

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)	
)	
Service Quality, Customer Satisfaction, Infrastructure and Operating Data Gathering)	WC Docket No. 08-190
)	
Petition of AT&T Inc. for Forbearance Under 47 U.S.C. § 160(c) From Enforcement of Certain of the Commission's ARMIS Reporting Requirements)	WC Docket No. 07-139
)	
Petition of Qwest Corporation for Forbearance from Enforcement of the Commission's ARMIS and 492A Reporting Requirements Pursuant to 47 U.S.C. § 160(c))	
)	
Petition of the Embarq Local Operating Companies for Forbearance Under 47 U.S.C. § 160(c) From Enforcement of Certain of ARMIS Reporting Requirements)	WC Docket No. 07-204
)	
Petition of Frontier and Citizens ILECs for Forbearance Under 47 U.S.C. § 160(c) From Enforcement of Certain of the Commission's ARMIS Reporting Requirements)	
)	
Petition of Verizon for Forbearance Under 47 U.S.C. § 160(c) From Enforcement of Certain of the Commission's Recordkeeping and Reporting Requirements)	WC Docket No. 07-273
)	
Petition of AT&T Inc. For Forbearance Under 47 U.S.C. § 160 From Enforcement of Certain of the Commission's Cost Assignment Rules)	WC Docket No. 07-21
)	

To: The Commission

COMMENTS OF THE SATELLITE INDUSTRY ASSOCIATION

I. INTRODUCTION

The Satellite Industry Association (“SIA”) submits these comments in the above-captioned proceeding to respond to the Notice of Proposed Rule Making (“*Notice*”). In the *Notice*, the Commission seeks comment on extending to all facilities-based providers of broadband or telecommunications certain reporting requirements that currently apply only to telecommunications providers.¹ The Commission also seeks comment on the proper mechanism for its proposed expanded data collection initiative and tentatively concludes that the infrastructure and operating data information should be reported on FCC Form 477, Local Telephone Competition and Broadband Reporting Form, which permits providers to confidentially submit information.²

SIA is a United States (“U.S.”)-based trade association providing worldwide representation of the leading satellite operators, service providers, manufacturers, launch services providers, remote sensing operators, and ground equipment suppliers. SIA is the unified voice of the U.S. satellite industry on policy, regulatory, and legislative issues affecting the satellite business.³ As the primary spokesperson for the U.S.-based satellite industry, which includes internet service providers and providers of data capacity for internet service, SIA has a direct interest in the above-captioned proceeding.

¹ *In the Matter of Service Quality, Customer Satisfaction, Infrastructure and Operating Data Gathering*, Memorandum Opinion and Order and Notice of Proposed Rulemaking, FCC 08-023 at ¶¶ 33-36 (rel. Sept. 6, 2008) (*Notice*).

² *Id.* at ¶ 36.

³ SIA Executive Members include: Arrowhead Global Solutions Inc.; Artel Inc.; The Boeing Company; DataPath, Inc.; The DIRECTV Group; Hughes Network Systems LLC; ICO Global Communications; Integral Systems, Inc.; Intelsat, Ltd.; Iridium Satellite LLC; Lockheed Martin Corp.; Loral Space & Communications Inc.; Mobile Satellite Ventures LP; Northrop Grumman Corporation; SES Americom, Inc.; and TerreStar Networks Inc. Associate Members include: ATK Inc.; Comtech EF Data Corp.; Constellation Networks Corp.; EchoStar Satellite LLC; EMC Inc.; Eutelsat Inc.; iDirect Government Technologies, Inc.; Inmarsat Inc.; Marshall Communications Corp.; New Skies Satellites, Inc.; Panasonic Avionics Corporation; Spacecom Ltd.; Spacenet Inc.; Stratos Global Corp; SWE-DISH Space Corp; Telesat; and WildBlue Communications, Inc.

SIA urges the Commission not to require satellite broadband providers to produce the proposed additional data. Satellite broadband providers are already subject to a variety of Commission reporting requirements and there is currently another pending, additional data collection proposal at the Commission.⁴ The proposed increased data reporting requirement would create an undue burden on satellite broadband providers without any significant public interests benefits.

II. DISCUSSION

In its *Notice*, the Commission seeks to extend the information collected in certain ARMIS reports from telecommunications providers to all broadband providers.⁵ The aim of these ARMIS reports is to ensure that price cap regulated telecommunications providers supply high service quality and customer satisfaction while also continuing to expand their infrastructure to accommodate consumer demand.⁶

The proposed collection of industry-wide data related to service quality and customer satisfaction is unnecessary and duplicative for satellite broadband providers, however, and

⁴ See *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) Subscriber Data*, WC Docket No. 07-38, Report and Order and Further Notice of Proposed Rulemaking, FCC 08-89 at 19, ¶¶ 34-35 (rel. June 12, 2008) (seeking to collect more detailed data on broadband geographic availability, subscriber service speeds and price information). One satellite operator, commenting in the proceeding in WC Docket No. 07-38 earlier this year, explained how the inherent differences between satellite and terrestrial broadband providers make the imposition of the proposed data collection requirements on satellite providers very burdensome without providing any corresponding benefit of significance to the Commission or the public. See *Comments of Hughes Network Systems, LLC*, WC Docket No. 07-38 (filed on July 17, 2008).

