

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

In the Matter of)	
)	
Modernizing the FCC Form 477 Data Program)	WC Docket No. 11-10
)	
Development of Nationwide Broadband Data to)	WC Docket No. 07-38
Evaluate Reasonable and Timely Deployment of)	
Advanced Services to All Americans, Improvement)	
of Wireless Broadband Subscribership Data, and)	
Development of Data on Interconnected Voice over)	
Internet Protocol (VoIP) Subscribership)	
)	
Service Quality, Customer Satisfaction,)	WC Docket No. 08-190
Infrastructure and Operating Data Gathering)	
)	
Review of Wireline Competition Bureau Data)	WC Docket No. 10-132
Practices)	

COMMENTS OF GVNW CONSULTING, INC.

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EXECUTIVE SUMMARY

In light of the Commission's proposals to limit the recovery of rural carrier corporate operations expenses from USF in its February, 2011 Notice, it is a reasonable expectation that any new data collection efforts by the FCC should be coordinated.

We are concerned that there is not a practical solution for carriers to measure actual end-user speeds at the end-user location, due to actual speeds being affected by a wide variety of factors, many of which are beyond the providers' control. We recommend that the Commission more fully evaluate the SamKnows results, prior to implementing speed reporting for carriers.

We would respectfully submit that the collection of accurate and comparable pricing data could be challenging in light of differences due to speed tiers, promotional offerings, bundling packages, etc. In addition, the newly adopted Net Neutrality Order requires providers to disclose their broadband pricing on their website. It seems to be duplicative to have companies report what is already posted to their website. An option to consider would be for the Commission to require carriers to provide a link to the website or information such as the URL of the location of where the rate information is already specified. One of the benefits of this approach is that since pricing information can change frequently, referring to a website is likely more accurate than a static report from a specified time period.

It is not a reasonable expectation to expand into Form 477 data collection efforts for socioeconomic data. We believe that many customers would not view their communications provider as the proper entity to be requesting this type of information.

Introduction and Background

In this Notice of Proposed Rulemaking (NPRM), the Commission seeks comment on “*whether and how to reform the Form 477 data program to improve the Commission’s abilities to carry out its statutory duties, while streamlining and minimizing the overall costs of the program.*”

GVNW Consulting, Inc. (GVNW) is a management consulting firm that provides a wide variety of consulting services, including regulatory and advocacy support on issues such as universal service, intercarrier compensation reform, and strategic planning for communications carriers in rural America. We are pleased to have the opportunity to offer comments addressing reform to the Form 477 data submission process.

At the present time, the FCC uses the Form 477 to measure levels of broadband subscribership, which is used in turn to infer levels of deployment. We believe that a guiding principle of the data collection expansion should be whether the effort assists in determining whether the statutory goal of “reasonably comparable” voice and broadband rates and services are available to rural customers. In addition, it will be crucial for the confidentiality of sensitive information to be protected, even with respect to academic research.

CHANGES TO DATA ON DEPLOYMENT SHOULD BE COORDINATED WITH OTHER DATA REQUESTS AND BE BASED ON MEASURABLE, CONTROLLABLE METRICS

In the Notice, the Commission requests comment on deployment issues at paragraphs 49-65. We focus our comments on key areas of concern related to the geographic level of reporting and reporting on speed issues.

Geographic level of reporting

In light of the Commission's proposals to limit the recovery from USF of rural carrier corporate operations expenses¹ in its February, 2011 Notice, it is a reasonable expectation that any new data collection efforts by the FCC should be coordinated. For example, we encourage careful coordination of data requested for the National Broadband Map Project with changes that may be adopted for the Form 477 data collection. The Form 477 data is currently collected at the census tract level. This reporting differs from the national broadband mapping data collection that permits carriers to report at the address level as an option, or by the census block level, unless the Census Block exceeds two square miles. In that case, the reporting is by street segments.

Speed reporting

At paragraph 59, the Notice asks if the reporting metric should be changed to actual rather than advertised speeds, and how to accomplish such a change. We are

¹ Notice of Proposed Rulemaking, FCC 11-13, released February 9, 2011, paragraph 194. GVNW respectfully takes exception to the Commission's view regarding corporate operations expenses as stated in paragraph 197 that: "*the Commission agreed with commenters that these expenses do not appear to result from costs inherent in providing telecommunication services, but rather may result from managerial priorities and **discretionary spending***" (emphasis added)

While we believe there is some discretionary spending involved, we think it quite unlikely that a company could provide telecommunications services under current regulation without incurring costs associated with accounting, management, insurance, legal, and regulatory compliance.

concerned that there is not a practical solution for carriers to measure actual end-user speeds at the end-user location, due to actual speeds being affected by a wide variety of factors, many of which are beyond the providers' control.

