

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Notice of Request for Access to Form 477)	WC Docket No. 09-214
Broadband Data)	DA 09-2502
)	



**COMMENTS OF THE
NATIONAL TELECOMMUNICATIONS COOPERATIVE ASSOCIATION**

The National Telecommunications Cooperative Association (NTCA) hereby submits these comments in response to the Commission’s Public Notice of November 25, 2009.¹ The Public Notice refers to a request by the National Telecommunications and Information Administration (NTIA) to the Form 477 data that the Commission collects from broadband service providers. NTIA is evaluating applications and comments to the applications that it received from broadband service providers and seeks the Form 477 data for the purpose of facilitating that evaluation. In its Public Notice, the Commission provides affected parties the opportunity to oppose disclosure of the Form 477 data to NTIA.

¹ Public Notice, *Notice of Request for Access to Form 477 Broadband Data*, WC Docket No. 09-214, DA 09-2502 (released November 25, 2009).

NTCA does not oppose the releasing of the data to NTIA, but uses this forum to stress that adequate protections are essential to prevent the public disclosure of competitively sensitive, confidential data. NTCA recognizes that the Form 477 data will be instrumental to NTIA in its efforts to identify and validate the “unserved” and “underserved” areas for which broadband funding is sought. NTCA’s members have a vested interest in ensuring that the funding is appropriately targeted. However, providers were assured that the data submitted on the Form 477 would be afforded confidential treatment and remain concerned that if the information finds its way to competitors, it would be devastating to broadband deployment plans.

NTCA reaffirms its position that the FCC, and NTIA by extension, should protect broadband consumers’ privacy interests and broadband providers’ competitive interests by shielding proprietary information, especially carrier build-out plans and other sensitive material that is provided on the FCC Form 477, from public disclosure. Revealing these intentions and materials do not illuminate broadband availability but may harm carriers or cause them to retract broadband deployment plans or scale back their investment in broadband.

NTCA has consistently expressed reservations about the release of the confidential, competitively sensitive data contained on the Form 477. NTCA renews these concerns. Disaggregated broadband data should not be released to states, federal agencies or other entities unless additional safeguards, such as strict non-disclosure agreements, are in place.

Respectfully submitted,



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December 7, 2009

CERTIFICATE OF SERVICE

I, Adrienne L. Rolls, certify that a copy of the foregoing Comments of the National Telecommunications Cooperative Association in WC 09-214, DA 09-2502, was served on this 7th day of December 2009, via electronic mail to the following persons:

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