

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

In the Matter of)	
)	
The Proposed Extension of Part 4 of the)	PS Docket No. 11-82
Commission's Rules Regarding Outage)	
Reporting to Interconnected Voice Over)	
Internet Protocol Service Providers and)	
And Broadband Internet Service Providers)	

COMMENTS



Matthew M. Polka
President and Chief Executive Officer
American Cable Association
One Parkway Center
Suite 212
Pittsburgh, Pennsylvania 15220
(412) 922-8300

Barbara S. Esbin
James N. Moskowitz
Cinnamon Mueller
1333 New Hampshire Ave, N.W.
2nd Floor
Washington, DC 20036
(202) 872-6881

Ross J. Lieberman
Vice President of Government Affairs
American Cable Association
4103 W Street, N.W., Suite 202
Washington, DC 20007
(202) 494-5661

Attorneys for the American Cable
Association

August 8, 2011

I. INTRODUCTION

The American Cable Association (“ACA”)¹ offers the following comments in response to the NPRM in above-captioned proceeding.² ACA understands and acknowledges the objectives the Commission seeks to advance by creating a mechanism for the federal government to monitor voice over Internet Protocol (“VoIP”) and broadband Internet service outages on a national scale. However, the rulemaking raises fundamental questions about the Commission’s authority to impose any outage reporting requirements on VoIP and broadband Internet service providers (“ISPs”) that must be resolved before the Commission may lawfully adopt rules.

Should the Commission nonetheless decide to impose outage reporting obligations on VoIP and broadband Internet service providers, there are significant technical and practical obstacles to monitoring outages that a federal rule must taken into account. In the interest of simplicity and clarity, the trigger for any outage reporting requirement must be based on the binary question of whether facilities under the operator’s direct control are “on” or “off” such that signal transmission is possible, rather than a trigger based on the degradation or impairment of the service. Further, the Commission should base outage reporting on the provider’s actual knowledge of the outage, and not impose any prescriptive monitoring obligations, particularly with regard to “special facilities,” which should be narrowly defined. Any rule that results in new network monitoring mandates, whether intentionally or unintentionally, would create a serious and lasting burden on ACA’s members.

¹ ACA represents nearly 900 independent cable companies that serve more than 7.6 million cable subscribers, primarily in smaller markets and rural areas. ACA member systems are located in 49 states, and many U.S. territories. The companies range from family-run cable businesses serving a single town to multiple system operators with small systems in small markets. More than half of ACA’s members serve fewer than 2,000 subscribers. All ACA members face the challenges of upgrading and operating broadband networks in lower-density markets. Most ACA members provide broadband Internet access services, delivering this critical service to smaller-market and rural subscribers across the nation and many ACA members also provide VoIP services as part of a triple-play voice, video and data offering.

² *In the Matter of the Proposed Extension of Part 4 of the Commission’s Rules Regarding Outage Reporting to Interconnected Voice Over Internet Protocol Service Providers and Broadband Internet Service Providers*, Notice of Proposed Rulemaking, 26 FCC Rcd 7166, ¶ 1 (2011) (“NPRM”).

II. THE COMMISSION SHOULD DEFER ANY ACTION IMPOSING OUTAGE REPORTING REQUIREMENTS ON VOIP AND BROADBAND INTERNET SERVICE PROVIDERS UNTIL ITS AUTHORITY TO DO SO IS CLARIFIED.

At the outset, ACA shares the Commission's goal of improving the reliability and security of the nation's broadband network. ACA members have significant, market-based incentives to ensure that their networks operate in a safe and reliable manner and that their customers consistently receive high-quality services. Consequently, these providers invest considerable resources in building and maintaining redundancies in their networks that keep them secure and functioning at all times. As a result, major outages are extremely rare.

As many parties commenting on the Public Notice preceding the NPRM have observed, there is no evidence calling into doubt the resiliency and reliability of broadband networks. Moreover, the demands of a competitive marketplace require broadband ISPs and interconnected VoIP providers to offer highly reliable services, with few disruptive incidents, all without government mandates.³ Thus, the record indicates little need for Commission action aimed at improving network performance, such as requiring outage reporting during and after network disruptions or developing best practices for industry to follow. Moreover, ACA believes that the costs that would be incurred by broadband ISPs and VoIP service providers to develop and deploy systems for reporting outages in the manner suggested by the NPRM would outweigh any putative benefits the Commission anticipates it would gain by collecting such information, and would divert money from other network

