

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC**

**In the Matters of**

<b>Consumer Information and Disclosure</b>	)	<b>CG Docket No. 09-158</b>
	)	
<b>Truth-in-Billing and Billing Format</b>	)	<b>CC Docket No. 98-170</b>
	)	
<b>IP-Enabled Services</b>	)	<b>WC Docket No. 04-36</b>

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**COMMENTS -- CONSUMER INFORMATION AND DISCLOSURE PN, DA 10-670 --  
OF THE FIBER-TO-THE-HOME COUNCIL**

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The Fiber-to-the-Home Council (“FTTH Council”),<sup>1</sup> through its undersigned counsel, hereby respectfully submits its comments to the Federal Communications Commission (“Commission”) in response to Public Notice (“*Commission Notice*”)<sup>2</sup> issued in the above-captioned proceedings.<sup>3</sup> In these brief comments, the FTTH Council makes the following points:

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<sup>1</sup> The FTTH Council is a non-profit organization established in 2001. Its mission is to educate the public and government officials about fiber-to-the-home (“FTTH”) and to promote and accelerate FTTH deployment and the resulting quality of life enhancements FTTH networks make possible. The FTTH Council’s members represent all areas of the broadband access industry, including telecommunications, computing, networking, system integration, engineering, and content-provider companies, as well as traditional service providers, utilities, and municipalities. As of today, the FTTH Council has more than 210 entities as members. A complete list of FTTH Council members can be found on the organization’s website: <http://www.ftthcouncil.org>.

<sup>2</sup> *Public Notice, Comment Sought on Residential Fixed Broadband Service Testing and Measure Solution, Consumer Information and Disclosure Public Notice*, Rel. April 20, 2010.

<sup>3</sup> *In the Matters of Consumer Information and Disclosure*, CC Docket No. 09-158, *Truth-in-Billing and Billing Format*, CC Docket No. 98-170, and *IP-Enabled Services*, WC Docket No. 04-36.

**1. FTTH NETWORK CONNECTION METRICS MUST BE INCLUDED.** The *Commission Notice* states that SamKnows will provide information on DSL or DOCSIS connection metrics,<sup>4</sup> but nowhere does it state that it will provide such metrics for FTTH networks. This is a serious omission. Today, in the United States, FTTH networks pass approximately 18 million homes, and 5.6 million homes subscribe to services over these networks.<sup>5</sup> Moreover, this number is certain to grow as Verizon completes its initial FiOS deployments, and the other 750 service providers that have deployed or are deploying FTTH networks expand.<sup>6</sup> Further, it should be noted that the performance capabilities of these FTTH networks are growing dramatically, with symmetrical access at 100 megabits per second being common today and with much faster speeds on the horizon. Given the significance of FTTH networks, both in terms of areas served and leading performance capabilities, any valid broadband testing and measurement survey must specifically incorporate their presence.<sup>7</sup>

**2. THE COMMISSION SHOULD CLARIFY THAT PUBLIC REPORTS DISTINGUISH BETWEEN AVERAGE PERFORMANCE AND PERFORMANCE AT PEAK USAGE PERIODS.** The *Commission Notice* provides SamKnows will run tests every sixty minutes throughout the time period and will measure, collect, and report data on a number of

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<sup>4</sup> *Commission Notice* at 5-6.

<sup>5</sup> All data is taken from the April 3, 2010 survey by RVA Market Research and is available at: <http://www.ftthcouncil.org/en/newsroom/2010/04/14/survey-hundreds-of-local-telecoms-already-upgrading-to-gigabit-enabled-fiber-net>. (“*RVA Survey*”)

<sup>6</sup> The *RVA Survey* found that for the non-Regional Bell Operating Company incumbent local exchange carriers, over 70% are likely to expand their current FTTH deployments and over 65% of those that have not deployed FTTH networks are likely to do so.

<sup>7</sup> To ensure completeness in collecting and reporting information of value to consumers, the Commission should ensure SamKnows includes any other fixed Internet broadband service providers with a significant market share. The Council assumes that the

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performance criteria, including availability.<sup>8</sup> However, in discussing the proposed “Reporting System,” the *Commission Notice*, while again stating that SamKnows will provide results on such performance criteria as speed and latency, does not discuss providing results on availability. It is thus unclear whether results in the “Reporting System” would only be an average over a time period or would be linked to different time periods, such as peak periods – the time of greatest concern to most consumers. The FTTH Council urges the Commission to clarify that its public reports will contain results for each performance criterion based at least on average usage and usage at peak periods.<sup>9</sup>

**3. DATA SHOULD BE PUBLICLY REPORTED IN REFERENCE TO ESTABLISHED BENCHMARKS.** As stated above, the *Commission Notice* provides that SamKnows will measure, collect, and report on key broadband performance data, including download and upload speeds, latency, jitter, and availability. The FTTH Council supports collection of such data; however, it is important that consumers have benchmarks to judge the adequacy of the reported results. To date, the Commission has only established tiers for speed but has not established benchmarks for speed or for any other performance criteria, including latency and jitter. The Council understands that the Commission intends to adopt such benchmarks, and, given their importance, the Council, which offers to provide support for such an effort, urges it to do so expeditiously.

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SamKnows hardware and software are capable of collecting data at the higher speeds offered by broadband services provided on FTTH networks.

<sup>8</sup> *Commission Notice* at 3.

<sup>9</sup> “Usage at peak periods” is akin to the “busy hour” concept long-employed and well-understood by telecommunications engineers.

Respectfully submitted,



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