**Before the**
**Federal Communications Commission**
**Washington, DC 20554**

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| In the Matters of | ) | |
| | ) | |
| Inquiry Concerning the Deployment of | ) | GN Docket No. 09-137 |
| Advanced Telecommunications Capability | ) | |
| to All Americans in a Reasonable and | ) | |
| Timely Fashion, and Possible Steps To | ) | |
| Accelerate Such Deployment Pursuant to | ) | |
| Section 706 of the Telecommunications Act | ) | |
| of 1996, as Amended by the Broadband | ) | |
| Data Improvement Act | ) | |
| | ) | |
| A National Broadband Plan for Our Future | ) | GN Docket No. 09-51 |

# COMMENTS OF VERIZON AND VERIZON WIRELESS


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## I. SUMMARY

The Notice of Inquiry ("NOI")[1] seeks information on the availability, deployment, and definition of broadband, issues that overlap with those being addressed in the *National Broadband Plan NOI*,[2] and in other pending Commission proceedings and government initiatives. As Verizon[3] previously has set forth comprehensively in the comments filed in response to the *National Broadband Plan NOI* – comments that the Commission has incorporated into the record of this proceeding, *see* NOI ¶ 14 – the U.S. broadband marketplace is characterized by intermodal competition, heavy investment, ongoing deployment of new facilities, and rapid consumer adoption. Verizon further explained, however, that work remains to be done both in terms of extending broadband to areas lacking service and encouraging greater adoption of broadband.

Verizon also filed comments in response to the Commission's first National Broadband Plan Public Notice (DA 09-1842) seeking input on defining broadband. As we explained, although it may be useful for the Commission to recognize a threshold definition for purposes of broadband reporting and tracking and separately to define broader, long-term national objectives for higher speed fixed and mobile broadband services, no single definition of broadband makes sense for all purposes.

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[1] *Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, and Possible Steps To Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996, as Amended by the Broadband Data Improvement Act,* Notice of Inquiry, GN Docket Nos. 09-137 & 09-51 (rel. Aug. 7, 2009) ("NOI").

[2] *A National Broadband Plan for Our Future*, Notice of Inquiry, 24 FCC Rcd 4342 (2009) ("*National Broadband Plan NOI*").

[3] In addition to Verizon Wireless, the Verizon companies participating in this filing ("Verizon") are the regulated, wholly owned subsidiaries of Verizon Communications Inc.

In furtherance of the goals of increasing the reach, capabilities, and adoption of broadband services, the Commission should adopt the recommendations for increasing broadband availability and adoption that Verizon has set forth in its previous comments, including by addressing issues such as computer ownership and literacy, promoting improved cybersecurity and privacy, and adopting a pro-growth regulatory approach.

## II. BROADBAND AVAILABILITY AND DEPLOYMENT

The NOI asks whether "broadband is available to all Americans" and whether "the current level of broadband deployment is reasonable and timely." NOI ¶ 33. As Verizon has previously shown, broadband is widely available to American consumers, generally from a range of intermodal competitors. At the same time, challenges still remain to make broadband service available to *all* Americans, and even more work remains to be done to increase broadband adoption.

Today, more than 90 percent of households and businesses in this country already have access to broadband services.[4] In fact, the vast majority of customers have access to at least two wireline broadband networks, three or more mobile wireless broadband networks, and at least two satellite broadband providers – a level of intermodal competition present in few if any other places in the world.[5] According to a recent Pew survey, 33 percent of broadband home users now connect to the Internet using DSL, 41

[4] *See* Comments of Verizon and Verizon Wireless on a National Broadband Plan, at 2, *A National Broadband Plan for Our Future,* GN Docket No. 09-51 (FCC filed June 8, 2009) ("Verizon NBP Cmts.").

