

Qwest
1801 California Street
10th Floor
Denver, CO 80202
Phone 303-383-6671
Facsimile 303-383-8465
Harisha.bastiampillai@qwest.com



Harisha J. Bastiampillai
Senior Attorney

VIA ECFS

January 18, 2011

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: *National Telecommunications and Information Administration Request for
Access to Form 477 Broadband Data – WC Docket No. 11-3*

Dear Ms. Dortch:

Qwest Communications International Inc. (Qwest) files these brief comments in regard to the request of the National Telecommunications and Information Administration (NTIA) to access data collected on the Federal Communications Commission's (Commission) Form 477.¹ Specifically, NTIA is seeking access to data on Internet access connections as of June 30, 2010, with a reporting deadline of September 1, 2010. NTIA intends to use Form 477 broadband data as a baseline for comparison with the data collected by the eligible entity in each State pursuant to the State Broadband Data and Development Grant Program (SBDD), and it may include non-confidential Form 477 data in its National Broadband Map website.

Qwest has no objection to NTIA accessing this data, as long as appropriate measures are taken to protect the confidential aspects of the data. As Qwest has stated before,² however, there are significant differences between the Commission's Form 477

¹ *Public Notice*, "Notice of Request for Access to Form 477 Broadband Data Pleading Cycle Established," DA 11-29, rel. January 7, 2011 at 1, n. 1 ("The SBDD Program implements the joint purposes of the Recovery Act and the Broadband Data Improvement Act. *See* American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, § 6001, 123 Stat. 115, 516 (codified at 47 U.S.C. § 1305) (ARRA); Broadband Data Improvement Act, Pub. L. No. 110-385, 122 Stat. 4096 (2008) (codified at 47 U.S.C. §§ 1301–04)"). Erratum rel. Jan. 14, 2011.

² *See, e.g., In the Matter of Free Press Form 477 Data Access Request*, WC Docket No. 10-75, Comments of Qwest Communications International Inc. at 6-7 (Apr. 19, 2010).

data and the data compiled as part of the SBDD pursuant to the Broadband Data Improvement Act.³

Below are the major differences and the possible ramifications of the two different data sets:

FCC 477 DATA	NTIA SBDD DATA
Data is based on broadband services <u>sold and active</u> to an end user.	This data is based on addresses where the service provider has deployed a drop wire that is broadband-capable (Qualified Living Units). This data contains all Qualified Living Units regardless if the service has been sold to an end user.
Data is based on specific dates (<i>i.e.</i> , <u>December 31st and June 30th</u>).	Data is based on the <u>most current available</u> and will vary depending on when the data is pulled.
Data is provided for downstream speeds starting with less than <u>200 Kbps and up</u> in specific categories (Less than or equal to 200K; greater than 200K to less than 768; 768 to less than 1.5 Meg; 1.5 Meg to less than 3 Meg; 3 Meg to less than 6 Meg; 6 Meg to less than 10 Meg; 10 Meg to less than 25 Meg; 25 Meg to less than 100 Meg; and 100 Meg and above)	Data is based on downstream speeds of <u>768 Kbps and up</u> as offered by the service provider (<i>i.e.</i> , 1.5 Meg; 3 Meg; 5 Meg; 7 Meg; 12 Meg; 20 Meg; and 40 Meg)
HSI (High Speed Internet) quantities are provided on a Census Tract Basis. One Census Tract may contain Census Block Groups and many Census Blocks within a Block Group	Data is provided on a Census Block basis. The two data are not comparable on an item by item basis because of the large differences between Census Tracts and Census Blocks

These differences limit the utility of the Commission’s Form 477 data to the NTIA’s analysis of SBDD’s data collection and mapping efforts, particularly in regard to use of the data as a baseline for comparative or verification purposes. Thus, it is vital that if the NTIA attempts to validate the SBDD data that it should be cognizant of the fact that the comparison is between two different data sets based on two different sets of rules. In particular, the NTIA should be cognizant of the fact that data counts may be different based upon the date the data was pulled because Form 477 data covers a set period as opposed to the most current data available. An additional differentiating factor, and perhaps the most important one, is that Form 477 data is

³ The NTIA released a Notice of Funding Availability (NOFA) on funding this program, which defined several key terms for the purposes of the state broadband program including the format of the data to be collected.

Marlene H. Dortch
January 18, 2011

Page 3 of 3

provided based upon sold and active services provided to an end user, whereas the SBDD data is based upon drop wires that are “capable” of providing a broadband service whether that service has been sold to an end user or not. One other major difference is that Form 477 data is provided on a Census Tract basis while SBDD data is presented on a Census Block basis. Census Tracts are two levels of detail above the Census Block data, *i.e.*, Census Tracts contain Census Block Groups and Census Block Groups contain many Census Blocks. Each level from Tract to Block is a greater level of granular detail. Thus, determining the validity of Census Block data from the more general view of a Census Tract must be done only after understanding the limitations of the data.

Based on the foregoing, the NTIA should be wary of making any comparative determinations based on its access to Form 477 data. In fact, it may find that access to the Form 477 data provides minimal, if any, utility given the “apples-and-oranges” nature of the SBDD data as compared to the Form 477 data.

Sincerely,

/s/Harisha J. Bastiampillai

cc: Jeremy Miller (Jeremy.miller@fcc.gov)
Best Copy and Printing, Inc. (www.bcpiweb.com)