We recommend that the Commission more fully evaluate the SamKnows results, as referenced at footnote 158, prior to implementing speed reporting for carriers.

As we understand the FCC's partnership with SamKnows, the process will recruit volunteer participants geared to selecting a United States Broadband Performance Panel that is designed to be "*representative of the broadband population in terms of technology, geography and service level.*" These selected panelists (expected to number 10,000) would be provided SamKnows hardware and software that would be installed behind their modem or equivalent point. The purpose of the special software is to automatically test the performance of a variety of applications on an hourly basis. Efforts will be made to protect the confidentiality² of individual panelists. Data compiled from this effort will be made available to providers on an aggregated basis, while not revealing geographic markers, with quarterly reporting provided to the FCC. It is planned to offer data results on a public website, and special access will be available to the academic community³ of some of the raw data.

² While it is easy to understand the desire to maintain consumer privacy, will this thwart efforts to verify whether the panelists' responses have created an accurate snapshot of actual broadband performance? Does the stated need for privacy minimize potentially greater benefits from more transparent data? Some of the initial Request for Proposal data in some states relative to the national broadband mapping effort seemed to indicate a desire for end users to be able to provide additional feedback as to the veracity of the data. Was this considered as an option for this instant measurement proposal?

³ What standard of care will be required of the academic community that accesses the raw data that results from this process? Will there be a cost to the academic institutions that choose to access such data and perhaps profit from access to data that was compiled by others?

**DATA REQUESTED ON PRICING INFORMATION SHOULD BALANCE
THE NEED FOR DISCLOSURE WITH THE NEED TO PROTECT
COMPANY PRICING STRATEGIES**

In the Notice, the Commission requests comment on pricing issues at paragraphs 66-76. We focus our comments on key areas of concern related to pricing information in the Form 477 data collection effort.

We would respectfully submit that the collection of accurate and comparable pricing data could be challenging in light of differences due to speed tiers, promotional offerings, bundling packages, etc. In addition, the newly adopted Net Neutrality Order requires providers to disclose their broadband pricing on their website. It seems to be duplicative to have companies report what is already posted to their website. An option to consider would be for the Commission to require carriers to provide a link to the website or information such as the URL of the location of where the rate information is already specified. One of the benefits of this approach is that since pricing information can change frequently, referring to a website is likely more accurate than a static report from a specified time period.

At paragraph 72, the Commission asks whether it is necessary to collect data on Total Revenue for all service offerings including non-regulated. If the Commission decides to proceed in that manner, will the Commission be enacting a Protective Order (e.g., 25 FCC Rcd 13160 (WCB 2010)) similar to what is in place in the intercarrier compensation proceeding in order to be able to provide strong assurances related to the confidential treatment of competitively-sensitive data?

DATA TO BE REPORTED BY CARRIERS SHOULD NOT INCLUDE SOCIAL OR ECONOMIC DATA, OR DATA OF A COMPETITIVELY SENSITIVE NATURE

At paragraph 105, the NPRM requests comment on whether it should use the Form 477 process to collect data that includes “socioeconomic data” and “social metric data” in order to better assess socially and economically disadvantaged businesses, minority or female-owned business entities, and data on hardware and software availability in underserved areas.

It would be a very rare instance in which carriers would be collecting this type of data under present circumstances. In light of the Commission’s aforementioned proposal to limit the recovery of rural carrier corporate operations expenses⁴ in its February, 2011 Notice, it is not a reasonable expectation to expand into any new data collection efforts. Further, we believe that many customers would not view their communications provider as the proper entity to be requesting this type of information. We believe that there are other means by which the Commission could gather this type of data.

Similarly, the data regarding service quality and customer satisfaction levels as discussed in paragraphs 89-99 of the Notice should not be part of an expanded Form 477. This data reporting would prove to be burdensome to carriers. Some of the indices such as end to end speed and service outage issues could well be beyond the control of the reporting entity.

⁴ Notice of Proposed Rulemaking, FCC 11-13, released February 9, 2011, paragraph 194.

GVNW Consulting, Inc.
Comments in WCD Nos. 11-10, 07-38, 08-190, and 10-132
March 30, 2011

Respectfully submitted,

Via ECFS at 3/30/11

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