

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

In the Matter of

National Association of Regulatory Utility  
Commissioners Petition for Clarification or  
Declaratory Ruling that No FCC Order or  
Rule Limits State Authority to Collect  
Broadband Data

WC Docket No. 09-193

**REPLY COMMENTS OF SOUTHEAST TELEPHONE, INC.**

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November 9, 2009

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

In the Matter of	)	
	)	
National Association of Regulatory Utility	)	WC Docket No. 09-193
Commissioners Petition for Clarification or	)	
Declaratory Ruling that No FCC Order or Rule	)	
Limits State Authority to collect Broadband	)	
Data	)	

**REPLY COMMENTS  
OF  
SOUTHEAST TELEPHONE, INC.**

**I. Introduction**

SouthEast Telephone Inc. (“SouthEast”), submits these reply comments in support of the Petition for Clarification or Declaratory Ruling (Petition) filed by the National Association of Regulatory Utility Commissioners (NARUC) with the Federal Communications Commission (FCC) on September 25, 2009. This Petition requests the FCC to “expeditiously clarify that no FCC-issued order or regulation limits State authority to collect any data from any broadband infrastructure or service provider.”<sup>1</sup>

**II. Discussion**

SouthEast Telephone, Inc. would like to take this opportunity to voice its support of the NARUC Petition and Comments filed by the Michigan Public Service Commission and the California Public Utilities Commission. SouthEast, like many other rural providers have struggled to not only obtain accurate data regarding broadband service availability and adoption, but has also experienced great frustration in raising both

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<sup>1</sup>Petition for Clarification or Declaratory Ruling that No FCC Order or Rule Limits State Authority to Collect Broadband Data, at 1 (filed September 25, 2009).

governmental and public awareness of the digital divide that still exists in the rural areas of Kentucky. While the Form 477's data collection efforts are appreciated, this information is in no way comprehensive enough to provide adequate data to those carriers who would like to build business models that incorporate unserved and underserved areas. It is obvious that the most logical data collection agencies for this type of information is the individual state commissions.

SouthEast agrees with the NARUC's position that Congress intended the States to play a key role in the effort to promote the nationwide deployment and adoption of advanced services.<sup>2</sup> SouthEast only provides service in the most rural areas of Kentucky, and is dedicated to providing broadband to even the most rural of its customers; however, in order for it to be capable of building a business model on this concept and competing with large carriers like AT&T, an accurate understanding of the current availability and adoption is essential. Congress made it clear in the American Recovery and Reinvestment Act of 2009 (ARRA) that ubiquitous broadband coverage is now a priority across the nation. The best way to ensure that consumers have access to broadband at competitive prices from a variety of providers in even the most rural areas of the nation, is to allow the states take care of what they know best - their state. Since it is now a priority to provide ubiquitous broadband coverage, AT&T's argument that reporting to the states would be too "burdensome" is absurd.<sup>3</sup> AT&T is the nation's largest telecommunications conglomerate, access to its own broadband availability and subscribership information should be readily available for corporate use and,

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<sup>2</sup> Petition, at p.4.

<sup>3</sup> Comments of AT&T, at p.4. (Filed November 2, 2009).

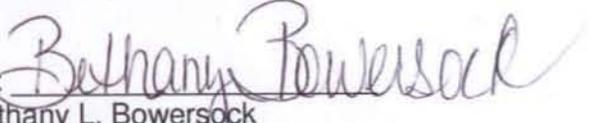
therefore not “burdensome” to provide to individual states. The fact that AT&T argues that it should not be required to report necessary information to a state utilities commission to complete a Congressional goal is entirely without merit and should be completely disregarded by the FCC.

Furthermore, SouthEast disagrees with AT&T’s characterization that the National Telecommunications and Information Administration (NTIA) has established an all inclusive broadband data collection form. The NTIA did establish Form 477, to collect data for Administration purposes, but there is no guarantee that information needed by individual states can be garnered using only Form 477 data . In fact, the ARRA revitalized the Broadband Data Improvement Act of 2008 (BDIA), by stipulating that states be given the opportunity to map broadband service within their confines. Therefore, Congressional intent is clear, states are to have an integral role in ensuring ubiquitous broadband coverage within their borders. In order to do this, states must first understand the broadband availability and subscribership among their telecommunications consumers.

### **III. CONCLUSION**

SouthEast Telephone Inc., strongly supports NARUC’s Petition, as well as the comments filed by the Michigan Public Service Commission and the California Public Utilities Commission. The FCC should grant the Petition and issue a declaratory ruling or clarification confirming that no current FCC Order or regulation limits state’s authority to collect any data from any broadband infrastructure or service provider.

Respectfully submitted,

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