

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 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)
ON INTERCONNECTED VOICE OVER)
INTERNET PROTOCOL (VoIP))
SUBSCRIBERSHIP)

WC Docket No. 07-38

COMMENTS OF THE

INDEPENDENT TELEPHONE & TELECOMMUNICATIONS ALLIANCE

To the Commission:

The Independent Telephone & Telecommunications Alliance (ITTA) hereby submits comments in the above-captioned proceeding. ITTA members are mid-size local exchange carriers that provide a broad range of high-quality wireline and wireless voice, data, Internet, and video services to 31 million access lines in 45 states. ITTA supports reasonable procedures to determine whether the Commission's programs that are intended to promote broadband deployment are functioning as intended.

I. INTRODUCTION

ITTA member companies are committed to the further deployment of broadband throughout their respective service areas. ITTA members have demonstrated a significant commitment to bring subscribers the latest and best in communications services. ITTA supports efforts that are intended to facilitate the deployment and use of broadband and advanced services throughout the Nation. ITTA, however, cautions the

Commission to ensure that efforts in this regard do not sacrifice overall and lasting effectiveness for short-term optical gains. Accordingly, ITTA offers the following comments, which are intended to ensure that Commission (and others') efforts toward broadband deployment utilize scarce resources effectively and result in true consumer benefits.

II. MAPPING OR OTHER DATA EVALUATION EFFORTS THAT LEAD TO GREATER BROADBAND DEPLOYMENT AND USE ARE APPROPRIATE.

The first question that must be asked when embarking on an effort intended to increase broadband deployment is, "Will this effort tend to directly further broadband deployment?" A second question is, "Is this effort the most efficient use of resources?"

The Federal Government Accountability Office (GAO) found that "[t]he most frequently cited cost factor affecting broadband deployment was the population density of a market," and stakeholders reported to the GAO that "the cost of building a broadband infrastructure in areas where people live farther apart is much higher than building infrastructure to serve the same number of people in an urban setting."¹ The GAO also found that "terrain was also frequently cited as a factor affecting broadband deployment decisions."² As indicated in statements by broadband stakeholders to the GAO, "infrastructure build-out can be difficult in mountainous and forested areas because these areas may be difficult to reach or difficult on which to deploy the required equipment."³

¹ "Broadband Deployment is Extensive Throughout the United States, But it is Difficult to Assess the Extent of Deployment Gaps in Rural Areas," Government Accountability Office, at 19 (Washington 2006) (GAO Report).

² GAO Report at 19.

³ GAO Report at 19.

ITTA members serve mostly rural and suburban areas where low population density and natural terrain can converge to create costly broadband deployment scenarios. Those factors, combined with a competitive marketplace, reinforce the need for exacting attention to the disbursement of resources. Recent activity regarding the Universal Service Fund (USF) has illustrated both government and industry interest in assuring that resources are allocated efficiently and rationally. Carriers of all sizes are in the best position to identify where, and to what extent, broadband has been deployed. ITTA members and many other carriers serving rural areas have deployed broadband as quickly as economically feasible; there is little room to conceive that carriers would hesitate to deploy what is fast becoming a major force in both carrier business models and the National (if not global) economy. Legislative and Executive branch interest in broadband deployment is shared by those who are trenching cable, laying fiber, powering up networks, and enabling advanced communications. ITTA supports efforts that further these interests, but urges consideration of the possibility that resources directed toward discerning where broadband is not deployed could, ironically, sap the availability of resources to support actual broadband deployment in those areas.

1. Minimize burdens on carriers required to submit information.

The Commission has taken an important step forward in crafting the new Form 477. The collection of information at the census tract level, and the reporting requirements that contemplate bandwidth “speed,” will result in a rich trove of data that can be mined to produce analyses of service. Nevertheless, the Commission concluded tentatively that it should “collect information that providers use to respond to prospective

customers to determine on an address-by-address basis whether service is available.”⁴ ITTA submits that many carriers do not maintain this information in a database whose form would facilitate submission to the Commission for mapping purposes. In a recent *ex parte* filing, Connected Nation stated, “only the largest (and mostly urban) providers have this information.”⁵ ITTA members generally serve rural and suburban areas, and often through separate affiliates that are managed on a state-wide or smaller basis. The promulgation of reporting requirements demanding data in a manner not in existence or ordinarily maintained would create an undue and unnecessary burden where financial and personnel resources would be better spent on actual deployment.

