



Federal Communications Commission
Washington, D.C. 20554

April 16, 2012

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: Consumer Information and Disclosure Public Notice CG Docket No. 09-158, CC Docket No. 98-170, WC Docket No. 04-36, GN Docket No. 09-191; WC Docket No. 07-52

Dear Ms. Dortch:

On April 4, 2012, ISPs and representatives of other organizations and companies met with members of the Commission to discuss issues associated with the Commission's 2012 broadband measurement and performance program. The meeting focused on a discussion by Commission Staff and SamKnows of the decision to extend data gathering until April 30, 2012, for an additional month. A full list of meeting attendees and the slide presentation presented are attached to this filing.¹

Walter Johnston and James Miller, Office of Engineering and Technology, explained that the decision to extend data gathering was made to ensure the fairest comparative basis for the data to be reported in the First 2012 Measuring Broadband America Report. Sam Crawford of SamKnows discussed that on March 23, SamKnows' monitoring protocols that track differences in ISP and Measurement Lab (M-Lab) server performances first identified technical issues associated with data gathered at M-Lab on points of presence in New York. SamKnows communicated the observed throughput issues to M-Lab on March 26, and later on March 30 identified broader issues with data gathered from tests performed against the Los Angeles points of presence and other servers at New York.

Thomas Gideon and Sasha Meinrath of M-Lab discussed the technical nature of the server issues observed at the New York and Los Angeles nodes. Over a five month period, a very gradual degradation of network capacity has been identified. While many of M-Lab existing monitoring mechanisms track changes in performance of M-Lab servers, the gradual pace and long timeline of the performance degradations made the problem difficult to track and were described as the reason monitoring mechanisms failed to identify the performance degradations. After SamKnows identified and reported the performance variations to M-Lab, a solution was identified and monitoring procedures were updated. M-Lab reported that after rebooting of the servers, performance returned to optimal levels. While the precise root cause was not known at the time of the meeting, at the time of filing the cause has been discovered and appropriate watchdogs are currently deployed.

Commission Staff sought input on what steps may be appropriate in order to disclose any potential impact of the server issues on the quality of data gathered October through March before updated procedures were adopted. Participants expressed views that because the data released by the Commission is used to make comparisons of performance between broadband providers the Commission should be cautious in how the data is released. Participants discussed the need for a prominent disclosure stating a potential impact on accuracy of the data from the performance degradations of M-Lab servers. Other stakeholders discussed a view that the scope of any statistical impact on data should be analyzed and the results be the basis for any disclaimer to collected data. Other participants stated that SamKnows' ability to observe and

¹ The slide presentation is attached in Appendix A.

track performance variations between ISP and M-Lab collected data demonstrated a sufficient impact to describe the disclaimer. Commission staff stated a draft disclaimer to accompany data in the potentially affected period would be drafted and discussed again in the future.

Ariela Fish of SamKnows discussed new operational milestones for the April 1, 2012 – April 30, 2012 data gathering period. Under the revised schedule, SamKnows' data export and analysis will occur on May 27, 2012, with a provisional report delivered to the Commission on June 11, 2012, and the First 2012 Report will be released in Early July.

Progress of work on the next generation and consumer-oriented visualization tools groups and other miscellaneous matters were also discussed. The group discussed plans to meet again at the conclusion of the April reporting month to discuss issues related to the conclusion of the trial and analysis of data for the first 2012 Report.

Sincerely,



Walter Johnston, Chief
Electromagnetic Compatibility Division/OET

Attendees

Name	Organization
Jim Smith	ATT
Ken Koh	Adtran
Anita Dear	Cablevision
Paul Jamieson	Cablevision
Jeb Benedict	Centurylink
Mary Retka	Centurylink
Michael Bugenhagen	Centurylink
Paul Diamond	Centurylink
Crystal Tully	Charter
Marc Linsner	Cisco
Russ Gyurek	Cisco
David Don	Comcast
Mary McManus	Comcast
John Jay	Corning
James Miller	FCC
Walter Johnston	FCC
Mike Saperstein	Frontier
David Horne	Intel
Powell M. Bedgood	Mediacom
Jim Partridge	NCTA
Sasha Meinrath	New America/M-Lab
Thomas Gideon	New America/M-Lab
Ariela Fish	SamKnows
Neil Campell	SamKnows
Sam Crawford	SamKnows
Jason Weil	Timewarner Cable
Terri Natoli	Timewarner Cable
Chris Stengrim	Timewarner Cable
Donna Epps	Verizon

Appendix A