³ *Public Safety and Homeland Security Bureau Seeks Comment on Whether the Commission's Rules Concerning Disruptions to Communications Should Apply to Broadband Internet Service Providers and Interconnected Voice Over Internet Protocol Service Providers*, Public Notice, 25 FCC Rcd 8490 (2010) ("PSHSB PN"); see, e.g., *In the Matter of New Part 4 of the Commission's Rules Concerning Disruptions to Communications*, Comments of the Alliance for Telecommunications Industry Solutions, ET Doc. No. 04-35, at 3 (filed Aug. 2, 2010); *In the Matter of New Part 4 of the Commission's Rules Concerning Disruptions to Communications*, Comments of AT&T, ET Doc. No. 04-35, at 6 (filed Aug. 2, 2010); *In the Matter of New Part 4 of the Commission's Rules Concerning Disruptions to Communications*, Comments of the National Cable & Telecommunications Association, at 2 (filed Aug. 2, 2010); *In the Matter of New Part 4 of the Commission's Rules Concerning Disruptions to Communications*, Comments of the United States Telecom Association, ET Doc. No. 04-35, at 1 (filed Aug. 2, 2010); *In the Matter of New Part 4 of the Commission's Rules Concerning Disruptions to Communications*, Reply Comments of Spring Nextel, ET Doc. No. 04-35, at 2-3 (filed Aug. 16, 2010).

upgrades that would increase speeds and expand coverage, other objectives important to the Commission.

More importantly, absent clarification by the Commission regarding the regulatory classification of VoIP and broadband Internet access services under the Communications Act, the Commission's lawful authority to impose its Part 4 reporting scheme on providers of VoIP and broadband Internet services remains unsettled.⁴ The NPRM posits that the Commission may impose outage reporting requirements on providers of interconnected VoIP and broadband Internet services under its direct and ancillary statutory authority to ensure that IP-enabled voice service providers provide 9-1-1 service and enhanced 9-1-1 service to their subscribers pursuant to Section 615(a) of the Communications Act.⁵ Yet it also asks "commenters to address other potentially relevant sources of authority, including ancillary jurisdiction pursuant to Sections 1302(a) and (b), while indicating the Commission's awareness that many commenters to the *PSHSB PN* had expressed the view that the Commission either "has no legal authority, has not yet demonstrated its legal authority, or has questionable legal authority."⁶ The Commission thus appears fully aware that its jurisdiction to impose outage reporting requirements on providers of VoIP and broadband Internet service is far from settled, and that the question directly affects the nature and extent of the obligations it may lawfully impose. Even some commenters asserting that the Commission has the requisite legal

⁴ See NPRM ¶¶ 71-72; *Comcast Corp v. FCC*, 600 F.3d 642 (D.C. Cir. 2010)(vacating enforcement action on the ground that the Commission had "failed to tie its assertion of ancillary authority over Comcast's Internet service to any 'statutorily mandated responsibility'"). The Commission's recent *Open Internet Order* posits alternative jurisdictional bases for direct regulation of providers of "broadband Internet access service," which too are likely to be tested in court upon publication of the rules in the Federal Register. *Preserving the Open Internet, Broadband Industry Practices*, Report and Order, 25 FCC Rcd 17905, ¶¶ 52-59(2010).

⁵ NPRM at ¶¶ 67-69. ACA notes that the link between the obligation to ensure 9-1-1 compliance by VoIP providers and the imposition of network outage reporting requirements on VoIP and broadband Internet service providers is tenuous, supporting the Commission's assertion of direct and ancillary jurisdiction is tenuous, at best in the case of VoIP services, and altogether lacking in the case of broadband Internet service providers..

⁶ NPRM at ¶ 72 (footnotes omitted).

authority to move forward with its outage reporting proposals also recommend that the Commission “should first resolve the issue of its authority before it extends the Part 4 reporting requirements.”⁷ It is therefore evident that widespread concern exists as the precise legal basis for this action, even among entities who believe that such jurisdiction exists.

