

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

In the Matter of	)	
	)	
Application of Reporting Requirements	)	ET Docket No. 04-35
For Disruptions to Communications	)	
To Broadband Internet Service	)	WC Docket No. 05-271
Providers and Interconnected Voice	)	
Over Internet Protocol Service Providers	)	GN Docket Nos. 09-47, 09-51, 09-137

**REPLY COMMENTS**



**I. INTRODUCTION.**

The American Cable Association (“ACA”) files these Reply Comments in support of the comments of the National Cable & Telecommunications Association (“NCTA”). In short, the Commission should launch a Notice of Inquiry before it considers extending its network outage reporting requirements to Voice over Internet Protocol (“VoIP”) and broadband service providers.

**American Cable Association.** ACA represents nearly 900 independent cable companies that serve more than 7.6 million cable subscribers, primarily in smaller markets and rural areas. ACA member systems are located in 49 states and 4 U.S. territories. The companies range from family-run cable businesses serving a single town to multiple system operators with small systems in small markets. More than half of ACA’s members serve fewer than 2,000 subscribers. All ACA members face the challenges of building, operating, and upgrading broadband networks in lower density markets. Most ACA members provide broadband Internet access, delivering this critical service to homes and businesses across the nation.

## II. **ACA SUPPORTS NCTA’S COMMENTS QUESTIONING WHETHER VOIP AND BROADBAND OUTAGE REPORTING REQUIREMENTS ARE NECESSARY.**

ACA files these Reply Comments in support of NCTA’s comments. Specifically, ACA supports NCTA’s recommendations that the Commission (i) comprehensively review how it currently uses outage data and how it would use additional data;<sup>1</sup> (ii) not simply extend existing outage rules to VoIP and broadband;<sup>2</sup> and (iii) launch an NOI before moving forward with any rulemaking.<sup>3</sup>

In the *National Broadband Plan* proceeding, ACA filed Comments outlining the steps the Commission should take to enable the nationwide availability of reliable, high-speed Internet access at reasonable prices.<sup>4</sup> A key theme throughout ACA’s Comments is germane here – that ACA members face inherent difficulties bringing affordable advanced services to rural America. As NCTA noted, the Commission already collects information from cable operators and other service providers during disaster situations through the Commission’s Disaster Information Reporting System.<sup>5</sup> Consequently, the Commission should review how it currently uses outage data and outline how outage data from VoIP and broadband providers would be beneficial.

Moreover, simply extending current network outage reporting requirements to VoIP and broadband service providers without reviewing the potential impact risks imposing unnecessary regulatory burdens on ACA members. Often, broadband providers have no

---

<sup>1</sup> *Public Safety and Homeland Security Bureau Seeks Comment on Whether the Commission’s Rules Concerning Disruptions to Communications Should Apply to Broadband Internet Service Providers and Interconnected Voice Over Internet Protocol Service Providers*, Public Notice, DA 10-1245, ET Docket No. 04-35, WC Docket No. 05-271, GN Docket Nos. 09-47, 09-51, 09-137 (rel. July 2, 2010), Comments of the National Cable & Telecommunications Association at 5-6 (filed Aug. 2, 2010) (“*NCTA Comments*”).

<sup>2</sup> *Id.* at 7-10.

<sup>3</sup> *Id.* at 13.

<sup>4</sup> *In the Matter of a National Broadband Plan for Our Future*, Notice of Inquiry, GN Docket No. 09-51, 24 FCC Rcd. 4342 (2009), Comments of the American Cable Association (filed June 8, 2009).

<sup>5</sup> *NCTA Comments* at 6.

control over an outage affecting their subscribers.<sup>6</sup> Given the complexity and inter-related nature of the Internet, it is likely that many small and medium-sized cable operators lack the expertise or resources to determine and locate the source of an outage. ACA urges the Commission to evaluate the impact of extending network outage reporting requirements to VoIP and broadband service providers, especially on broadband deployment and consumers in smaller and rural markets.

In summary, the Commission must consider the burden additional reporting requirements may impose on small and medium-sized cable operators. Further, to minimize any additional reporting burdens on small and medium-sized cable operators, the Commission should consider whether extending the network outage reporting requirements to VoIP and broadband service providers is necessary. The Commission should evaluate these issues through a NOI.

### **III. CONCLUSION.**

ACA supports NCTA's comments. If the Commission wants to consider extending network outage reporting requirements to VoIP and broadband service providers, it should first launch a NOI.

---

<sup>6</sup> *Id.* at 9-10.

Respectfully submitted,

**AMERICAN CABLE ASSOCIATION**



By: \_\_\_\_\_

Matthew M. Polka  
President and Chief Executive Officer  
American Cable Association  
One Parkway Center  
Suite 212  
Pittsburgh, Pennsylvania 15220  
(412) 922-8300

Jeremy M. Kissel  
Scott C. Friedman  
Cinnamon Mueller  
307 North Michigan Avenue  
Suite 1020  
Chicago, Illinois 60601  
(312) 372-3930

Ross J. Lieberman  
Vice President of Government Affairs  
American Cable Association  
2415 39<sup>th</sup> Pl, N.W.  
Washington, DC 20007  
(202) 494-5661

Attorneys for the American Cable Association

August 16, 2010