[5] *See id.* at 2; Reply Comments of Verizon and Verizon Wireless on a National Broadband Plan, at I, 5, *A National Broadband Plan for Our Future,* GN Docket No. 09-51 (FCC filed June 21, 2009) ("Verizon NBP Reply Cmts.").

percent using cable modem, 17 percent using wireless or satellite, 5 percent using fiber, 1 percent using T-1, and 2 percent using other platforms.[6]

Rapid progress also has been made in deploying next-generation wireline and wireless technologies. With Verizon FiOS leading the charge, next generation fiber-to-the-premises is being deployed broadly to tens of millions of households, all fueled by levels of private investment that likewise have no parallel in the world.[7] In fact, Verizon alone has deployed more next-generation fiber-to-the-premises lines than all providers in Europe combined.[8] Verizon is also leading in the deployment of fourth-generation (4G) Long Term Evolution (LTE) networks, which Verizon currently plans to offer commercially in 25-30 markets (reaching approximately 100 million Americans) by the end of 2010 and to approximately 285 million consumers by the end of 2013.[9]

Although broadband speeds and capabilities vary widely by provider and technology, the availability of higher broadband speeds has been increasing. For the millions of Americans with access to FiOS, the "entry level" FiOS Internet access service offers up to 15 Mbps downstream, and 5 Mbps upstream. Mid and high-tier FiOS offerings range from 25 Mbps/15 Mbps to 50 Mbps/20 Mbps, depending on the area.[10] Verizon has also continued to expand the reach of its 7.1 Mbps DSL offering to more

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[6] *See* John Horrigan, Pew Internet & American Life Project, *Home Broadband Adoption 2009*, at 21, http://www.pewinternet.org/~/media//Files/Reports/2009/Home-Broadband-Adoption-2009.pdf (June 2009) ("*Pew Survey 2009*"); *see also* Verizon NBP Reply Cmts. at 12.

[7] *See* Verizon NBP Cmts. at 82; Verizon NBP Reply Cmts. at 50.

[8] *See* Verizon NBP Cmts. at 22 & n.20.

[9] *See* Verizon NBP Reply Cmts. at 7.

[10] *See* Verizon NBP Cmts. at 20; Verizon NBP Reply Cmts. at 6.

areas.[11] All of the major cable operators are preparing for, or in the midst of, upgrades to DOCSIS 3.0, which will allow them to offer much faster broadband services than current-generation cable modem services.[12] On the wireless front, the 4G LTE network that Verizon Wireless is deploying has the potential of offering peak download speeds of up to 50-60 Mbps, with an average of 5-12 Mbps downstream.[13] The 4G WiMAX network that Clearwire is deploying, and that is scheduled to reach 120 million consumers by the end of 2010, will offer speeds of up to 4 Mbps on the go.[14] These developments are consistent with a recent study by Entropy Economics, which examined the growth in communications capacity in the United States from 2000 through 2008, and found that "[o]n a per capita basis, U.S. consumers now enjoy almost 2.4 megabits per second of communications power, compared to just over 28 *kilobits* per second in 2000."[15]

Verizon has also demonstrated that the level of broadband availability and deployment in the U.S. is impressive not only in its own right, but also as compared to broadband deployment in other countries. The U.S. is one of only a handful of countries in the world with two widely available wireline broadband platforms; the U.S. is one of the world leaders in privately-funded fiber deployment; mobile wireless broadband is

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[11] *See* Verizon NBP Cmts. at 20.

[12] *See* Verizon NBP Cmts. at 83; Verizon NBP Reply Cmts. at 7.

[13] *See* Verizon NBP Reply Cmts. at 7.

[14] *See* Clearwire News Release, *Clearwire Reports Second Quarter 2009 Results* (Aug. 11, 2009); Verizon NBP Reply Cmts. at 7.

