

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

In the Matter of)
)
“Need for Speed” Information for) CG Docket No. 09-158
Consumers of Broadband Services)
)

COMMENTS OF VERIZON AND VERIZON WIRELESS

Verizon and Verizon Wireless (“Verizon”) are strong proponents of informed consumer choice and of providing consumers with the information they need about broadband services in order to make those choices. Providers that offer high quality broadband services at competitive prices, as Verizon does, have strong business reasons in the competitive marketplace to give consumers information about the performance of those services, thus empowering consumers to make the right decisions about selecting and staying with a provider. In light of these incentives and the evolving, highly competitive nature of the broadband marketplace, the Commission should avoid prescriptive or heavy-handed regulations that would limit the flexibility of providers to respond to consumers’ changing needs.

While the Commission acknowledges the dynamic nature of broadband performance and consumer needs in its *Notice*,¹ the Commission should also consider the evolving nature of broadband service itself. In particular, wireless broadband service is undergoing a monumental change as some providers such as Verizon install new

¹ See *Consumer and Governmental Affairs Bureau Seeks Comment on “Need for Speed” Information for Consumers of Broadband Services*, Public Notice, CG Docket No. 09-158, DA 11-661, at 3 (Apr. 11, 2011) (“*Notice*”).

networks using 4G LTE technology, while other providers are upgrading their 3G networks to 4G technologies. A broad range of advanced smartphones, tablets, and other devices are being developed and released to run new applications that require the 4G LTE higher speeds and bandwidth. And wireline broadband providers are regularly improving their customers' Internet experience by developing and deploying new technologies. As broadband technology changes, broadband providers' views of what performance information might be useful for consumers are necessarily changing as well. Any Commission-imposed performance testing or disclosure obligations on broadband providers would not be able to keep pace with these changes and could result in meaningless or incomparable performance disclosures that could ultimately confuse customers.

The Commission's recent efforts – with active support from Verizon and other wireline broadband providers – to measure broadband performance may help provide consumers with significant performance information. The Commission is intending to publicly release a report with wireline performance metrics in the near future.² Unless the report demonstrates a material issue with the performance consumers receive or suggests that performance is expected to substantially change over time, the Commission need not take any further action in this regard. The Commission could promote the participation of wireless broadband providers in a similar effort.

² Verizon has provided substantial input to the Commission with respect to the most relevant performance metrics to report. In particular, Verizon has urged the Commission to report the minimum speeds that customers receive 90% of the time so that customers can differentiate those broadband providers that can consistently deliver high speeds. *See Ex Parte Letter from Donna Epps, Verizon, to Marlene Dortch, FCC, Consumer and Information and Disclosure, CG Docket No. 09-158 (May 3, 2011).*

To the extent the Commission may be concerned that consumers would still lack sufficient information to make purchasing decisions, the Commission could encourage broadband providers to adopt voluntary industry guidelines to promote the use of “best practices” for disclosure of performance metrics. As the Commission has seen firsthand over the past year with the collaboration among wireline broadband providers, SamKnows, Commission staff, and other industry stakeholders to develop a performance testing methodology that reasonably measures wireline broadband performance and produces comparable data across different broadband platforms, collaboration works well for an issue involving considerable complexity and the potential to confuse customers with information that does not make sense for all providers.

Similarly, the Commission should let application providers determine how best to disclose an application’s minimum broadband requirements to consumers.

Respectfully submitted,

Michael E. Glover
Of Counsel

/s/ Mark J. Montano
Edward Shakin
Mark J. Montano
VERIZON
1320 North Courthouse Road
9th Floor
Arlington, VA 22201
(703) 351-3158

Attorneys for Verizon

John T. Scott, III
William Wallace
VERIZON WIRELESS
1300 I Street, NW
Suite 400 West
Washington, DC 20005
(202) 589-3770

Attorneys for Verizon Wireless

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