

**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)

REQUEST FOR EXTENSION

The Rural Wireless Companies,¹ by counsel, hereby request that the Federal Communications Commission (“FCC” or “Commission”) grant a 120-day extension of time for small broadband providers to complete and file the Local Competition and Broadband Reporting Form (“Form 477”).

As other carriers and their representative associations have recently stated in requesting a similar extension, the new Form 477 requires the collection of vast amounts of data and is a significant departure from the reporting form carriers are accustomed to.² The Rural Wireless

¹ The Rural Wireless Companies have associated for purposes of this filing and consist of: Cellular South Licenses, Inc.; Docomo Pacific; Wisconsin RSA No. 4 Limited Partnership; Wausau Cellular Telephone Company, LP; Wisconsin RSA No. 10 Limited Partnership; Brown County MSA Cellular Limited Partnership; Nsighttel Wireless, LLC; Smith Bagley, Inc.; CSM Wireless, LLC; Cleveland Unlimited, Inc.; MTPCS, LLC and MTPCS Holdings, LLC; Texas 10, LLC (including the licensee, TX-10 Licensee Co., LLC); and Oklahoma 5 LLC (on behalf of itself and the licensee, OK-5 Licensee Co., LLC, and as managing general partner of Oklahoma Independent RSA 5 Partnership).

² See, e.g., American Cable Association Request for Extension (filed Feb. 10, 2009) (“ACA Extension Request”) at p. 2; Request for Extension by the National Telecommunications Cooperative Association, the Rural Telecommunications Group and the Organization for the Promotion and Advancement of Small Telecommunications Companies (filed Feb. 3, 2009) (“Rural Association Extension Request”) at p. 2; Request for Extension by The Wireless Communications Association International, Inc., the Wireless Internet Service Providers Association, Inc., COMPTel and TEXALTEL (filed Feb. 13, 2009) (“WCAI Extension Request”) at p. 1; Request

Companies submit that this brief extension for small broadband providers will help ensure that the filers have the opportunity to collect and submit accurate and useful data to the Commission.

The new form adds significant administrative burdens to the reporting process. The additional work is due to the new requirement that carriers offering broadband to end users must report the types of broadband available in each Census Tract in which they provide such service. This means that broadband providers must be able to: (1) identify each subscriber with a handset and subscription plan allowing them to access the Internet at speeds of at least 200 kbps in at least one direction; (2) classify subscribers by the upload and download speed of the service they subscribe to; and (3) identify the Census Tract in which each such subscriber is located, using any of several available mapping and geocoding resources.

Due to the delayed release of the form and instructions, small broadband providers face significant logistical problems in collecting and reporting the Census Tract data required in the new Form 477. Despite the FCC's announcement of a new form in June 2008, the new form was not approved by the Office of Management and Budget ("OMB") until January 30, 2009. In addition, despite the approaching deadline and the complexity of the new reporting requirements, the new form is not yet available online as of this writing.

As the American Cable Association noted in its recent extension request, the new Form 477 substantially increases the amount of work involved for filers to (i) collect information that has not been kept in the ordinary course of business; and (ii) complete the form.³ Small broadband providers are not experienced with tracking broadband customers by Census Tract as required in the new Form 477. In order to collect and submit the required information, carriers must incorporate several new elements into their data collection process, including: working with

for Extension by Texas Statewide Telephone Cooperative, Inc. (filed Feb. 13, 2009) ("TSTCI Extension Request") at p. 2.

³ See ACA Extension Request at p. 2.

engineers to formally assess connection speeds; sorting data customers according to the numerous criteria specified in the new form; and acquiring the technical capability to perform the required Census Tract classifications. As WCAI notes, even after a carrier has the required information in hand, it will take significant time for small providers to familiarize themselves with the mechanics of the new online filing process and modify their internal processes accordingly.⁴

All of this is feasible, but for small entities it will take significantly longer to gather and organize the information than it might take entities with greater administrative resources. According to the FCC's estimates, the new Form 477 will require an average of 337 hours, or 42 full business days, to complete.⁵ It is unreasonable to expect small providers to complete this substantial amount of work in less than two weeks. While "significant hardship" exemptions are available for providers to seek individualized relief from Census Tract reporting, a 120-day extension will enable small broadband providers to submit the required information and save a large number of providers from spending valuable resources on demonstrating significant hardship.⁶

The Rural Wireless Companies appreciate the importance of the Commission's broadband information collection efforts, particularly with the recent passage of economic stimulus legislation that directs billions of dollars of funding towards the deployment of

⁴ See WCAI Extension Request at p. 1.

⁵ The Rural Wireless Companies agree with the Rural Associations' observation that the estimated burden likely "falls far short of the actual burden to providers for at least the first filing cycle." Rural Association Extension Request at p. 2.

⁶ Under this exemption, reporting entities will be permitted to report "a list of service addresses or GIS coordinates of service, along with the speed and technology of the broadband connection in service at each address, in lieu of reporting subscriber counts by Census Tract." *Development of Nationwide Broadband Data to Evaluate Reasonable and Timely Deployment of Advanced Services to All Americans, Improvement of Wireless Broadband Subscriberhip Data, and Development of Data on Interconnected Voice over Internet Protocol (VoIP) Subscriberhip, Report and Order and Further Notice of Proposed Rulemaking*, 23 FCC Rcd 9691, 9698, para. 15 (2008), revised *sua sponte* in *Order on Reconsideration*, 23 FCC Rcd 9800 (2008). No standard has been announced for this exemption.

broadband service in areas of the country that have inadequate service. However, enforcement of the March 2 deadline for the new form would leave carriers with a grossly insufficient amount of time to collect the required data and report it as required. A grant of the requested extension would not harm or prejudice any party. Indeed, an extension of time would improve the broadband data collection process by minimizing the types of inadvertent oversights and omissions that would result from the excessively restrictive timeline.

Accordingly, for the reasons set forth above, the Rural Wireless Companies request that the Commission extend the March 2 filing deadline for the new Form 477 for a period of 120 days.

Respectfully submitted,



David Nace
Todd Slamowitz
Steven Chernoff
Lukas, Nace, Gutierrez & Sachs, LLP
1650 Tysons Blvd., Suite 1500
McLean, VA 22102
(703) 584-8678
dnace@fcclaw.com
tslamowitz@fcclaw.com
schernoff@fcclaw.com

Attorneys for the Rural Wireless Companies

February 23, 2009