[15] Bret Swanson, Entropy Economics, "Bandwidth Boom: Measuring U.S. Communications Capacity from 2000 to 2008," http://entropyeconomics.com/ (follow "Research Archive" to "Tech Research), at 1 (June 24, 2009).

more widely deployed and used in the U.S. than in most other countries; and the U.S. is perhaps the only country with a fourth platform – satellite – ubiquitously available.[16]

In addition to the fact that there has been rapid and widespread deployment of broadband, the levels of broadband adoption also are impressive, although more work is still needed to increase these levels even further and to increase adoption among certain segments of the American population. Broadband adoption has occurred more quickly than adoption of telephones, television, automobiles, cable TV, cell phones, and computers.[17] Broadband adoption in the U.S. also compares favorably to levels of adoption abroad. For example, among the countries that are most comparable to the U.S. – those that comprise the G-8 – the percentage of broadband subscribers per 100 inhabitants is roughly comparable or greater in the U.S. (25.8 %) than in all other G-8 countries (*e.g.*, Italy 19.2%, Japan 23.6%, Germany 27.4%, France 28%, U.K. 28.5%, Canada 29%).[18] And broadband penetration in the U.S. is actually accelerating more rapidly than in most other countries, including all but three that rank higher in OECD's broadband penetration list.[19]

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[16] *See* Verizon NBP Reply Cmts. at 14.

[17] *See* Verizon NBP Reply Cmts. at 6.

[18] *See* OECD, *OECD Broadband Statistics: 1d. OECD Broadband Subscribers per 100 Inhabitants, by Technology, December 2008*, http://www.oecd.org/dataoecd/21/35/39574709.xls ("*OECD December 2008 Broadband Statistics*").

[19] According to OECD data, the U.S. ranks seventh in broadband penetration growth, and only three of 14 countries that currently rank ahead of the U.S. in terms of broadband per 100 inhabitants have higher broadband growth rates than the U.S. *See OECD Broadband Statistics: 1f. OECD broadband penetration (per 100 inhabitants) net increase December 2007-2008, by country*, http://www.oecd.org/dataoecd/22/11/39574765.xls ("*OECD Broadband Statistics*").

At the same time, however, work remains to be done in order for broadband to achieve its potential in this country. Notwithstanding the robust deployment of broadband networks, some Americans living in remote, sparsely populated, or otherwise hard-to-serve areas still lack all broadband service other than satellite. And where broadband is available, various factors prevent too many consumers from adopting broadband services. Roughly 40 percent of Americans do not adopt broadband even when it is available to them.[20] Reports indicate that approximately 80 percent of households with computers currently subscribe to broadband, thus suggesting that computer ownership is one significant factor affecting broadband adoption.[21] More broadly, a recent survey conducted by the Pew Internet & American Life Project indicated that for more than two-thirds of Americans that do not have broadband, issues such as lack of computer literacy, or failure to appreciate the potential relevance of broadband to their lives, are primarily accountable for consumers' decision not to get broadband – not lack of availability or price. We also know that concerns related to privacy or online safety may prevent some from adopting broadband or accessing the public Internet. Fewer than one in five non-broadband-users or dial-up users pointed to lack of availability as the reason for not subscribing to broadband.[22]

## III. STEPS TO ACCELERATE BROADBAND AVAILABILITY AND ADOPTION

The NOI asks "[w]hat actions, if any, . . . the Commission [should] take to accelerate broadband deployment." NOI ¶ 33. The Commission also asks about

[20] *See* Verizon NBP Cmts. at 2.

[21] *See* Verizon NBP Cmts. at 2.

[22] *Pew Survey 2009* at 42; Verizon NBP Reply Cmts. at 12.

strategies to promote broadband adoption. *See id.* ¶ 63. Verizon's comments in response to the *National Broadband Plan NOI* set forth suggestions to move further towards ubiquitous broadband deployment, widespread broadband adoption, and consumer empowerment.

As Verizon explained, the challenge in ensuring that *all* American have access to broadband is the cost and/or difficulty of serving certain areas, particularly with wireline and some wireless technologies. The Commission's national broadband plan should therefore have as a top priority filling those gaps. Verizon's comments on the National Broadband Plan accordingly offered a range of pragmatic suggestions, targeted at furthering the important national goals of ubiquitous availability, widespread adoption, and consumer empowerment.

