

**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 Advanced Services to All Americans, Improvement of Wireless Broadband Subscribership Data, and Development of Data on Interconnected Voice over Internet Protocol (VoIP) Subscribership

WC Docket No. 07-38

COMMENTS OF THE INFORMATION TECHNOLOGY INDUSTRY COUNCIL

The Information Technology Industry Council (ITI) represents over forty of the nation's leading information technology companies, including computer hardware and software, Internet services, and wireline and wireless networking companies.¹ ITI is the voice of the high tech community, advocating policies that advance U.S. leadership in technology and innovation, open access to new and emerging markets, support e-commerce expansion, protect consumer choice, and enhance global competition.

ITI welcomes the opportunity to provide comments in this matter of great importance to the information technology sector and supports the Commission's efforts to collect meaningful information about broadband availability and deployment in the United States.² ITI's members are at the forefront of developing and manufacturing the

¹ For more information on ITI, including a list of its members, please visit <http://www.itic.org/about.php>.

² *Development of Nationwide Broadband Data to Evaluate Reasonable and Timely Deployment of Advanced Services to All Americans, Improvement of Wireless Broadband Subscribership Data, and*

technologies and Internet services that are bringing cutting edge broadband innovations to the American public. Broadband connectivity allows consumers to be connected to the Internet through wired or wireless networks, using a variety of devices in a mobile, stationary or portable manner to enjoy voice, video, and data services. Wider availability and faster speeds increase the value of broadband connectivity to the American public, with substantial benefits to productivity, education, health care and more. In order to fully realize these benefits, the United States must focus on facilitating a universally available 21st century broadband infrastructure.

The Commission has taken positive steps to facilitate further broadband deployment, and market forces will continue driving investment in the infrastructure, applications, equipment and services that next generation broadband capability requires.³ Nonetheless, some areas of the nation, particularly rural and low-income communities, still lack sufficient access to high-speed broadband or face hurdles to greater adoption of broadband.⁴ Additionally, various surveys indicate that the United States, including areas

Development of Data on Interconnected Voice over Internet Protocol (VoIP) Subscribership, Report and Order and Notice of Proposed Rulemaking, WC Docket No. 07-38, (rel. April 16th, 2007) (“Order” or “NPRM”).

³ *Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996; Deployment of Wireline Services Offering Advanced Telecommunications Capability*, CC Docket Nos. 01-338, 96-98, 98-147, Report and Order and Order on Remand and Further Notice of Proposed Rulemaking, 18 FCC Rcd 16978, 17145, para. 278 (2003) (*Triennial Review Order*), corrected by Errata, 18 FCC Rcd 19020 (2003) (*Triennial Review Order Errata*), vacated and remanded in part, affirmed in part, *United States Telecom Ass’n v. FCC*, 359 F.3d 554 (D.C. Cir. 2004) (*USTA II*) cert. denied, 125 S.Ct. 313, 316, 345 (2004).

⁴ According to the Pew Internet Project’s March 2006 study, about 42 percent of all American adults and only 25% of rural Americans have high-speed broadband connections at home. The Pew Internet Project found that only 1-2 percent of U.S. broadband users have fiber or T1-speed access. See John B. Horrigan, *Home Broadband Adoption 2006*, Pew Internet and American Life Project, May 2006: <http://www.pewinternet.org/pdfs/PIP_Broadband_trends2006.pdf>

of high population density, may not be keeping pace with the broadband access available in other nations, potentially harming our overall economic competitiveness.⁵

The Commission's own information regarding broadband deployment in the United States, while useful in some respects, does not provide sufficient data regarding the availability of, and subscription to, broadband in the U.S. The FCC's threshold for determining broadband availability (at least one user per 5-digit zip code capable of receiving at least 200kbps download speed), overstates broadband availability. Further, the FCC does not currently collect data regarding broadband subscription uptake⁶ or price. ITI commends the Commission for seeking a more accurate and comprehensive accounting of broadband deployment in the United States.