ACA too agrees that significant questions exist concerning the Commission’s authority to expand its outage reporting requirements as proposed in the NPRM, and that the better course of action is to resolve those questions before proceeding. The Commission’s Part 4 network outage rules were imposed under the Commission’s Title II authority over common carriers and were designed specifically for application to circuit-switched telephone networks.⁸ In contrast, cable modem service providers and wireline broadband ISPs are currently classified as “information service” providers under the Act and the Commission’s rules, and accordingly are generally not subject to Title II rules or regulations.⁹ Nonetheless, the Commission has had pending since 2004 a rulemaking considering whether and how ISPs and other providers of IP-enabled services can be regulated under the Act, and more recently has launched a re-examination of its cable modem and wireline broadband classification decisions in its “Third Way” Notice of Inquiry.¹⁰ Clearly, the regulatory status of all IP-enabled services under the Act is in flux at the Commission at the present time. As the NPRM notes, many providers responding to the *PSHSB PN* urged the Commission to refrain from imposing its Part 4 outage reporting requirements on providers of broadband Internet

⁷ *Id.* at ¶ 72 n. 147, quoting Comments filed by the California Public Utilities Commission at 6-7.

⁸ 47 U.S.C. § 201 et seq.

⁹ See *Inquiry Concerning High-Speed Access to the Internet Over Cable and Other Facilities; Internet Over Cable Declaratory Ruling; Appropriate Regulatory Treatment for Broadband Access to the Internet Over Cable Facilities*, Declaratory Ruling and Notice of Proposed Rulemaking, 17 FCC Rcd 4798, ¶ 59 (2002); *Appropriate Framework for Broadband Access to the Internet Over Wireline Facilities et al.*, Report and Order and Notice of Proposed Rulemaking, 20 FCC Rcd. 14853 (2005).

¹⁰ *In the Matter of IP Enabled Services*, Notice of Proposed Rulemaking, 19 FCC Rcd 4863 (2004); *In the Matter of Framework for Broadband Internet Service*, Notice of Inquiry, 25 FCC Rcd 7866, ¶ 2 (2010) (“Third Way”).

and interconnected VoIP services until the Commission resolves the regulatory classification issues and thereby clarifies its authority to regulate these services.¹¹

ACA wholeheartedly agrees that the Commission should first resolve the underlying jurisdictional issues before imposing additional regulatory mandates on broadband ISPs and providers of VoIP services. Resolution of the regulatory classification issues in these pending proceedings is likely to directly affect the Commission's ability to apply specific regulatory mandates to VoIP and broadband Internet service, including its Part 4 outage reporting requirements. Absent clarification by the Commission regarding the regulatory classification of VoIP and broadband Internet access services under the Communications Act, the Commission's lawful authority to impose its Part 4 reporting scheme on VoIP and Broadband Internet services remains, at best, unsettled. Good policy and practice dictates that the Commission first resolve these foundational questions and then examine whether and how to impose new network outage reporting requirements on providers of broadband Internet and VoIP services.

In light of the lack of need for government action concerning network disruptions, the potential burden that outage reporting requirements could impose on ACA members (discussed more fully below), and widely acknowledged jurisdictional concerns, and ACA believes that the best course of action with regard to the Commission's proposals in the NPRM is to refrain from imposing additional reporting requirements on providers of VoIP and Broadband Internet service at this time.

III. ANY OUTAGE REPORTING REQUIREMENTS MUST NOT IMPOSE NEW BURDENS ON VOIP AND BROADBAND INTERNET NETWORK OPERATORS

Despite ACA's recommendation that the Commission refrain from adopting rules in this proceeding at the present time, ACA recognizes that the Commission may nevertheless choose to adopt some form of outage reporting requirements in this proceeding.¹² First and foremost, the

¹¹ See NPRM ¶ 72 & n. 147- 149.

¹² Because VoIP services ride over the same facilities and are dependent on broadband Internet services, the technical concerns that ACA raises with respect to Broadband ISP outage reporting apply with equal

Commission must recognize that there are many varieties of broadband networks in the field, each with unique designs and differing capabilities. Moreover, operators of these networks employ different equipment and techniques for monitoring the health of their networks. For example, broadband providers that offer VoIP service over traditional cable plant may have different network designs and monitoring capabilities than those that do not offer VoIP service, and both may be different from providers using digital subscriber line (“DSL”) technology. In that case, reporting requirements adopted by the Commission may be possible for some networks, and not for others, and any obligations that the Commission proposes must be carefully tailored to match the existing technical characteristics and capabilities of all the various broadband networks.

