

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	)	WC Docket No. 07-38
Broadband Subscribership Data, and	)	
Development of Data on Interconnected	)	
Voice over Internet Protocol (VoIP)	)	
Subscribership	)	

**COMMENTS OF QWEST COMMUNICATIONS INTERNATIONAL INC.**

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July 17, 2008

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**COMMENTS OF QWEST COMMUNICATIONS INTERNATIONAL INC.**

**I. INTRODUCTION AND SUMMARY**

Qwest Communications International Inc. (“Qwest”) submits these comments with respect to the Federal Communications Commission’s (“Commission”) *Report and Order and Further Notice of Proposed Rulemaking (“Notice”)* in the above-captioned proceeding.<sup>1</sup> Qwest lauds the Commission’s continuing commitment to implementation of Section 706 of the Telecommunications Act of 1996.<sup>2</sup> And Qwest recognizes that mapping of broadband deployment is an important component to determining “whether advanced telecommunications capability is being deployed to all Americans.” In a recent letter to Congress, Qwest expressed support for “[F]ederal support for state-initiatives using public-private partnerships to identify

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<sup>1</sup> *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*, Report and Order and Further Notice of Proposed Rulemaking, FCC 08-89, WC Docket No. 07-38, rel. June 12, 2008 (“*Report and Order*” or “*FNPRM*” as appropriate in the text).

<sup>2</sup> 47 U.S.C. § 157 (incorporating Section 706 of the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (Feb. 8, 1996)).

gaps in broadband coverage and to develop both the supply of and demand for broadband in those areas.”<sup>3</sup> But Qwest cautions that there is a point at which the mapping may interfere with the ultimate goal of Section 706 which is removing barriers to infrastructure investment that will facilitate comprehensive broadband deployment throughout the U.S. There is a finite amount of resources available to carriers to deploy broadband, and resources devoted to broadband mapping will divert from resources available to capital investment. Thus, the Commission must navigate a tenuous balance between developing national broadband maps that are useful for the purpose of increasing the take-rates in areas where broadband already exists, extending broadband to unserved areas, and identifying factors that are impeding the investment necessary to achieve that deployment. An example of where the tenuous balance could be achieved can be found in Qwest’s proposal to expand the nation’s access to high-speed Internet service, while initiating reform of the massive federal telecommunications subsidy known as the Universal Service Fund.<sup>4</sup>

To that end, Qwest urges this Commission to: (1) utilize information that it already possesses to create a national broadband map that will serve as a beneficial tool for policy makers and network providers, (2) not involve the Department of Agriculture’s Rural Utilities Service (“RUS”) in the development of a national broadband map; and; (3) not allow the gathering and sharing of carrier broadband deployment information for the mapping program to encroach on the proprietary interests of the carriers.

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<sup>3</sup> Letter from Qwest, *et al.*, to The Honorable Daniel K. Inouye, *et al.* (July 11, 2008).

<sup>4</sup> See Qwest Proposal For Broadband Deployment To Unserved Areas, *In the Matter of Federal-State Joint Board on Universal Service*, CC Docket No. 96-45 (July 9, 2007).

## II. THE COMMISSION SHOULD USE INFORMATION PROVIDED IN THE FORM 477 TO DEVELOP A NATIONAL BROADBAND MAP

Qwest agrees that a national broadband mapping program would be beneficial to assist in developing strategies to increase broadband take-rates in areas where broadband already exists and identifying unserved areas. Such a map will help all interested parties, and in particular policy makers, have a better picture of gaps in broadband deployment and where resources should be concentrated in regard to ensuring that all areas of the U.S. can benefit from broadband. The Commission, however, already possesses the necessary tools and capabilities to affect this program. Today, the Commission already develops a national map as part of its report on broadband services based on Form 477 data, albeit on a zip code basis. In its *Report and Order* released with the *FNPRM* updating Form 477 reporting requirements,<sup>5</sup> the Commission has taken significant strides to elicit data that will enable it to produce maps on a census tract basis that will provide the framework for analysis that it needs.

Because of this fact, Qwest notes that there is simply no need for the Commission to enlist a third party or parties to assist it in its task. The formal retention or partnership with a private data gathering organization will add costs that will divert resources from infrastructure development. In the *Report and Order*, the Commission also balanced the need for detailed and accurate data with the burden that such reporting would have on carriers.<sup>6</sup> By bringing a third party into the equation the Commission risks upsetting this tenuous balance for information that would be of marginal utility.

The third party that the Commission references in its *Notice* collects the same type of base data as that which will be collected via the updated Form 477. Granted, a third party

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<sup>5</sup> *Report and Order* ¶¶ 10-18.

<sup>6</sup> *Id.* ¶¶ 8, 58.

approach elicits additional detailed information from carriers and also surveys users to ascertain obstacles to deployment. While these efforts are insightful, they also create additional cost, which will have to be borne by carriers, this Commission or states. To the extent, the Commission seeks to informally exchange information with these entities such information exchange is not objectionable and would likely avoid duplication of costs. The Commission, however, should not devote any substantial resources to such information collection; its reformulated Form 477 data gathering is more than sufficient.