For example, Verizon explained that policymakers should employ and encourage a focused effort to increase broadband demand by addressing issues such as computer ownership, computer literacy, and appreciation of the relevance and benefits of broadband.[23] Verizon also explained that policymakers should further the consumer-driven evolution of broadband and the public Internet by encouraging experimentation and innovation in the services, devices and applications available to consumers, while promoting industry best practices that ensure that providers of all types give consumers the meaningful information needed to allow informed choice.[24] In addition, policymakers should promote improved cybersecurity and privacy by encouraging providers to develop and employ a variety of innovative tools and approaches including

[23] *See* Verizon NBP Cmts. at 4; Verizon NBP Reply Cmts. at 3.

[24] *See* Verizon NBP Cmts. at 4-5; Verizon NBP Reply Cmts. at 3.

providing consumers with meaningful information and choices about the use of their private information.[25] Verizon also outlined a regulatory approach that promotes broadband investment and innovation. This includes reforming the universal service fund, encouraging IP-based services, implementing effective stimulus programs, and adopting targeted federal tax policies and reforms – such as the creation of refundable tax credits, investment tax credits or reform to the rules concerning depreciation.[26] Such steps would encourage greater availability and adoption of broadband services, and empower consumers with more choices in services that meet their individual needs.

## IV. DEFINITION OF "ADVANCED TELECOMMUNICATIONS" OR "BROADBAND"

The NOI asks how the Commission should define "advanced telecommunications capability" or "broadband" for purposes of Section 706. *See* NOI ¶ 33. As we recently explained in our comments on this issue, context is critically important to developing an appropriate "definition" for broadband. Broadband refers to a broad range of networks and services, put to a wide range of uses, and exhibiting many complex technical attributes that are often in flux (particularly in the case of best-efforts services accessing the "network of networks" that makes up the public Internet) as a result of factors that can be either inside and/or outside of any particular network. Although it is useful for the Commission to recognize a threshold definition for purposes of broadband tracking and reporting, no single definition of broadband will make sense for all purposes – either from the perspective of end-users or of policymakers.

[25] *See* Verizon NBP Cmts. at 5-6; Verizon NBP Reply Cmts. at 3.

[26] *See* Verizon NBP Cmts. at 7-10; Verizon NBP Reply Cmts. at 3-4.

In the context of defining broad national goals towards which this country's broadband marketplace and policymakers should work, the Commission should set aggressive, long-term targets that can be periodically revisited and revised to account for changes in technology and the continuing evolution of consumers' and the public's uses of broadband. For example, setting a broad objective of moving the country toward a downstream target of 50 Mbps for fixed services and 5 Mbps for mobile services would be an aggressive longer term goal, recognizing that as the marketplace continues to develop there will continue to be variability in the levels of service available in particular areas for the foreseeable future based on a range of technological, geographic, economic and other factors. Appropriate broad goals should distinguish between fixed and mobile services because, while mobile services provide consumers the significant benefit of mobility, inherent technical limitations will likely always mean that such services are subject to particular performance constraints that differ from fixed services.

By the same token, for purposes of broadband reporting and tracking progress towards any such broad long term goals, the existing definition employed by the Commission, the National Telecommunications and Information Administration (NTIA), and the Rural Utilities Service (RUS) continues to make sense. Today, the Commission collects information both on the availability of services that meet its threshold definition for a basic first generation level of broadband service – advertised speeds of at least 768 kbps downstream and 200 kbps upstream – as well as on the availability of services that meet a number of upstream and downstream speeds above that threshold level. The current threshold definition, therefore, establishes a workable baseline for use in identifying where basic first generation broadband services are and are not available.

This straightforward definition also effectively captures the range of services available to consumers over all different broadband platforms, and it has the benefit of being consistent with the Commission's existing data collection efforts (thus facilitating comparisons over time) and with the definition used for purposes of the broadband mapping and infrastructure projects under the NTIA and RUS stimulus programs. In addition, when combined with the Commission's practice of collecting data over multiple ranges of upstream and downstream speed tiers above the threshold level, this approach will enable the Commission to have a thorough and textured understanding of the broadband marketplace at a very granular level. The Commission and other policymakers can use this information to track progress, at a very localized level, towards the dual goals of promoting the availability of some level of broadband service to consumers throughout the country and of promoting the availability of more advanced, higher-speed services over time.