⁵ Although elements of the Commission's proposed information collection requirement are not specified in detail, the proposal seems to be to expand the pool of providers of data under ARMIS Reports 43-05 (Service Quality Report), 43-06 (Customer Satisfaction Report), 43-07 (Infrastructure Report), and 43-08 (Operating Data Report). *Notice* at ¶ 34-35.

⁶ In the *Notice*, the Commission states that it "established [these] ARMIS reports in order to monitor two potential concerns raised by price cap regulation: first, that carriers might lower quality of service, instead of being more productive, in order to increase short term profits; and second, that carriers might not spend money on infrastructure development. *Id.* at ¶ 2.

collection of this data from satellite providers would impose a significant reporting burden on satellite operators in a way that would not meaningfully advance the Commission's stated goals.

It is unnecessary for the Commission to expand the collection of data reported in the ARMIS Infrastructure and Data Operating Reports 43-07 and 43-08 to satellite broadband providers. The differences between satellite technology and terrestrial facilities would render general comparisons drawn from the data in these reports useless for Commission policymaking purposes. For example, the data collected in the ARMIS reports is based on telephone lines, switching facilities, and terrestrial transmission technology,⁷ all of which are completely different from the facilities used by satellite broadband providers. As a result, the Commission would be unable to meet its objective of using the data to compare similarly-situated classes of providers. Additional reasons why the differences between satellite and terrestrial broadband providers make it unnecessary to expand the ARMIS reports to satellite broadband providers are that satellite systems are inherently able to provide wide coverage (including of areas terrestrial system cannot feasibly reach)⁸ and offer unique scalability that allows rapid expansion of users just by adding affordable and easy-to-install remote terminals at user locations once a satellite system is launched and operational.⁹ These features allow satellite operators and broadband providers to respond much more flexibly to increases in demand for service. They also contribute, along with other competitive pressures, to helping satellite operators achieve and maintain their historically high customer satisfaction and quality of service levels.

⁷ *Notice*, Appendix A at 3.

⁸ Currently, satellite systems provide broadband services throughout the 48 contiguous states, the District of Columbia, Alaska, Hawaii, Puerto Rico and the U.S. Virgin Islands, and new systems have either just come on line or are slated to be launched in the next year or two. Satellite systems also bring broadband services not otherwise available by any means to America's most remote areas, coastal and inland waterways, and offshore territories and to users in motion on land, rail, sea, and in the air.

⁹ Expansion of the user base in most terrestrial networks requires significant costly infrastructure investments (*e.g.*, laying of fiber optic cable or installation of towers and access nodes).

It is duplicative for the Commission to expand the collection of data in the manner proposed because the Commission already maintains various means to collect industry-wide data related to providers' service quality and customer satisfaction. Even in the *Notice*, the Commission recognizes the presence of other safeguards and sources of information that help protect consumers. For example, the Commission notes that it requires all communications providers to file outage reports pursuant to Part 4 of the Commission's Rules, and that it recently adopted significant refinements to its industry-wide broadband and local competition data collections.¹⁰ The Commission notes further that when it last sought comment on the ARMIS report (Report 43-06) on customer satisfaction, it had observed, tellingly in SIA's view, that "[a]ctual complaint information may be a better indicator of trends in service quality than" the surveys reported through ARMIS Report 43-06.¹¹ In addition, the Commission's Consumer and Governmental Affairs Bureau operates a user-friendly online consumer complaint service (which has a pre-defined category for internet access service quality problems);¹² there are non-governmental organizations that produce reports on consumer satisfaction;¹³ and consumers regularly and publicly share their complaints on the Internet.¹⁴ The new Broadband Data

¹⁰ *Notice* at ¶ 13.

¹¹ *Id.*

¹² File A Complaint at <http://esupport.fcc.gov/complaints.htm> (last visited Nov. 10, 2008).

¹³ See e.g., the Better Business Bureau at www.bbb.org (providing consumer information and logging consumer complaints), Consumer Reports at http://www.consumerreports.org/cro/electronics-computers/computers-internet/internet-and-other-services/internet-service-providers/internet-service-providers-2-07/overview/0207_isp_ov_1.htm (evaluating internet service providers)(last visited Nov. 10, 2008).

¹⁴ See, e.g., www.complaints.com and www.complaintsboard.com.

Improvement Act requires the Commission to survey broadband customers about their satisfaction with and the service quality of their broadband providers.¹⁵

III. CONCLUSION

On the basis of the foregoing discussion, SIA urges the Commission not to include satellite broadband providers in its proposed industry-wide data collection. The proposed collection will not be useful to the Commission for comparison purposes due to key differences between satellite and terrestrial broadband providers. Satellite operators and broadband providers have strong, independent incentives to continue to meet their consumers' needs in terms of service quality and customer satisfaction, and are continually developing their infrastructure and expanding their operations.

Respectfully submitted,

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¹⁵ Public Law 110-385 (Oct. 10, 2008), *see Consumer Survey of Broadband Service Capability* (citing Senate Bill 1492, Section 103(c)(enrolled version of the bill)).