

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of:)	
)	
Telecommunications Carriers' Use of)	CC Docket No. 96-115
Customer Proprietary Network Information and)	
Other Customer Information)	
Report and Order and Further Notice of)	
Proposed Rulemaking)	WC Docket No. 04-36
)	
IP-Enabled Services)	
)	
To: The Commission		

REPLY COMMENTS



The American Cable Association (“ACA”)¹ files these Reply Comments in support of those commenters opposing the additional CPNI regulations proposed in the Commission’s *FNPRM*.²

¹ ACA represents nearly 1,100 small and medium-sized cable companies that serve more than 8 million cable subscribers, primarily in smaller markets and rural areas. ACA member systems are located in all 50 states, and in virtually every congressional district. The companies range from family-run cable businesses serving a single town to multiple system operators that focus on serving smaller markets. More than half of ACA's members serve fewer than 1,000 subscribers. All ACA members face the challenges of upgrading and operating broadband networks in lower-density markets.

² *In the Matter of: Implementation of the Telecommunications Act of 1996, Telecommunications Carriers' User of Customer Proprietary Network Information and Other Customer Information, Report and Order and Further Notice of Proposed Rulemaking* (rel. April 2, 2007) (“*FNPRM*”).

ACA has reported to the Commission on how its independent cable operator members are taking the lead to provide interconnected VoIP services to small and rural markets throughout the United States.³ That said, upgrading to provide these advanced services imposes substantial capital and administrative costs on ACA's members. Additional regulatory burdens only increase these costs and slow or prevent independent cable operators' deployment of interconnected VoIP services to small and rural markets.

Accordingly, the Commission must weigh carefully the costs and benefits of imposing additional regulatory burdens on interconnected VoIP services, and should only do so where there is a documented need for additional regulation.

Here, there is no documented need for the proposed CPNI regulations. The majority of commenters in this docket agree – the burdens of the proposed CPNI regulations far outweigh any potential benefits.⁴ This is especially true in the hard-to-serve communities where ACA's members provide interconnected VoIP services.

³ See *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 Subscriber Data and Development of Data on Interconnected Voice over Internet Protocol (VoIP) Subscribership*, Comments of the American Cable Association, WC Docket No. 07-38 at 1 (filed June 15, 2007).

⁴ See *generally* Comments of Comcast Corporation (filed July 9, 2007); Comments of Comptel (filed July 9, 2007); Comments of Embarq (filed July 9, 2007); Comments of Frontier Communications (filed July 9, 2007); Comments of The Independent Telephone and Telecommunications Alliance (filed July 9, 2007); Comments of the Iowa Telecommunications Association (filed July 9, 2007); Comments of MetroPCS Communications, Inc. (filed July 9, 2007); Comments of the National Cable and Telecommunications Association (filed July 9, 2007); Comments of the National Telecommunications Cooperative Association (filed July 9, 2007); Joint Comments of NuVox Communications and XO Communications, LLC (filed July 9, 2007); Comments of Rural Cellular Association (filed July 9, 2007); Comments of Time Warner, Inc. (filed July 9, 2007); Comments of T-Mobile USA, Inc. (filed July 9, 2007); Comments of the United States Telecom Association (filed July 9, 2007); Comments of Vonage Holdings Corporation (filed July 9, 2007); Comments of Verizon (filed July 9, 2007).

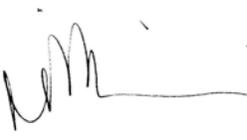
In July 2007, ACA conducted an Internet survey of its members' opinions on the regulations proposed in the *FNPRM*. Of those members responding, 87.8% said that the Commission should not require password protection for non-call detail CPNI and account changes. 93.9% opposed audit trails,⁵ and 65.3% opposed physical protections on CPNI transfers to affiliates or third parties. 81.7% of respondents believe that the various proposals in the *FNPRM* would impose excessive burdens on small cable operators. ACA is not alone in expressing concern for the burden that the proposed regulations will impose on small and rural providers. Other commenters in this docket express similar concerns.⁶

In short, the consensus among commenters – especially those addressing the smaller and rural telecommunications sectors – is clear: The proposals in the *FNPRM* are unnecessary, of little to no benefit, and would lead to increased customer frustration. At the same time, the proposed regulations would be extremely expensive and burdensome to implement, especially for small and rural providers. For these reasons, the Commission must discard the additional CPNI regulations proposed in the *FNPRM*.

⁵ The Commission itself has recognized the disproportionate burden that audit trails place on small and rural providers. See *In the Matter of: Implementation of the Telecommunications Act of 1996, Telecommunications Carriers' User of Customer Proprietary Network Information and Other Customer Information*, Order on Reconsideration and Petitions for Forbearance, ¶¶ 125 - 127, 132 and 179 (rel. September 3, 1999).

⁶ See Comments of the Iowa Telecommunications Association at 3-6 (filed July 9, 2007) (further expansion of the Commission's CPNI rules is unwarranted and will impose unreasonable costs and burdens on small carriers and their rural customers); Comments of the National Telecommunications Cooperative Association at 3-5 (filed July 9, 2007) (requesting an exemption for small ILECs from additional CPNI regulations); Comments of Rural Cellular Association at 2-7 (filed July 9, 2007).

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