In a recent letter to Congress, ITTA expressed support for “[F]ederal support for state-initiatives using public-private partnerships to identify gaps in broadband coverage and to develop both the supply of and demand for broadband in those areas.” The Commission has already “acknowledged the success of the ConnectKentucky initiative,”⁶ an effort coordinated by Connected Nation. ITTA submits that the Commission’s resources are best spent on programs that enable and facilitate broadband deployment and use, and that efforts intended to complement carriers’ knowledge of where deployment has occurred (and where it is yet to occur) are best left to regional entities with specialized local knowledge and expertise.

⁴ *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: Report and Order and Further Notice of Proposed Rulemaking*, WC Docket No. 07-38, FCC 08-89, at para. 35 (rel. Jun. 12, 2008) (NPRM).

⁵ *Ex parte* of Connected Nation, at 3 (filed Jul. 14, 2008).

⁶ NPRM at para. 35.

2. Any data collection efforts should obtain only information that is publicly available.

The Commission seeks comment on how to “maintain the confidentiality of broadband service information while still providing a rich resource for use by other federal agencies, states, localities, and public-private partnerships”⁷ At the outset, data gathering efforts, whether overseen by the Commission, states, or public-private partnerships, should obtain only information that is publicly available.

The Commission expresses an interest in “providing a rich resource for use by other federal agencies, states, localities, and public-private partnerships in focusing resources on expanding broadband availability”⁸ The broad distribution envisioned by the Commission raises critical red flags pertaining to the interest of carriers in maintaining an edge in a highly-competitive marketplace. The collection of information must not include competitively sensitive data whose distribution would undermine carrier efforts to deploy broadband by laying open proprietary strategies and plans.

Consistent with this approach, ITTA nevertheless supports procedures that facilitate determination of whether programs that are intended to promote broadband deployment are functioning as intended. The purpose of a mapping effort should be to facilitate *post hoc* review of Federal or state efforts to increase broadband deployment; the process should not contemplate the acquisition of information that pertains to carrier build-out plans. The potential distribution of competitively sensitive information to a wide swath of Federal, state, local, and public-private partnerships raises sobering

⁷ NPRM at para. 35.

⁸ NPRM at para. 35.

questions as to the extent to which a carrier ultimately controls its information. To the extent that a *post hoc* review reveals a need to investigate carrier-specific processes for deploying broadband in a discrete area, competitively sensitive and proprietary information might be shared within the limited confines of a non-disclosure agreement, and in a very limited setting. For example, data to be handed over to public/private entity should be secured through contractual provisions.

By contrast, a proposition that such information at the outset be available to an unknown and unspecified population must be rejected. The Commission must ensure that carrier efforts in a highly competitive marketplace are not undermined by unnecessary requirements to share information that is generally not disclosed in the normal and ordinary course of business. To the extent the Commission oversees granular data collection efforts or related programs, the confidentiality of competitively sensitive information must be maintained strictly.

3. Ensure that mapping is a means, rather than an end.

The Commission seeks comment on “whether and to what extent [it] might work with the Department of Agriculture’s Rural Utilities Service (RUS) in developing and using this mapping program, so as to combine the expertise of the Commission and its staff with that of the RUS in supporting rural infrastructure deployment.”⁹ As stated above, ITTA supports efforts that would enable review of the Commission policies that are intended to promote broadband deployment.

But, more important than a *post hoc* review is the establishment of policies whose implementation is the basis for that review. The Commission and other interested parties

must ensure that a mapping effort is not the end, but rather a means to determine whether end-goals are being met. The desire to craft well-meaning evaluative processes is commendable, but the overarching goal of achieving greater broadband deployment and adoption must not be forgotten. Part of the process must include an analysis to determine whether the resources spent designing and implementing the review will ultimately result in greater broadband deployment than that which would have been achieved had those same resources been devoted solely to actual deployment, or other efforts that directly enable greater broadband usage. In the age-old battle between “guns and butter,” stakeholders must choose wisely whether scarce resources are used to develop data or networks.

III. CONCLUSION.

ITTA member companies are committed to the further deployment of broadband throughout their respective service areas and across the Nation. ITTA supports reasonable procedures to determine whether the Commission’s programs that are intended to promote broadband deployment are functioning as intended. Within the confines of any such effort, ITTA urges the Commission to (a) minimize the burdens on carriers required to submit information, (b) limit data collection to publicly-available information, only, and to secure the confidentiality of any proprietary information to the

⁹ NPRM at para. 35.

extent such is collected, and (c) ensure that mapping or other processes are an effective means to greater deployment and usage.

Respectfully submitted,

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