Finally, the NOI states that "[b]roadband capability is not necessarily limited to broadband Internet access services offered to end users," and asks whether "broadband include[s] the special access services from one or more incumbent LECs, wireless services providers, or other carriers that Internet service providers (ISPs) purchase to transmit end-user traffic to Internet backbone service providers," or, in the alternative, whether "special access facilities and services [should] be included in the definition of broadband." NOI ¶ 39. The NOI also asks how middle mile services relate to special access services, and whether middle mile services should be included in the definition of broadband. *See id.*

The focus of this proceeding as well as the *National Broadband Plan NOI* is primarily, and appropriately, on mass-market broadband services.[27] Although some services that fall under the special access rubric may provide inputs used in mass market broadband services, more generally special access services are distinct services that provide other functions. While some parties are trying to co-opt this proceeding to serve their own parochial self-interest by expanding it to include unrelated special access issues, the Commission should reject such efforts and stay focused on the task at hand. The Commission should therefore avoid adopting a definition of broadband that subsumes special access services, which would needlessly complicate this proceeding without furthering the goals of Section 706.

Special access is a regulatory term, and typically refers to dedicated high-capacity circuits that connect two or more locations, such as a network point of presence or collocation arrangement. Special access services are generally provided to larger business customers or as a wholesale input to other communications services including mass-market long distance services and wireless services. Traditional special access services such as DS1 and DS3 circuits rely on TDM-based technology, in distinction to the packetized or optical facilities that are used for broadband services.[28]

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[27] *See* NOI ¶ 3 (Section 706 requires an inquiry "concerning the availability of advanced telecommunications capability to all Americans (including, in particular, elementary and secondary schools and classrooms)."); *see also National Broadband Plan NOI* ¶ 59 n.91.

[28] *See, e.g.*, *Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, Report and Order and Order on Remand and Further Notice of Proposed Rulemaking, 18 FCC Rcd 16978, ¶ 294 (2003) ("We stress that the line drawing in which we engage does not eliminate the existing rights competitive LECs have to obtain unbundled access to hybrid loops capable of providing DS1 and DS3 service to customers. These TDM-based services – which are generally provided to enterprise customers rather than mass market customers – are non-packetized, high-capacity capabilities provided over the circuit switched networks of incumbent

Unlike mass market broadband Internet access services, where the main concern has been ensuring rapid deployment and adoption by end-user consumers, the principal issue in the context of special access has been the scope of competition to serve the demand for these services. Unlike mass market broadband, demand for special access services is generally concentrated in areas of commercial activity or large population centers.[29] Verizon has previously demonstrated that there is significant and growing competition for special access services. The Commission is separately considering whether additional data is needed to evaluate the scope of that competition.[30] Regardless, there is no basis to import those issues into the already complex questions the

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LECs."); *Petition of AT&T Inc. for Forbearance Under 47 U.S.C. § 160(c) from Title II and Computer Inquiry Rules with Respect to Its Broadband Services*, Memorandum Opinion and Order 22 FCC Rcd 18705, ¶¶ 18-20 (2007) (noting that packet-switched services and non-TDM-based optical networking, optical hubbing, and optical transmission services are "high-speed, high-volume services that enterprise customers, including some wholesale customers, use primarily to transmit large amounts of data among multiple locations," and distinguishing such services from "TDM-based, DS-1 and DS-3 special access services.").

[29] *Unbundled Access to Network Elements; Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, Order on Remand, 20 FCC Rcd 2533, ¶¶ 70, 111 (2005) ("*Triennial Review Remand Order*") (noting that "potential revenues for telecommunications services are highly concentrated in a relatively small propotion of wire centers," citing data that special access revenues are heavily concentrated); *Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, Report and Order and Order on Remand and Further Notice of Proposed Rulemaking*, 18 FCC Rcd 16978, ¶¶ 205, 375 (2003) (recognizing that customers of high-capacity services tend to be highly concentrated geographically); Verizon Comments in WC Docket No. 05-25 & RM-10593, at 15 (filed Aug. 8, 2007) (In the case of Verizon, nearly 80 percent of revenues are generated in 25 MSAs, and within these MSAs special access demand is concentrated in the downtown core of cities or in certain suburban areas in which there are large numbers of customers in communications-intensive industries).

