



Federal Communications Commission
Washington, D.C. 20554

April 30, 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,

Dear Ms. Dortch:

On April 25, 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 the status of data collection efforts for the agreed reporting month of April, as well as, treatment of data from the previous month. A full list of meeting attendees is attached to this filing.

Alex Salter of SamKnows reported that data collection was proceeding smoothly and was expected to complete, as planned, at the end of April for incorporation in the Commission's report. Mr. Salter noted that the M-Lab Mountain View server experienced a problem, which was quickly detected by SamKnows and reported to M-Lab. M-Lab responded promptly and the problem was solved with no impact on data gathering. It was noted that this problem was unrelated to the earlier problem involving server performance which caused the March dataset to be discarded for purposes of comparison in the Commission's report.

Meredith Whitaker of Google and Thomas Gideon of M-Lab/New America requested access to the March dataset for purposes of analysis and to further determine the impact of server issues on data collection. After a discussion on confidentiality of data, it was agreed that Meredith Whitaker would provide a draft NDA with material covering the following points:

1. Use of such data would be limited to use only for the purpose of analysis regarding impact of the fault on both the data collection process, performance measures, and network impact;
2. A description of the incident, time intervals involved, root cause and resolution would be included;
3. Each person having access to the data would be required to sign the NDA;
4. Specific identities of individual companies involved during this period would not be disclosed in any report or discussion resulting from the use of such data; and
5. Only data for M-Lab servers will be requested.

Walter Johnston indicated that the M-Lab document would be circulated to the ISPs involved in the data collection effort for comment and approval upon receipt. It was also agreed that each network outage or impairment, such as the recent Mountain View incident, would be communicated to SamKnows. Ms. Whitaker indicated that M-Lab had instituted an incident reporting system and that such information would be communicated to SamKnows when generated by incidents.

Jim Partridge of NCTA discussed concerns related to how the March data should be treated and whether it should be publically released. Walter Johnston indicated that he felt the Commission had an obligation to both publish the data in response to M-Lab policy, and ensure the data is accurately framed for potential

as being suitable for ISP comparison purposes. Participants shared views that the data should be both “quarantined” from data used for comparison purposes, and clearly labeled to indicate impairments. Mr. Partridge and Doug Young of Verizon volunteered to provide draft language to address the issue of how this data should be presented and labeled.

The meeting concluded and participants discussed plans for a future meeting to review the progress of program’s data collection and analysis.

Sincerely,

A handwritten signature in blue ink, appearing to read "Walter Johnston", with a long, sweeping flourish extending to the right.

Walter Johnston, Chief
Electromagnetic Compatibility Division/OET

Attendees

Name	Organization
Jim Smith	ATT
Mike Pfau	ATT
Tom Anschutz	ATT
Ken Koh	Adtran
Paul Jamieson	Cablevision
Jeb Benedict	Centurylink
Mary Retka	Centurylink
Michael Bugenhagen	Centurylink
Paul Diamond	Centurylink
Crystal Tully	Charter
Dave Rodrian	Charter
Dave Rodrian	Charter
Jeanne Cooper	Charter
Jeanne Cooper	Charter
Russ Gyurek	Cisco
Chae Chung	Comcast
David Don	Comcast
Mary McManus	Comcast
John Jay	Corning
Anita Dear	Cox
Paul Cain	Cox
James Miller	FCC
Walter Johnston	FCC
Mike Saperstein	Frontier
Meredith Whittaker	Google/M-Lab
David Horne	Intel
Dave Rerko	JDSU
Thomas Cohen	Kelley Drye & Warren
Steve Bauer	MIT
Powell M. Bedgood	Mediacom
Jim Partridge	NCTA
Steve Morris	NCTA
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
Chris Martin	Verizon
David Young	Verizon

Donna Epps
Kitty O'Hara
Mark Montano
Jennie Chandra

Verizon
Verizon
Verizon
Windstream