

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

**REPLY COMMENTS**

The Alliance for Telecommunications Industry Solutions (ATIS), on behalf of its Network Reliability Steering Committee (NRSC), hereby submits these reply comments to address issues raised by commenters to the Federal Communications Commission’s (Commission) February 8, 2011, *Notice of Proposed Rulemaking (NPRM)* in the above-referenced dockets. ATIS strongly backs the Commission in its efforts to give careful consideration to the benefits and burdens of its data collections, and to eliminate unnecessary collections.<sup>1</sup> As explained more fully below, ATIS: (1) supports those commenters that urge the Commission to collect only data that is necessary to support specific regulatory mandates and not already the subject of other data collection mechanisms; and (2) opposes the use of Form 477 to collect data on communications outages.

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<sup>1</sup> *NPRM* at ¶1.

## **I. Background**

ATIS is a global standards development and technical planning organization that leads, develops and promotes worldwide technical and operations standards for information, entertainment and communications technologies. ATIS' diverse membership includes key stakeholders from the information and communications technologies industry –wireless and wireline service providers, equipment manufacturers, competitive local exchange carriers, providers of commercial mobile radio services, broadband providers, software developers, consumer electronics companies, public safety agencies, digital rights management companies, and internet service providers. Industry subject matter experts from over 200 member companies work collaboratively in ATIS' open industry committees, which develop standards, specifications, best practices, guidelines and other approaches as deemed essential to communications networks' operation and continued evolution.

Formed in 1993 at the recommendation of the first Network Reliability and Interoperability Council, the ATIS NRSC strives to improve network reliability by providing timely consensus-based technical and operational expert guidance to all segments of the public communications industry. The NRSC addresses network reliability improvement opportunities in an open environment and advises the communications industry through the development of standards, technical requirements, technical reports, bulletins, best practices, and annual reports. The NRSC is comprised of industry experts with primary responsibility for examining, responding to and preventing outages for communications companies. These subject matter experts are the experts on communications reliability and outage reporting.

## II. Discussion

In the *NPRM*, the Commission seeks input regarding whether and how to improve its Form 477 data collection program and seeks specific comment on proposed new types of data that the Commission believes may be necessary for it to discharge specific statutory responsibilities.<sup>2</sup> However, the *NPRM* also notes that commenters have urged the Commission to streamline the Form 477 collection process as much as possible and therefore streamlining the collection process “must be a top priority.”<sup>3</sup> ATIS supports this streamlining effort and notes that many commenters have clearly articulated why new Form 477 reporting requirements should not be imposed.

As AT&T notes, “[g]iven that the burdens imposed by Form 477 have *already* increased more than 3,400 percent since it was first adopted – to more than 1 million hours annually – the Commission should be cautious about imposing any new reporting obligations on service providers...”<sup>4</sup> Time Warner Cable in its comments also acknowledges the burden imposed by the existing Form 477 data collection. “Although its estimate was almost certainly conservative, the Commission stated last year that it would take on average 65 hours to complete one state-specific, semi-annual Form 477 filing – a burden that is magnified considerably for providers that, like TWC, operate in a large number of states.”<sup>5</sup> The United States Telecom Association appropriately notes that the proposed modifications to the Commission’s reporting framework “will add to an already complex and substantial web of reporting obligations placed on broadband providers.”<sup>6</sup>

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<sup>2</sup> See *NPRM*, Section IV.

<sup>3</sup> *NPRM* at ¶37.

<sup>4</sup> Comments of AT&T, Inc. at p. 7 (emphasis in original).

<sup>5</sup> Comments of Time Warner Cable Inc. (Time Warner) at p. 6.

<sup>6</sup> Comments of the United States Telecom Association at p. 2.

ATIS also agrees with numerous commenters that the Commission has not offered adequate justification for the increased burdens that would be associated with the new types of data being proposed. CenturyLink and Qwest, for example, note that they “are not persuaded that new or enhanced data collections for the Form 477 program will materially improve the Commission's ability to carry out its statutory duties in these areas and thereby justify the increased burden that would be imposed upon service providers, generally, and local telephone service providers specifically.”<sup>7</sup> CTIA – The Wireless Association <sup>TM</sup> agrees and states that the *NPRM* “fails to demonstrate that the additional data collection requirements are necessary for the agency’s proper performance of its duties, or that the additional data will have practical utility...”<sup>8</sup> Verizon adds that, “[i]n light of the data already available to the Commission...no new reporting requirements are needed for the Commission to fulfill its statutory duties, nor could any such requirements be justified in light of the directives of President Obama and Chairman Genachowski and the Paperwork Reduction Act.”<sup>9</sup>

ATIS specifically notes that there is no need to collect data as part of the Form 477 program that is already collected via other mechanisms. ATIS therefore supports commenters such as Time Warner, which recommends, “[r]ather than inviting new burdens upon itself at this time through the introduction of new and potentially duplicative reporting requirements, the Commission should work with existing information – at least until it can properly evaluate any genuine gaps – and thereby minimize costs overall.”<sup>10</sup> ATIS also agrees with Sprint Nextel that, in light of the newly available data, the Commission should “thoroughly analyze the data it and

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<sup>7</sup> Joint Comments of CenturyLink and Qwest at pp. 8-9.