[30] FCC Public Notice, *Parties Asked To Refresh Record in the Special Access Notice of Proposed Rulemaking*, WC Docket No. 05-25, RM-10593, FCC 07-123 (July 9, 2007).

Commission is addressing here on the very different issues surrounding a national plan to provide broadband to all Americans.

Two main issues have been raised with respect to the use of dedicated, high-capacity circuits as an input to mass market broadband services. In neither instance is there an issue with respect to the definition of the service provided to the end-user, but rather there may be policy questions with respect to the deployment of such services.

First, dedicated, high-capacity services may be used to provide wireless backhaul services, which are used by wireless carriers to transport traffic, including wireless broadband traffic, from cell sites and mobile switch centers to voice and data networks. As the record in the recent hearings before the Commission show, however, in response to rapidly rising demand for capacity on wireless networks, wireless carriers are moving from primarily copper-based backhaul services to new connections using fiber and fixed wireless technologies.[31] This has created opportunities both for new providers – including cable companies and fixed wireless providers – as well as existing ones to step up and provide service.[32]

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[31] *See*, *e.g.*, FCC National Broadband Plan Workshop, Wireless Broadband Deployment – General (Aug. 12, 2009), Tr. at 42-43 (Stelera Wireless founder and CEO Ed Evans: "We don't have a problem with back haul because we're using 300 MIP microwave off of those cell sites, so I've got plenty of back haul capacity to go back. So there's no issue there."), *id.* at 45 (T-Mobile USA Senior Vice President Engineering, Neville Ray: "So if I look at our 3G footprint today, we are certainly moving to, you know, a fiber back haul solution environment which is significantly greater than 10 percent. And I think that competitive forces work in metro areas where there's lots of fiber, be that from the utility company, from the cable company, from the existing, you know, telco provider. So, I think market forces are starting to work there.").

[32] *See*, *e.g.*, FCC National Broadband Plan Workshop, Wireless Broadband Deployment – Wired (Aug. 12, 2009), Tr. at 35 (Dallas Clement, EVP and Chief Strategy and Product Officer, Cox Communications: "Relative to wireless backhaul from cell sites . . . I'll tell you that in our commercial business it's a growth area. We're getting calls in our franchises from wireless providers who are preparing for their 4G networks and they're

Second, middle mile facilities are a subset of high-capacity transport facilities that are used to connect a rural broadband provider to a long haul carrier that can carry the traffic to and from the Internet backbone. The problem in some rural areas is that as a result of low population density and long distances to population centers, the costs of transport are high relative to the potential revenues to support a connection to an interconnection point with a long-haul carrier. In some instances, it may be possible to attract investment in facilities by pooling the revenues from various adjacent areas. In other cases, however, direct government support may be appropriate to help construct facilities. To this end, the NTIA is already considering proposals to fund the deployment of middle mile transport.[33] Verizon also has suggested that as the Commission reforms

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looking for lower cost alternatives for back haul. And because we're there and we can do sort of spurs off our network, we feel as though it's a big growth area and we're deploying capital to that area to be able to satisfy that demand."); Ravi Potharlanka, COO, FiberTower Corp., Written Testimony before the House Energy and Commerce Committee, Subcommittee on Communications, Technology, and the Internet, Hearing on Competition in the Wireless Industry, at 3, 4 (May 7, 2009) http://energycommerce.house.gov/Press_111/20090507/testimony_potharlanka.pdf (FiberTower COO Ravi Potharlanka: "We offer our services to mobile wireless carriers, competitive and local exchange carriers, 1st responder networks, and to government and enterprise customers. Our network currently covers approximately 12,000 route miles with 7,000 miles covered using fixed wireless and another 5,000 miles using dark fiber. Through our partnership and master lease agreements we have the ability to access over 100,000 towers nationwide. . . . We have customer agreements with the eight largest U.S. wireless carriers.").

