

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

**REPLY COMMENTS OF  
TEXAS STATEWIDE TELEPHONE COOPERATIVE, INC.**

**I. Introduction and Summary**

Texas Statewide Telephone Cooperative, Inc. (TSTCI) offers these Reply Comments in response to the Commission’s Further Notice of Proposed Rulemaking<sup>1</sup> (FNPRM) concerning the development of nationwide broadband data, specifically broadband availability mapping. TSTCI is an association representing 40 small, rural incumbent telephone companies and cooperatives in Texas (see Attachment 1). TSTCI member companies are committed to provide the latest in high quality advanced services to their rural customers.

TSTCI commends the Commission on its desire and efforts to determine those areas throughout the country where broadband service is not available and spur initiatives to provide service in these areas. TSTCI recognizes that mapping of broadband availability can be an important component to determine the extent of broadband deployment. However, TSTCI is concerned about any burdensome requirements that might be imposed on small rural carriers over and above what is being required to implement the Form 477 Order. TSTCI does not

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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 (Form 477 Order) and Further Notice of Proposed Rulemaking (FNPRM), WC Docket No. 07-38, FCC 08-

oppose and certainly would encourage the Commission to utilize information that is already in its possession, such as data from the Form 477 (data from the current form or the census tract data that will be available after recent revisions are approved by the Office of Management and Budget (OMB)), to determine those areas where broadband services are not available so that resources can be focused to provide service to these areas. However, the proprietary nature of this information must be preserved.

## **II. The Commission Must Minimize Burdens on Carriers**

In its initial comments, TSTCI expressed concern regarding the burdensome costs to small rural carriers that adoption of a national mapping program would likely entail, and questioned whether the expense of such a program would be disproportionate to the value. Other broadband providers, including those that do not fall under the definition of small rural carriers, also expressed similar concerns regarding the burdens and costs of developing a nationwide map of broadband availability. For instance, the Independent Telephone & Telecommunications Alliance (ITTA), whose members are mid-size local exchange carriers, urged the Commission to consider the possibility that resources used to determine the areas where broadband is not deployed “...could, ironically, sap the availability of resources to support actual broadband deployment in those areas.”<sup>2</sup> In particular, ITTA expresses concern with the Commission’s tentative conclusion 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.”<sup>3</sup> ITTA correctly surmises that many carriers do not maintain such information in a data base that would facilitate submission to the Commission for mapping purposes and that “the promulgation of reporting requirements demanding data in a manner not in existence or

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<sup>2</sup> Comments of the Independent Telephone and Telecommunications Alliance, p. 3.

<sup>3</sup> *Id.*, p.4

ordinarily maintained would create an undue and unnecessary burden where financial and personnel resources would be better spent on actual deployment.”<sup>4</sup> Small companies have very limited resources, and the resources needed (namely employees) to provide more and more data for reporting purposes are better utilized deploying and maintaining service to customers. As a point of reference, TSTCI has data regarding thirty (30) of its forty (40) member companies and cooperatives, and more than half have fewer than forty (40) employees (six of these have fewer than 10 employees).

AT&T also points out that the Commission must carefully weigh the costs of expanding broadband data gathering that would be required with a national broadband mapping program, and evaluate the burden imposed on broadband providers. AT&T describes a recent decision by the OMB that rejected the FCC’s information collection efforts under the Paperwork Reduction Act, due to failure to justify the need for data and the burdens on responding parties.<sup>5</sup>

Although Sprint Nextel states that it supports the Commission’s broadband mapping initiative, it also expresses concerns regarding “...the costs of producing the information in a format different than the one the carriers uses,” and “the cost for carriers that do not currently produce such maps or only produce them for certain broadband services.”<sup>6</sup> Concerned about the high cost of creating broadband deployment data from scratch or producing data in a different format, Sprint Nextel states that the Commission must minimize the burden associated with providing detailed mapping of broadband availability, and recommends that mapping data be requested on a trial basis only from those carriers that currently produce maps. Sprint Nextel believes that from this experience the Commission can determine the data-filing requirements it actually needs to produce national availability maps on an ongoing basis.

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<sup>4</sup> *Id.*

<sup>5</sup> Comments of AT&T, Inc. p.3-4.

<sup>6</sup> Comments of Sprint Nextel Corporation, p.2.

Other commenters urge the Commission not to add burdensome data collection requirements on top of the recent additions to the data required for Form 477 and to use the data already available for mapping.<sup>7</sup> TSTCI agrees that the Commission should utilize the data collected through the updated Form 477 (Form 477 Order) in their efforts to determine unserved areas included for use in a mapping program. This information should suffice or, as noted by Frontier Communications, “There is no point requiring the new Form 477 data if these data are unnecessary or insufficient.”<sup>8</sup>

TSTCI strongly opposes more frequent reporting as suggested by the National Association of Telecommunications Officers and Advisors (NATOA). NATOA states that certain data elements from the semi-annual Form 477 have a limited shelf-life and urges the Commission to weigh the benefits against the additional costs and burdens of more frequent reporting, such as on a quarterly basis.<sup>9</sup> Quarterly reporting of even parts of the Form 477 will significantly increase the data collection burden on many small companies. As noted above, small companies have very limited resources, and adding additional reporting requirements would create a real hardship for small companies with small staffs.

