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

I. Introduction

The American Cable Association ("ACA") files these comments in response to the *FNPRM* in the above-referenced docket.[1] ACA strongly supports the Commission's efforts to obtain accurate broadband deployment data. That said, additional reporting obligations add to the challenges that ACA's members face in bringing affordable advanced services to smaller markets and rural areas. The Commission's proposed reporting requirements – especially those involving census tract and address-by-

[1] *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, Report and Order and Further Notice of Proposed Rulemaking, FCC 08-89 (rel. Jun. 12, 2008) ("*FNPRM*").

address information – will significantly add to the cost of serving subscribers in these low-density areas. Accordingly, ACA files these comments to bring to the Commission's attention the burden and accuracy issues related to the Commission's proposed reporting requirements. The Commission should carefully consider whether the anticipated benefits of its proposed reporting requirements outweigh the potential for these obligations to impede broadband deployment in hard-to-serve areas, and if so, whether there are less onerous ways for small and medium-sized cable operators to provide the data that the Commission seeks.

About ACA. ACA represents nearly 1,000 independent cable companies that serve about 7.5 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 with small systems in small 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.

II. Analysis

A. Census Tract Reporting for VoIP Providers

In its *FNPRM*, the Commission sought comment on whether interconnected VoIP service providers should be required to report on voice telephone service connections at the 5-digit ZIP code level or census tract level.[2]

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[2] *FNPRM* at ¶ 33.

Many small and medium-sized cable operators will incur significant expenses if they are required to report voice connections at the census tract level, as opposed to the 5-digit ZIP code level. ACA members serving multiple census tracts report that to report by census tract, they will need to send every address in their service area to a third-party provider to have the addresses associated with the correct census tract. One operator reports incurring costs of $1 per subscriber for this step alone. Upgrading billing systems to accept and process this data is even more costly. The same ACA member reports additional costs of $5 per subscriber to upgrade its billing system to accept and process census tract data.

Because of these costs, ACA continues to explore with its members whether there is a less burdensome way to collect accurate VoIP deployment data. ACA will update the Commission with any practicable alternatives in a reply in this docket. In the meantime, ACA asks the Commission to consider carefully whether census tract reporting provides data that is valuable enough to justify the cost to providers to purchase census tract data and upgrade billing systems.

B. Reporting Address-by-Address Availability of Services

The *FNPRM* also asks whether the Commission should collect the information that providers use to respond to customer inquiries about whether service is available at a particular address.[3]

Most small and medium-sized providers do not store address-by-address data on

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[3] *Id.* at ¶ 35.

broadband availability in a standardized format, if they keep such data at all. A number of ACA members report that they must contact their local technicians to determine whether broadband is available on a particular street or at a particular address. This information is in the heads of their field personnel – not in any database.

In short, the collection of such information by small and medium-sized cable operators would be costly, and may be unfeasible. If the Commission does impose such a data collection requirement, it should offer an alternative reporting method for those small and medium-sized cable operators that do not maintain this information in a database or in the format chosen by the Commission. To this end, ACA continues to explore with its members other, more feasible means for gathering granular broadband deployment data, and will update the Commission with any alternatives in a reply in this docket.

C. Reporting Actual Broadband Connection Speeds

The *FNPRM* asks how the Commission might require providers to report actual broadband connection speeds, as opposed to theoretical maximums.[4] That said, the Commission notes that the record in this proceeding indicates that factors beyond a provider's control may hinder the ability to report the actual broadband speeds.[5]

ACA's members report that actual broadband speeds are almost impossible to determine. The speed of broadband over cable facilities varies depending on the

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[4] *Id.* at ¶ 36.

[5] *Id.*

number of subscribers using their broadband services on a particular street or node at a particular point in time. These same providers report that they are continuously upgrading their facilities to accommodate ever-increasing broadband usage, which also impacts the broadband speeds enjoyed by their customers. In short, broadband speed is not static and varies constantly. As a result, ACA's members cannot accurately report actual broadband speeds. Accordingly, ACA continues to explore with its members more meaningful methods for reporting broadband speeds, and will update the Commission with any alternatives in a reply in this docket.

D. Reporting Price Information

The *FNPRM* proposes that providers report, on a state-by-state or census tract basis, the prices charged for the various tiers of broadband services.[6]

ACA members report that it would be minimally burdensome to provide broadband prices on a state-by-state basis. However, providing this data by census tract would require many members to upgrade their billing systems. Moreover, the reporting may be inaccurate if an operator's systems do not align with census tract boundaries. One ACA member reports that it has more than one system serving a single census tract, and that the systems sometimes charge different prices for broadband services within the same census tract.

For the reasons above, ACA recommends that price data be provided on a state-by-state basis.

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[6] *Id.* at ¶ 38.

III. Conclusion

ACA strongly supports the Commission's efforts to obtain detailed and accurate information on broadband deployment. That said, additional reporting obligations necessarily add to the cost and administrative burdens of deploying broadband service. The actual deployment of broadband must take priority over gathering information on the deployment of broadband. Accordingly, ACA asks that before implementing any of its proposed reporting requirements, the Commission carefully weigh their potential adverse effect on broadband deployment against the incremental value of the data to be obtained.

Respectfully submitted,

AMERICAN CABLE ASSOCIATION

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