[33] *See Broadband Technology Opportunities Program*, Notice of Funds Availability (NOFA) and Solicitation of Applications, RIN 0660-ZA28 et al., 74 F.R. 33104 (July 9, 2009); *State Broadband Data and Development Grant Program*, Notice of Funds Availability, Clarification, Docket No. 0908061222-91222-02, RIN 0660-ZA29, 74 F.R. 40569 (Aug. 7, 2009); Level 3 Press Release, *Level 3 Requests Federal Stimulus Funding To Expand Broadband* (Aug. 24, 2009) (Level 3 applied for $15 million in grant funding and an additional $5 million in Level 3 matching funds to create middle mile connections to the Level 3 network in more than 50 rural markets); 360networks Press Release, *360networks Positions Itself for Broadband Stimulus Funding* (Aug. 26, 2009) (360networks filed its application for federal stimulus funding to expand broadband access to rural and underserved markets); Zayo Bandwidth Press Release, *Zayo*

the Universal Service Fund, one option could include funding to help support deployment of middle mile facilities. As Verizon has explained, however, in order to avoid imposing additional costs on consumers, which would undermine efforts to increase adoption of broadband, any new programs should be introduced in the context of overall reform that avoids increasing the fund size.[34]

## V. BROADBAND DATA COLLECTION

Finally, the NOI seeks comment "on what actions the Commission should take to improve its regular broadband data collections." NOI ¶ 67. As the NOI notes, however, there are already multiple efforts underway at both the Commission and other agencies, such as NTIA and GAO, to compile comprehensive broadband data. *See id.* ¶¶ 12-32; *see also* Verizon NBP Reply Cmts. at 23-29. Among other things, the Commission substantially revised its "Form 477" broadband data reporting process just last year, and those revisions – reflected for the first time in the data submitted for the most recent collection period – will provide the Commission and other policymakers with mountains of granular data about the broadband marketplace.[35] Given that the outcome of that effort still remains to be seen, it is too soon to know whether it makes sense to adopt additional reporting requirements.

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*Bandwidth Applies for Stimulus Funding in Support of Broadband Deployment to Rural Communities and Educational Institutions* (Aug. 28, 2009) (Zayo Bandwidth applied for $23 million in federal stimulus funding to extend its fiber-based network infrastructure to 80 rural communities and 21 higher education institutions in the midwest).

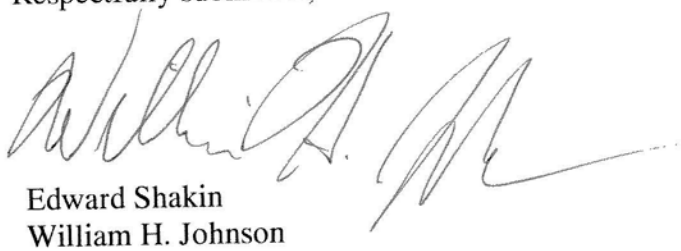
[34] *See* Verizon NBP Cmts. at 112-117.

[35] *See 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 and Further Notice of Proposed Rulemaking, 23 FCC Rcd 9691 (2008).

This is particularly true given the efforts now under way in the states, working under the auspices of NTIA, to collect comprehensive data on broadband deployment and adoption. As Congress recognized, these state-level entities are well positioned to assess and report on broadband at a granular level. And NTIA has now placed these entities on a fast track to quickly collect, assemble and report such data. Just recently, after consulting with a range of broadband stakeholders, NTIA issued a "clarification" of the broadband mapping data that state-level entities will be collecting pursuant to the Broadband Data Improvement Act in order to facilitate the mapping process. At the same time, NTIA reiterated the need to adopt adequate protections for confidential data. These protections will facilitate the sharing of data between the Commission and the entities supplying data, and vice versa.

In light of all this, the Commission's first task should be to assimilate and make full use of the extensive data that already is being collected and assembled. After that process is complete, the Commission may evaluate whether it has sufficient data to meet its needs. And only at that point should the Commission consider whether it is necessary and appropriate to increase the data reporting requirements on providers.

Respectfully submitted,



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