In the normal course of business, ACA’s members are concerned about network outages, and utilize a variety of methods, some more precise than others, to determine when, where, and why the network has gone down. Accordingly, the Commission must understand these practices, and formulate outage reporting requirements that do not require broadband network operators to develop new information that they do not currently have the ability to collect. A rule that requires monitoring over and above that which broadband ISPs are currently capable of could require significant new expenditures in network monitoring equipment, software, and personnel. Such a requirement would place additional burdens on ACA members, who are already actively investing in their broadband networks to increase capacity, extend their networks, and increase redundancy to limit outages. This would be particularly problematic at a time when ACA’s members face serious capital constraints in a difficult economy.

ACA urges the Commission to take particular care to refrain from layering successive regulatory burdens on small and rural broadband ISPs as the Commission shifts its regulatory focus from traditional common carrier communications services to IP-based services. Each new regulatory

force to VoIP reporting. In the interest of brevity, ACA will address the Commission’s proposals for both of these services together. This is notwithstanding ACA’s separate concerns regarding the Commission’s jurisdiction over each individual service.

mandate imposes costs and each new mandate requiring reporting to the Commission affects small providers disproportionately. The many small and rural providers comprising ACA's membership play a critical role in ensuring that consumers in these areas have access to broadband Internet services. In order for the Commission to fulfill the national objective of promoting the deployment and adoption of broadband services,¹³ it must work to ensure that these providers are not saddled unnecessarily with burdensome regulatory reporting requirements that do not make sense in light of their limited size and resources. In addition, in light of the discretionary nature of the Commission's goals in seeking outage reporting, and the untested nature of the Commission's authority to regulate these services, particularly with regard to broadband Internet services, should the Commission go forward with its outage reporting proposals, it should apply the requirements in the least intrusive and burdensome manner possible.

ACA responds below to some of the specific substantive questions posed in the *NPRM* and reaches the following conclusions regarding the FCC's proposal to apply its Part 4 outage reporting regulations to VoIP and broadband service providers:

- The Commission should base outage reporting requirements on clear and unambiguous standards rather than the proposed service degradation standard.
- The Commission should base outage reporting requirements on the provider's actual knowledge of the outage, and not impose any prescriptive monitoring obligations, particularly with regard to "special facilities," which should be limited to an enumerated list.

IV. THE COMMISSION SHOULD BASE OUTAGE REPORTING REQUIREMENTS ON CLEAR AND UNAMBIGUOUS STANDARDS RATHER THAN THE PROPOSED SERVICE DEGRADATION STANDARD.

In the *NPRM*, the Commission proposes to apply Part 4 of the Commission's rules to VoIP and broadband ISPs.¹⁴ These rules require that notice of service outages be sent to the Commission

¹³ See, e.g., American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, § 6001(k)(2)(D), 123 Stat. 115, 516 (2009) (directing the FCC to develop a plan for ensuring that all people of the United States have access to broadband capability and establishing benchmarks for meeting that goal); *In re A Nat'l Broadband Plan for Our Future*, 24 FCC Rcd 4342 (2009).

¹⁴ *NPRM* at ¶ 1.

and to certain customers, particularly public safety answering points (“PSAPs”), when specified triggering event occur. The NPRM proposes that for VoIP and broadband ISP services these triggering events include an outage of at least 30 minutes that (a) occurs on a “major facility,” which for VoIP services includes Call Agents, Session Border Controllers, Signaling Gateways, CSCFs or HSSs, and for an ISP service includes DNS servers, DHCP servers, or HSSs, and (b) potentially affects the “generally useful availability of and connectivity” of at least 900,000 user minutes, which the Commission proposed to measure using measures of packet loss, jitter, and latency; or (c) potentially affects a “special office,” which the Commission has proposed to define as including major military installations, key government facilities, nuclear power plants, airports, and PSAPs.¹⁵

Among the specific questions posed in the NPRM concerning the trigger events is whether an outage should be defined as “the loss to the end user of generally-useful availability and connectivity” as experienced by the end user.¹⁶ The NPRM devotes several detailed paragraphs to various technical questions relating to how this standard would work in the context of VoIP service providers and broadband ISPs.¹⁷ Among the questions posed is whether, for broadband Internet service providers, the “‘loss of generally-useful availability and connectivity’ can be measured using metrics defined by the IETF, such as packet loss, round-trip latency, or jitter, from the source to the destination host?”¹⁸

The Commission must not adopt an outage reporting standard that effectively requires VoIP service providers and broadband ISPs to monitor facilities that they do not control, such as upstream facilities beyond the Internet point of presence (“PoP”) or downstream facilities such as the inside

¹⁵ *Id.* at ¶¶ 29, 41–42.

