

**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)	WC Docket No. 07-38
To 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 Subscribership)	
)	
Service Quality, Customer Satisfaction,)	WC Docket No. 08-190
Infrastructure and Operating Cost Data)	
)	
Review of Wireline Competition Bureau)	WC Docket No. 10-132
Data Practices)	

**COMMENTS OF THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

The Pennsylvania Public Utility Commission (Pa. PUC) hereby submits these initial comments (Pa. PUC Comments) in response to the February 8, 2011 Notice of Proposed Rulemaking on Form 477 Data Reporting (Form 477 NOPR). The FCC set the deadline for initial Comments for April 1, 2011.

As an initial matter, the Pa. PUC Comments should not be considered binding upon an individual Commissioner or regulatory Commission. Moreover, the Pa. PUC Comments could change in response to subsequent developments, including regulatory or legal changes at the state or federal level.

Summary of the Notice

The FCC notes the General Accountability Office's (GAO's) observation that the FCC's current Form 477 reporting data on broadband collection fails to collect key data and that it needs improvement. The FCC explains that it collects data to address

universal service, ensure public safety, promote telephone and broadband competition, and promote telephone and broadband availability. This is the third in a series of amendments to the Form 477 since the FCC initiated the program in May 2000.

The Form 477 NOPR identifies five categories of data that may be necessary to meet Congressional mandates. These are deployment, pricing, service quality, customer satisfaction, and subscription data. In addition, the FCC suggests that additional data on middle-mile and last-mile location data could prove useful to the Commission. The FCC also seeks comment on what data is appropriate to promote and analyze competition.

The Pa. PUC Comments

The Pa. PUC supports the development of filing requirements for deployment, pricing, service quality, customer satisfaction, and subscription data given the various federal and state needs. The Pa. PUC also supports the filing of competitive information because the existence of, and level of, competition is an important issue in policy determinations at the state and federal level.

As the Pa. PUC has reminded the FCC in the past,¹ it is more cost-effective to file information in one forum compared to various filing mandates on the same subject in multiple jurisdictions. However, states should still be able to supplement federal filing requirements consistent with state and federal law. While a properly reformed Form 477 will probably be sufficient for most states, an FCC decision must not preempt or prohibit separate state filing requirements.

The Pa. PUC also suggests that any reporting requirements should be applied to all service providers. It does not make sense to impose requirements on one type of carrier while not requiring the same information from other providers that may be using a different network or technology to deliver similar services.

The Pa. PUC believes that the current reports generally provide adequate data at the national level. This includes the *USF Report*, the *Broadband Availability Report*, the

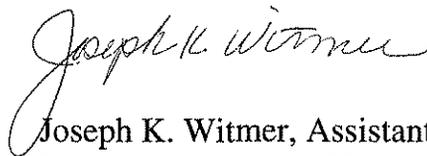
¹ *In re: Petitions of Verizon and Embarq for Forbearance from certain ARMIS Reporting Requirements*, Docket Nos. 07-204 and 07-273, Reply Comments of the Pa. PUC (March 17, 2008).

Telephone Subscribership Report, and the *Local Competition Report*. However, in some instances, such as income, race, subscribership, and household, the information is not provided on a state-by-state and study area basis.

Any filing information should be supplied on a state-by-state and study area basis. That granular level is important for state regulators. For example, the current *Telephone Subscribership Report* contains a wealth of information on telephone availability and service by income, gender, and household status but that information is not provided on a state-by-state and study area basis. Consequently, states are hard pressed to properly analyze federal data in their own jurisdictions on matters like deployment, pricing, subscribership, service quality, customer satisfaction, investment, and the existence of, and level of, competitive choice on a granular basis.

Finally, the Pa. PUC reiterates its earlier observation that there is an inconsistency in FCC statements identifying the need for information, including investment information, and then forbearing from requiring that information in *ARMIS* filings.² The FCC should collect data on a census-tract basis because it is very detailed. Also, the FCC should collect the same data on a census block basis because it is very general. Service providers subjected to these filing requirements can easily, and less expensively, use that public data as a base to comply with the FCC reporting requirements.

Respectfully submitted,
The Pennsylvania Public Utility Commission



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² *In re: Petitions of Verizon and Embarq for Forbearance from certain ARMIS Reporting Requirements*, Docket Nos. 07-204 and 07-273, Reply Comments of the Pa. PUC (March 17, 2008).