi-state submissions which would replace the burdensome FCC-prescribed naming convention to distinguish each form as belonging to a particular state. This would save carriers operating in multiple states a significant amount of time that is currently spent on filling out the documents. Finally, in considering the adoption of any new regulations the Commission must consider the impact of small entities and, therefore, should consider the need for a reporting threshold for any expanded obligations.

Respectfully submitted,

/s/ Karen Reidy
Karen Reidy
Vice President, Regulatory Affairs
COMPTEL
900 17th Street, NW, Suite 400
Washington, DC 20006
(202) 296-6650

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