There are also other relevant factors that the Commission should consider before deciding whether or not to proceed with a national mapping program. The National Cable and Telecommunications Association (NCTA) notes that legislation is currently before Congress that would allocate responsibility (and funding) for broadband mapping to entities other than the Commission. NCTA believes that if the Commission were to proceed with its own national mapping program, their effort could potentially prove to be a significant waste of public and

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<sup>7</sup> Comments of Frontier Communications on Section IV(B), p.3; Comments of Qwest Communications International, Inc. (Qwest), p. 3-4

<sup>8</sup> Comments of Frontier Communications on Section IV(B), p 3.

<sup>9</sup> Comments of the National Association of Telecommunications Officers and Advisors in Response to the Further Notice of Proposed Rulemaking, p. 3-4.

private resources.<sup>10</sup> TSTCI thinks this is a valid point; however, if the Commission utilizes the data collected through the updated Form 477 and does not involve third parties in the mapping, this concern would be somewhat alleviated.

### **III. Proprietary Broadband Deployment of Carriers Must Be Preserved**

In its initial comments, TSTCI expressed its concern that the confidentiality of broadband service information be preserved, and requested that the Commission be cautious with national mapping, particularly if the intent is to provide the information to other governmental agencies and the private sector.<sup>11</sup> Other parties expressed similar concerns. Qwest explains how a granular approach (particularly one moving beyond census tracts to an address-by-address approach), makes it easy to discern the carrier, as well as the areas the carrier is targeting and with which services. Qwest suggests that the Commission present aggregated data in a summary manner that blurs the distinctive deployments of individual broadband providers. Further, Qwest states that proprietary carrier-specific broadband data should not be made available to third parties without appropriate non-disclosure agreements.<sup>12</sup>

TSTCI also has concerns that carrier-specific information not be divulged. This is particularly important in areas served by small rural ILECs where the ILEC may be the only broadband provider in the area. Frontier Communications contends that a nationwide map of broadband service availability should be limited to identifying unserved areas in order to facilitate resources to provide broadband service in these areas. This type of map would not require identification of carriers providing service in covered areas, nor the display of technologies, bandwidth, or speed capabilities in areas where broadband service is already

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<sup>10</sup> Comments of the National Cable & Telecommunications Association, p. 4-5.

<sup>11</sup> Comments of TSTCI, p. 4

<sup>12</sup> Comments of Qwest, p. 6.

available.<sup>13</sup> If the Commission moves forward with a national mapping program, TSTCI urges the Commission to consider recommendations such as these, but in all cases TSTCI stresses the importance of maintaining the confidentiality of any disaggregated information provided by individual carriers to the Commission.

Respectfully submitted,

*Cammie Hughes* *h.g.*

Texas Statewide Telephone Cooperative, Inc.

By: Cammie Hughes  
Authorized Representative  
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<sup>13</sup> Comments of Frontier Communications, p. 3

**TEXAS STATEWIDE TELEPHONE COOPERATIVE, INC.**

Alenco Communications, Inc.  
Big Bend Telephone Company, Inc.  
Brazos Telecommunications, Inc.  
Brazos Telephone Coop., Inc.  
Cameron Telephone Company  
Cap Rock Telephone Coop., Inc.  
Central Texas Telephone Coop., Inc.  
Coleman County Telephone Coop., Inc.  
Colorado Valley Telephone Coop., Inc.  
Comanche County Telephone Company, Inc.  
Community Telephone Company, Inc.  
Cumby Telephone Coop., Inc.  
Dell Telephone Coop., Inc.  
E.N.M.R. Telephone Coop., Inc.  
Eastex Telephone Coop., Inc.  
Electra Telephone Company  
Etex Telephone Coop., Inc.  
Five Area Telephone Coop., Inc.  
Ganado Telephone Company, Inc.  
Hill Country Telephone Cooperative, Inc.  
Industry Telephone Company, Inc.  
La Ward Telephone Exchange, Inc.  
Lake Livingston Telephone Company  
Lipan Telephone Company  
Livingston Telephone Company  
Mid-Plains Rural Telephone Coop., Inc.  
Nortex Communications, Inc.  
North Texas Telephone Company  
Panhandle Telephone Coop., Inc.  
Peoples Telephone Coop., Inc.  
Poka Lambro Telephone Coop., Inc.  
Riviera Telephone Company, Inc.  
Santa Rosa Telephone Coop., Inc.  
South Plains Telephone Coop., Inc.  
Tatum Telephone Company  
Taylor Telephone Coop., Inc.  
Wes-Tex Telephone Coop., Inc.  
West Plains Telecommunications, Inc.  
West Texas Rural Tel. Coop., Inc.  
XIT Rural Telephone Coop., Inc.