### **III. THE COMMISSION SHOULD NOT INVOLVE THE RUS IN THE DEVELOPMENT OF A NATIONAL BROADBAND MAP**

For the same reasons that the Commission should not enlist a private party into the national mapping process, the Commission should not involve the Department of Agriculture's RUS in the process. As Qwest noted in its Comments concerning proposed rule amendments to 7 C.F.R. Part 1738, the rules for the Rural Broadband Access Loan and Loan Guarantee Program ("Program"),<sup>7</sup> providing broadband service to areas where broadband is not commercially viable is a current Congressional priority,<sup>8</sup> and appears to have been a priority of the Congress that created the Program, which stated that in "making or guaranteeing loans . . . the Secretary shall give priority to eligible rural communities in which broadband service is not available to residential customers." 7 U.S.C. Section 950bb(c)(2). While a national broadband map may be beneficial to the RUS by identifying and mapping rural communities that are unserved, this mapping is simply a means to its ultimate end. As Qwest noted, the focus of the RUS should be to "develop a market demand profile for these communities and identify ways to incent increased

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<sup>7</sup> 72 Fed. Reg. 26742 (May 11, 2007).

<sup>8</sup> See U.S. Representative John Salazar's comprehensive broadband legislation, H.R. 2174; Senator Hillary Rodham Clinton's Rural Broadband Initiatives Act, S. 1032; Congresswoman Stephanie Herseth Sandlin's Rural Broadband Improvement Act, H.R. 2035.

demand to the point where it is sufficient to support some level of community broadband service, if not ubiquitous residential deployment.”<sup>9</sup>

For these tasks, RUS participation in developing a national broadband mapping program is neither necessary nor appropriate. As Qwest has previously advocated, the RUS needs to maintain an almost myopic focus on “providing loans and guarantees to make broadband coverage possible in un-served rural areas.”<sup>10</sup> To the extent that the two agencies can informally share their information to fill in informational gaps or corroborate findings, their efforts will not be at cross-purposes. Ultimately, however, drawing the RUS into the national mapping realm will only detract from the RUS’s focus on unserved rural areas.

#### **IV. THE COMMISSION SHOULD NOT IMPERIL THE PROPRIETARY BROADBAND DEPLOYMENT INFORMATION OF CARRIERS**

As the Commission has realized, it needs to balance its data gathering with the preservation of the proprietary nature of the information.<sup>11</sup> The more granular the information becomes, the greater the risk of revealing proprietary carrier broadband deployment information. As it is, a census tract approach reveals details about carriers’ market focus. The Commission is considering moving beyond the census tract approach in suggesting the utilization of an address-by-address approach. The problem with such a granular approach, particularly if the carrier is required to provide such data, is that the map delves into the proprietary plans of the carrier. In certain areas where it would be easy to discern the carrier, the map essentially becomes a map of which areas the carrier is targeting and with which services. Competitors would know which

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<sup>9</sup> See Comments of Qwest Corporation, Docket No. RUS-06-Agency-0052, filed July 10, 2007 in response to *In the Matter of Rural Broadband Access Loans and Loan Guarantees, RIN 0572-AC06, Proposed Rules*, 72 Fed. Reg. 26742 (7 C.F.R. Part 1738) (May 11, 2007) at 5.

<sup>10</sup> *Id.* at 1.

<sup>11</sup> *Report and Order* ¶ 18, *FNPRM* ¶¶ 35, 39.

market segments an incumbent carrier deems most valuable, and they can essentially piggy back on the incumbent's research. Therefore, data should be aggregated when used to provide maps, thereby blurring the distinctive deployments of particular broadband providers. The Commission should explore options to present the data in such a summary manner that it will protect the proprietary data. For instance, instead of mapping the quantity of services by census tract, the Commission could employ other measures that may not be as revealing in regard to proprietary information. Alternatively, the Commission could map the percentage of living units in the census tract that may have purchased, or have available, particular broadband services. Or the Commission could color code the census tract based on a percentage thresholds of purchased and/or available services. Further, proprietary carrier specific broadband deployment data should not be made available to third parties without an appropriate non-disclosure agreement in place between the carrier and the third party.

Given the proprietary nature of the information, and the fact that disclosure of such information may provide a disincentive for first mover carriers, the Commission should be especially cautious in balancing the utility of such information with the harm to the carrier and the public interest in general. As the information gathering becomes more granular, the data collection becomes more burdensome and costly. The information also would likely provide little additional insight. For instance, the data mapped in regard to census tract would already address which areas have broadband access and the extent to which customers utilize such access. An analysis by address and/or household would have little to add to the picture. Further, providing customer specific broadband service information at an address and/or household basis moves beyond a permissible aggregation of data into the realm of customer purchase decisions.<sup>12</sup>

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<sup>12</sup> See 47 U.S.C. § 222(c)(1)-(c)(3).

Respectfully submitted,

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July 17, 2008

CERTIFICATE OF SERVICE

I, Richard Grozier, do hereby certify that I have caused the foregoing **COMMENTS OF QWEST COMMUNICATIONS INTERNATIONAL INC.** to be: 1) filed via ECFS with the Office of the Secretary of the FCC in WC Docket No. 07-38; and 2) served via e-mail on the FCC's duplicating contractor, Best Copy & Printing, Inc. at [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com).

/s/ Richard Grozier

July 17, 2008