<sup>8</sup> Comments of CTIA – The Wireless Association (CTIA) at p.4.

<sup>9</sup> Comments of Verizon and Verizon Wireless at pp. 6-7.

<sup>10</sup> Comment of Time Warner at p. 9.

NTIA now collect before imposing any new data requirements on wireless service providers.”<sup>11</sup> Instead of implementing duplicative data collections, ATIS agrees with AT&T that, “the Commission’s first task should be to reduce the burdens imposed by that [477 data gathering] program. Once that is accomplished, the Commission should only consider adding further data collection requirements to the Form 477 if those data directly further an important Commission interest, are collected in a minimally burdensome manner, and are not available from an alternative source.”<sup>12</sup>

Finally, ATIS opposes those commenters that seek to expand Form 477 to collect data on communications outages.<sup>13</sup> As CTIA – The Wireless Association observes, “[n]o reason exists for the Form 477 to collect information regarding specific network metrics such as packet loss, latency, jitter, or network outages. The Commission’s own outage reporting system provides detailed and up-to-date information about significant network outages and disruptions for voice services, including those that affect enhanced 911 facilities and airports.”<sup>14</sup> ATIS agrees and notes that, even if such data were to be collected via Form 477, it would be entirely inappropriate to disclose such information publically. As the Commission has agreed previously, “[t]he disclosure of outage reporting information to the public could present an unacceptable risk of more effective terrorist activity” because such data could be used by hostile parties to attack communications networks.<sup>15</sup> ATIS notes that the existing outage reporting systems are more appropriate for the reporting of communications outages as these systems provide both

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<sup>11</sup> Comments of Sprint Nextel Corporation at p. 3.

<sup>12</sup> Comments of AT&T, Inc. at p. 22.

<sup>13</sup> See e.g. Comments of the California Association of Competitive Telecommunications Companies at p. 21, Comments of Communications Workers of America at p. 9, and Comments of Free Press at p. 10.

<sup>14</sup> Comments of CTIA at p. 22.

<sup>15</sup> *Report and Order and Further Notice of Proposed Rulemaking*, ET Docket No. 04-35 (rel. August 4, 2004) at ¶3.

appropriate protections against public disclosure of sensitive information and near real-time, rather than semi-annual, reporting.<sup>16</sup>

ATIS supports the comments made by Verizon, which question the utility of broadband outage reporting. Such mandatory broadband outage reporting obligations, whether on the Form 477 or elsewhere, “would be ineffective in the context of today’s broadband networks. Providers spend billions of dollars each year to protect and maintain their broadband networks, including by building in redundancy and other protective measures to keep them up and running during public safety events.”<sup>17</sup> In this context, ATIS wishes to draw upon one of the points it made during an *ex parte* presentation to the Commission’s Public Safety and Homeland Security Bureau last October – namely, that the Commission would be better served by working collaboratively with the industry and industry groups such as the NRSC in examining such issues rather than creating reporting obligations on the Form 477 or elsewhere.<sup>18</sup>

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<sup>16</sup> While the Commission’s Disaster Information Reporting System and Network Outage Reporting System may be more appropriate for reporting communications outages, ATIS continues to strongly support the further streamlining of these systems. As it has noted previously in other dockets, there are significant unnecessary burdens associated with communications outage reporting that should be eliminated.

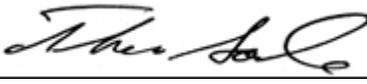
<sup>17</sup> Comments of Verizon and Verizon Wireless at pp. 25-26.

<sup>18</sup> See *Ex Parte* Notification by the Alliance for Telecommunications Industry Solutions in ET Docket No. 04-35, WC Docket No. 05-271, GN Docket Nos. 09-47, 09-51, 09-137 (Oct. 8, 2010).

### III. Conclusion

ATIS appreciates the opportunity to address the comments made in response to the *NPRM*. ATIS strongly supports efforts by the Commission to weigh the benefits and burdens of its data collections, and to eliminate unnecessary collections. ATIS shares the view held by numerous commenters in this proceeding that the Commission must collect only data that is necessary to support its regulatory mandates and not already the subject of other data collection mechanisms. ATIS therefore opposes any expansion of the Form 477 program to collect data on communications outages, as such data is already collected via the established Disaster Information Reporting System and Network Outage Reporting System.

Respectfully submitted

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