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Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

**February 6, 2009**

**Re: Notice of *Ex Parte* Presentation (WC Docket 07-38)**

Dear Ms. Dortch,

This letter is to advise you that on Friday February 6, 2009, Derek Turner and Chris Riley of Free Press met with Dana Shaffer, Julie Veach, Kirk Burgee, Don Stockdale, Jennifer McKee, Christi Shewman, Randy Clarke, and Divya Shenoy, all of the Wireline Competition Bureau.

We discussed the status of the proceeding listed above that would conclude a round of changes the Commission is making to its broadband data reporting requirements. We requested that the Commission move promptly to issue an order in response to the expedited Further Notice on availability data, consistent with our previous filings in this proceeding.

We also urged the Commission to reject the recent Request For Extension jointly filed in this proceeding by The National Telecommunications Cooperative Association (NTCA), the Rural Telecommunications Group (RTG) and the Organization for the Promotion and Advancement of Small Telecommunications Companies (OPASTCO). Although we are sympathetic to the potential marginal burden that the new Form 477 Reporting requirements (as adopted on March 19, 2008) may place on certain providers, all providers have been given ample notice of the new requirements, and have been allotted more than enough time to prepare for the March 1 2009 reporting deadline. Further, the 2008 Form 477 *Report and Order* established alternative reporting systems for reporting entities that make a showing of significant hardship.

The petitioners for the extension of time state that “[g]rant of the requested extension will not harm or prejudice any party...” We strongly disagree. Stimulus legislation currently working its way through Congress could require the Commission (in conjunction with NTIA or the states) to define and identify areas that have no broadband, and areas that have broadband below certain speed thresholds. The legislation could require the Commission to complete such efforts as soon as late March or early April. Collecting subscription information as soon as possible is critical for the purposes of efficient and timely allocation of billions of dollars in stimulus funds. The Commission’s current data is woefully inadequate for these purposes. The new March 1st Census Tract subscribership data will however serve as a useful proxy for identifying areas where funds should be targeted. Simply put, the request for a lengthy 120-day delay will harm and prejudice the efforts to provide relief to the American economy.

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Sincerely,

A handwritten signature in black ink, appearing to read "Ben Scott", with a long horizontal line extending from the end of the signature.

Ben Scott, Policy Director  
Free Press, Washington Office  
bscott@freepress.net