¹⁶ *Id.* at ¶¶ 29, 41. The NPRM defines a broadband Internet service provider as including both facilities based and non-facilities based broadband Internet service providers and broadband backbone providers. *Id.* at ¶¶ 31-32.

¹⁷ *Id.* at ¶¶ 28-29, 40-43.

¹⁸ *Id.* at ¶ 42.

wiring in a consumer's home. Additionally, significant difficulties will arise if smaller providers are called upon to determine whether some specific, quantifiable level of service is actually being received by their subscribers over their distribution networks for the purpose of outage reporting. ACA members today do not collect and analyze the information the Commission suggests would be used to determine whether an outage has occurred on their VoIP or broadband network, and doing so would require purchasing equipment and software, and expending staff hours to analyze the data.¹⁹ For example, most ACA members typically do not have monitoring equipment deployed deep enough into their networks to allow them to determine with any precision if service degradation is impairing service beyond the cable modem terminating system ("CMTS"). As a result, it is simply not possible for ACA's members to measure directly the level of packet loss, jitter, and latency being experienced by their customers.²⁰ Requiring such reporting would be particularly problematic in the

¹⁹ However, it should be noted that many hundreds of small providers, including many of ACA's members, use turn-key managed network service providers to manage and operate their broadband networks. These smaller network operators do not operate network operations centers ("NOCs") and do not have direct access to any network operational telemetry.

²⁰ ACA, along with the National Telecommunications Cooperative Association ("NTCA") and the Organization for the Promotion and Advancement of Small Telecommunications Companies ("OPASTCO") explained to the Commission in relation to the recent Open Internet disclosure requirements:

With respect to disclosure of actual latency information, smaller broadband ISPs report that residential customers seldom, if ever, request this data about network performance, and most neither track this information on a network-wide basis nor have the capability to easily do so. Moreover, very few smaller broadband ISPs currently have the capability to automatically test that performance attribute for any individual customer. If the *Open Internet* disclosure rules were interpreted to require an automated testing obligation to measure latency, most smaller providers would need to expend substantial resources to install the necessary monitoring equipment, conduct testing, and collect and analyze data. Some smaller broadband ISPs may have the existing capability to undertake manual testing of latency for an individual customer to the extent it is similar to tests they conduct when troubleshooting a line. However, this too would impose a significant burden on these smaller broadband providers unless the methodology is simple and the testing sample very small. Consequently, in lieu of conducting testing, we believe it should be sufficient for all smaller broadband ISPs (again all wireline broadband ISPs not involved in the SamKnows testing process) to post a general description of the factors contributing to latency, and, if at all possible, provide a link to objective and accepted reports on that subject that would be particular to their network infrastructure (e.g., FTTH, DOCSIS or DSL)

case of localized outages, congestion, or disruptions that do not affect the operator's entire plant, but may impact a portion of the network, including those portions serving a "special office" under the Commission's Part 4 rules.

For these reasons, if the Commission imposes outage reporting, which ACA believes it should not until the issues surrounding its legal authority are resolved, the Commission must not adopt the "generally-useful availability and connectivity" standard proposed in the NPRM.²¹ Rather, it should employ a standard that is based on a measure of whether a provider's customers have a functioning connection to the Internet or not. For broadband providers, this approach is more straight-forward and clear. Attempting to establish reporting thresholds based on metrics such as packet loss, latency, or jitter, for example, would require continual monitoring and would likely require providers to implement costly and burdensome new mechanisms for capturing this data. Applying a standard that requires knowledge of the characteristics of the signal received by the end user will simply increase the uncertainty, complexity and costs of compliance with the rule, while doing little to promote the Commission's objectives of gathering information useful for improving the resiliency of the nation's broadband infrastructure.²²

With respect to determining the number of users affected by an outage, the best approach would be to (i) either directly count or estimate every user whose service is blocked by the failure of a major component within the CMTS or between the CMTS and the Internet POP or (ii) in the case of cable broadband ISPs, use a count or estimate of the cable modems that are out of service, which

Ex Parte Letter from Ross J. Lieberman, Vice President of Government Affairs, American Cable Association, Michael R. Romano, Senior Vice-President – Policy, National Telecommunications Cooperative Association, and Stuart Polikoff, Vice President – Regulatory Policy, Organization for the Promotion and Advancement of Small Telecommunications Companies, to Marlene Dortch, Secretary Federal Communications Commission, dated June 8, 2011, p. 3 (filed in Doc. Nos. GN 09-191, WC 07-52).

