

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of: )  
)  
Service Quality, Customer Satisfaction, ) WC Docket No. 08-190  
Infrastructure and Operating Data )  
Gathering )  
)  
)

**REPLY COMMENTS**



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## I. Introduction and Summary.

The American Cable Association (“ACA”) and its members oppose placing new Automated Reporting Management Information System (ARMIS) reporting requirements on competitive phone and broadband providers, particularly small and medium-sized cable providers. The Commission already collects substantial amounts of data from telecommunications and broadband providers, and has failed to show the need for imposing these additional reporting requirements on these operators.

For small and medium-sized cable operators, the additional reporting obligations proposed in the Notice of Proposed Rulemaking (“NPRM”)<sup>1</sup> would add to their challenges in providing affordable advanced services – including phone and broadband with speeds that could reach 100 Mbps – to the smaller markets and rural areas they serve. ACA urges the Commission to carefully consider whether the anticipated benefits of its new reporting requirements outweigh the potential for these obligations to impede the deployment of these vital services to unserved and underserved areas, and if so, whether there are less onerous ways to collect the data sought from these operators.

The market for telecommunications and broadband services is very competitive. As such, any information collected pursuant to new ARMIS reporting obligations must be kept confidential by the Commission.

**American Cable Association.** ACA represents nearly 1,100 small and medium-sized cable companies that serve more than 7 million cable subscribers, primarily in

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<sup>1</sup> See *In the Matter of Service Quality, Customer Satisfaction, Infrastructure and Operating Data Gathering*, Memorandum Opinion and Order and Notice of Proposed Rulemaking, WC Docket No. 08-190, FCC 08-203 (rel. Sept. 6, 2008).

smaller markets and rural areas. ACA member systems are located in all 50 states. 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. Small and medium-sized cable operators already provide the Commission with substantial amounts of telecommunications and broadband data, and the FCC fails to establish the need for more.**

Telecommunications and broadband providers, including small and medium-sized cable operators, submit substantial amounts of data to the Commission related to their services.<sup>2</sup> Still, the Commission tentatively concludes in its *NPRM* that it “might” be useful<sup>3</sup> if all broadband and telephone providers submit data in ARMIS 43-07 (regarding infrastructure),<sup>4</sup> 43-08 (regarding outside plant, switching plant, and telephone call statistics),<sup>5</sup> 43-05 (regarding service quality),<sup>6</sup> and 43-06 (regarding

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<sup>2 2</sup> *E.g.*, the Commission recently made significant refinements to its industry-wide broadband and local competition data collections, and it is considering additional requirements in a pending Further Notice of Proposed Rulemaking. *NPRM* at ¶ 13 (citing *In the Matter of Development of Nationwide Broadband Data to Evaluate Reasonable and Timely Deployment of Advanced Services to All Americans*, Report and Order and Further Notice of Proposed Rulemaking, 23 FCC Rcd 9691 (2008). Moreover, to specifically address public safety concerns associated with service outages, the Commission has adopted outage reporting requirements that, unlike the ARMIS reports at issue here, extend to ‘all communications providers’ including ‘cable, satellite, and wireless providers, in addition to wireline providers.’” *NPRM* at ¶ 21 n.63 (quoting *In the Matter of New Part 4 of the Commission’s Rules Concerning Disruptions to Communications*, Report and Order and Further Notice of Proposed Rulemaking, 19 FCC Rcd 16830,16833-34, ¶ 2 (2004)).

<sup>3</sup> See *NPRM* at ¶¶ 33, 35.

<sup>4</sup> *Id.*, ¶ 34.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*, ¶ 35.

customer satisfaction).<sup>7</sup> Yet, nowhere in the *Notice* does the Commission specify any particular benefit that would come out of these new reporting requirements. Absent a strong definite rationale, new ARMIS reporting requirements should not be imposed on all telecommunications and broadband providers.

**III. Additional ARMIS reporting requirements would burden small and medium-size cable operators who want to provide advanced services to smaller markets and rural areas.**

Small and medium-sized cable operators already face inherent difficulties in bringing affordable advanced services – including phone and broadband speeds that could reach 100 Mbps – to smaller markets and rural areas. The Commission should not add to this burden by imposing additional ARMIS reporting obligations on these providers. The increased reporting requirements proposed in the *NPRM* would substantially add to the cost of doing business and the cost of the services, with no direct benefit to the service provider or the customer, particularly those served by small and medium-sized operators. As such, ACA urges the Commission to balance the anticipated benefits of its proposed reporting requirements against the potential harms to the deployment of advanced services in smaller markets and rural areas.

**IV. Data collected from new ARMIS reporting requirements must be kept confidential.**

Should the Commission choose to impose new ARMIS reporting obligations on providers of phone and broadband services, ACA urges the Commission to apply its existing policies of confidentiality to the collected data. The market for

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<sup>7</sup> *Id.*

telecommunications and broadband services is competitive, and the data collected through the new ARMIS reporting requirements would be competitively-sensitive. The Commission has protected this type of information pursuant to other reporting requirements,<sup>8</sup> and there is no basis for the Commission not to follow precedent here.

## **V. Conclusion.**

The Commission already collects data from telecommunications and broadband providers, and has not demonstrated the need for placing new ARMIS reporting requirements on these operators. For small and medium-sized operators, the additional reporting obligations proposed in the *NPRM* would add to the challenges they face in providing affordable advanced services to the smaller markets and rural areas they serve. ACA urges the Commission to carefully consider whether the anticipated benefits of its proposed reporting requirements outweigh the potential for these obligations to impede the deployment of advanced services in unserved and underserved areas, and if so, whether there are less onerous ways to provide the data that the Commission seeks. Also, any information collected pursuant to new ARMIS reporting obligations must be kept confidential by the Commission due to the very competitive market for telecommunications and broadband services.

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<sup>8</sup> See, e.g., *In the Matter of Local Competition and Broadband Reporting*, CC Docket No. 99-301, Report and Order, 15 FCC Rcd 7717, 7758-59, ¶ 89 (2000) (“We anticipate that providers will request confidential treatment for data filed where they deem it appropriate. In these cases, and in accordance with the Commission's rules, we will honor all parties' requests for confidential treatment of information that they identify as competitively sensitive until persons requesting confidential treatment are afforded all of the procedural protections provided by our confidentiality rules.”) (citations omitted).

Respectfully submitted,

**AMERICAN CABLE ASSOCIATION**

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