The Commission Should Collect and Report Granular, Address Level Data on Broadband Availability, Uptake, and Price

ITI firmly believes that a geographically detailed inventory of availability, subscription uptake and price would offer an invaluable tool to help spur additional broadband investment and competition, simply because it would shine a bright light on the nation's successes and shortcomings in broadband deployment. Such information will also better guide the Commission's own policymaking. To achieve this goal, ITI urges the commission to collect and report, at the household address or street level,

⁵ The Organization for Economic Cooperation and Development ranks the U.S. 15th in broadband penetration, down from 4th in 2001 (based on the number of subscribers per 100 people). See OECD Directorate for Science, Technology, and Industry, *Broadband Statistics to December 2006*, April 2007: <www.oecd.org/sti/ict/broadband>.

Other countries, such as Korea, Japan, and the Netherlands are deploying fiber-to-the-home connections capable of delivering services of 100Mbps and beyond at costs similar to U.S. services providing only 1-6Mbps speeds. See Daniel K. Correa, *Assessing Broadband in America: OECD and ITIF Broadband Rankings*, Information Technology and Innovation Foundation, April 2007, at 2.

⁶ ITI would describe "subscription uptake" as the number of actual subscribers of a particular broadband service for every subscriber offered that particular service (household subscriptions per household passed).

detailed information regarding availability of broadband services, subscription uptake, and pricing.⁷

The Commission Should Raise the Broadband Threshold

For the purposes of reporting such information, the Commission should raise the current minimum threshold for reporting the speed tier information specified on Form 477 by adopting two new tiers of broadband access: “basic” and “robust”.⁸ The Commission then should report, at the address or street level, the number of households for which broadband access is available in the following speed tiers:

1. **Basic Broadband:** The first tier should define “basic broadband” as services providing speeds that are at least 1 megabit per second downstream and at least 384 kilobits per second upstream.
2. **Robust Broadband:** The second tier should define “robust broadband”⁹ as services providing downstream speeds that are at least 8 megabits per second, and upstream speeds that are at least 768 kilobits per second.¹⁰
3. **25 Megabits per second** in at least one direction;
4. **50 Megabits per second** in at least one direction;
5. **100 Megabits per second** in at least one direction;

⁷ The Commission should take steps necessary to protect proprietary information and consumer privacy.

⁸ The Commission should use these definitions for the purposes of reporting and analyzing broadband information the Commission collects. ITI does not believe these definitions should have a regulatory impact on other Commission policy without the necessary rulemaking procedure.

⁹ The Information Technology and Innovation Foundation recently proposed a two-tier definition of broadband with a “robust broadband” tier. *See* Comments of the Information Technology Innovation Foundation WC Docket No. 07-38:

http://www.itif.org/files/ITIF_Comments_on_FCC_Broadband_NPRM.pdf >

¹⁰ ITI recommends these ‘basic’ and ‘robust’ speeds because, they are comparable to both the upper and lower speeds currently offered cable and DSL systems. The ‘basic’ speed is necessary to support full-motion interactive video and other common applications, while the ‘robust’ speed would support high definition video (using current compression technologies) simultaneously with other applications.

For each tier, the Commission also should report average subscription uptake and price.¹¹ ITI recommends that the Commission revise upward the “basic” and “robust” broadband tiers every 3 - 5 years to take into account the needs of current applications and technologies, and the technologies made possible by average broadband speeds in nations with more advanced broadband networks.¹²

While ITI recognizes that additional data collection may create additional costs, the immense benefits of such information outweigh any potential burden. Broadband access at higher speeds has the potential to transform the Internet into a 21st century infrastructure capable of delivering new, revolutionary content, services, applications, and technologies. Meaningful information regarding the nation’s broadband deployment will enable the Commission and policy makers to best achieve both universal broadband deployment, ever improving infrastructure, and potentially widespread deployment of 100Mbps broadband access and beyond.

Respectfully Submitted,

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¹¹ ITI recognizes that the Commission may report subscription uptake and price at a level other than household address. Whatever level of analysis the Commission chooses should nonetheless provide a meaningful and detailed inventory of broadband uptake and price.

¹² ITI’s Comments regarding service tiers are focused on wireline broadband services. A direct comparison of wireline to wireless broadband services (particularly mobile services) is inappropriate. Spectrum is shared, it must be carefully managed, and mobile hand-offs are technically challenging – making it more difficult to attain higher speeds. Yet, wireless broadband must be recognized for the substantial added functionality that it offers, and the concomitant benefits to business and residential customers.