²¹ NPRM at ¶ 42.

²² *Id.* at ¶ 11.

can be measured indirectly through a count of IP addresses associated with cable modems affected by an outage.

V. THE COMMISSION SHOULD BASE OUTAGE REPORTING ON THE PROVIDER'S ACTUAL KNOWLEDGE OF THE OUTAGE, AND NOT IMPOSE PRESCRIPTIVE MONITORING OBLIGATIONS, PARTICULARLY REGARDING "SPECIAL FACILITIES," WHICH SHOULD BE LIMITED TO AN ENUMERATED LIST

ACA is also concerned by the NPRM's proposal to require broadband ISPs to notify the Commission where "special facilities" experience an outage. Most, if not all of ACA's members utilize distribution network architectures that do not contain an inherent ability to determine *with certainty* whether a localized outage affects a specific end user. Determining whether an end user has lost service as a result of the malfunction of a major component in the CMTS may be possible because problems of this sort often impact the entire network, or large portions of the network, and are easily identified. However, determining whether a specific customer has lost service due to a problem beyond the CMTS, such as a fiber cut or localized power outage, is much more difficult for most ACA members.

Some ACA members can manually monitor whether a specific customer's cable modem goes offline. An offline cable modem may indicate, but will not necessarily specify, a service disruption because a modem can go offline for other reasons, such as an end user unplugging the device when it's not in use to save electricity usage. Moreover, even when a cable operator determines that a cable modem is online, that does not necessarily indicate that the subscriber's broadband Internet service is functioning properly because there may be a service outage due to a problem originating between the CMTS and the Internet PoP. In most cases, unless there is a significant disruption, where a large percentage of modems simultaneously go offline, it is difficult for the operator to determine the experience of a specific user. In such cases, determining outages may rely on less technical methods, such as fielding a call from a user that has lost broadband Internet service.

To determine more specifically would require the installation of new equipment, new software, or both. Accordingly, because broadband ISPs in small markets and rural areas often rely on end users to inform them when they are experiencing an outage, the Commission should make clear that the reporting requirement is triggered when the service provider actually becomes aware of the outage.

Similarly, the Commission must refrain from creating a rule that requires broadband ISPs to proactively query whether every small outage that occurs on their networks affects the facilities of a “special office.” This would be particularly burdensome for small and rural broadband ISPs and becomes particularly unmanageable the more broadly the Commission defines what is included within the meaning of “special office.” Further, many of ACA’s members are required to provide communications services to local governments as a condition of their local franchises. As a result, in some areas these providers serve a disproportionate number of governmental offices. These providers have neither the equipment, sophisticated software, nor the expert personnel to run such queries efficiently every time there is an outage on the network.

Finally, the NPRM is not sufficiently clear about what kinds of government institutions will be considered “special offices” triggering the reporting requirement. In order to lessen the burden on small and rural broadband service providers, if the Commission is going to keep a “special office” reporting trigger, it must specify the types of municipal, local and state government facilities that trigger federal reporting requirements in an enumerated list, and that list should be kept very short.

VI. CONCLUSION

In sum, if the Commission adopts outage reporting requirements for providers of VoIP or broadband Internet services at this time, which ACA recommends against, it must ensure that any outage reporting requirement it implements can be easily implemented by even the smallest rural provider using existing technologies and network capabilities. Requiring system operators to continuously monitor upstream traffic flows and end user connectivity could cause significant burdens

for the smallest and most vulnerable broadband systems. Such a rule could have the unintended consequence of requiring small broadband providers to engage in system monitoring activities that they are technically unable undertake. This would impart significant costs in terms of new software, equipment, as well as personnel. As the Commission seeks to encourage rural broadband deployment, it must avoid layering any unnecessary burdens on those operators least able to shoulder them.

Respectfully submitted,

AMERICAN CABLE ASSOCIATION

By: 

Matthew M. Polka
President and CEO
American Cable Association
One Parkway Center
Suite 212
Pittsburgh, Pennsylvania 15220

(412) 922-8300

Ross J. Lieberman
Vice President of Government Affairs
American Cable Association
4103 W Street, N.W., Suite 202
Washington, DC 20007

(202) 494-5661

August 8, 2011

Barbara S. Esbin
James N. Moskowitz
Cinnamon Mueller
1333 New Hampshire Ave,
2nd Floor
Washington, DC 20036

(202) 872-6881

Attorneys for American Cable Association