



Federal Communications Commission
Washington, D.C. 20554

June 12, 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 June 6, 2012, broadband providers 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 of the status of data collection efforts, SamKnows further analysis of incidents observed at the Mountain View M-Lab facilities in April 2012, further review of an NDA responding to a request by M-Lab to access March 2012 data, and continued discussion of treatment of data from March 2012 and review of a draft disclaimer. Circulated materials and a full list of meeting attendees are attached to this filing.¹

SamKnows reported that analysis of April 2012 results was proceeding smoothly, and Sam Crawford of SamKnows presented further analysis of a performance degradation observed at the Mountain View M-Lab node in April.

As a result of diagnostics put in place after March 2012, Mr. Crawford reported at the June 6, 2012 meeting that performance irregularities were observed in April 2012 at the Mountain View M-Lab node. Mr. Crawford had reported that initial analysis suggested the impacts of the performance degradations to be less than 24 hours, but shared the results of further analysis that demonstrated the duration of the event could be first observed in the morning of April 8, persisting until being resolved in the evening of April 13. All broadband providers testing against the server were observed to be impacted. SamKnows reported that analysis performed independently by NetForecast agreed with their conclusions, and that the significant drops in performance demonstrated an easily recognized traffic profile. SamKnows statistical review demonstrated that data for all providers for the affected period could be removed from reporting for the April report without statistical impact. Commission staff discussed the view that while only providers with clients tested against the Mountain View server were impacted by the event, excluding the data for the period for all providers would preserve the fairest baseline for comparisons of all providers in the upcoming report.

James Miller discussed the ongoing review of a Non-Disclosure Agreement (NDA) requested by

¹ Draft disclaimer language circulated at the meeting is attached in Appendix A.

M-Lab to gain access to March 2012 data to complete a detailed technical analysis of performance anomalies observed on the M-Lab platform. Broadband providers' representatives requested additional time to review the final agreement. Mr. Johnston proposed that extending providers an opportunity for a brief final review would not be overly burdensome, and Mr. Miller requested that comments be received no later than Friday, June 8, when the Commission may direct SamKnows to move forward with agreement.

Providers were urged to complete the final validation of their subscribers' speed to tiers to ensure that data analysis can be completed as soon as possible. Participants requested feedback on the validation process and SamKnows discussed features of the review of validation responses by providers. Mr. Johnston suggested that SamKnows provide more information at the next meeting.

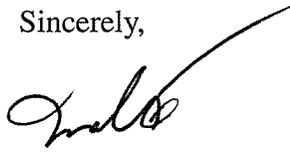
Mr. Johnston answered questions regarding the timing of the release of the report and suggested that an early July schedule was still expected. He noted the experience developed drafting the 2011 report and the more focused approach for the 2012 reports, in answering concerns raised about whether release of the report might slip. New additions to the report focusing on how 2011 participants subscribed tiers and performance may have changed in 2012 are not likely to impact the schedule of the release. In response to requests for clarification, Mr. Johnston explained that the report would include discussion of the justifications for excluding data from April 8 through April 13 and from March 2012 from the report. Mr. Johnston also discussed the disclaimers and safeguards that could be implemented to ensure that data impacted by measurement errors be clearly labeled as inappropriate for comparison of broadband providers' performance if a decision was made to release that data. Mr. Miller discussed revised draft language reflecting contributions since the prior meeting, and proposed to include a suggested edit to remove references to specific dates in the disclaimer.

Participants shared concerns regarding the instabilities observed on the M-Lab platform and what plans the Commission has for addressing potential future anomalies and the possible exclusion of data to be gathered in upcoming reporting period in August. Mr. Johnston explained that the finer-tuned diagnostic tools are now capable of identifying and resolving issues much more quickly, and suggested that a plan for increasing the diversity of measurement sources with new submissions may also be discussed at the next meeting. Participants queried whether provider donated test nodes could be included in the testing platform with the next data gathering. Commission staff revisited that participants were invited in February 2012 to submit proposed criteria for how provider donated test nodes could be incorporated into the recorded data sets, and that enabling providers to assume a greater diversity of roles in program is a long term goal. It was discussed that Commission Staff and SamKnows could facilitate discussion by developing a baseline for discussions to be circulated for feedback.

Concerns were shared that with only 60 days before the proposed August measurement cycle for the fall 2012 report, more time would be needed to incorporate new measurement servers into the platform. Mr. Johnston discussed the possibility of delaying the data gathering for the fall report to October to allow time to incorporate new nodes into the architecture.

The group discussed its plans for the next meeting on June 27 to focus more discussion of increasing the diversity of measurement nodes, the validation process, and progress on data analysis and drafting of the First 2012 report.

Sincerely,

A handwritten signature in black ink, appearing to read 'Walter Johnston', with a long, sweeping flourish extending upwards and 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
Christin McMeley	Charter
Crystal Tully	Charter
Dave Rodrian	Charter
Jeanne Cooper	Charter
Marc Lisner	Cisco
Russ Gyurek	Cisco
Chae Chung	Comcast
David Don	Comcast
Mary McManus	Comcast
John Jay	Corning
Anita Dear	Cox
Grace Koh	Cox
Paul Cain	Cox
Alec Macdonell	FCC
Daniel Kirschner	FCC
Deborah Broderson	FCC
James Miller	FCC
Jose Trevino	FCC
Walter Johnston	FCC
Mike Saperstein	Frontier
David Horne	Intel
Dave Rerko	JDSU
Thomas Cohen	Kelley Drye & Warren
Steve Bauer	MIT
Powell M. Bedgood	Mediacom
Jim Partridge	NCTA
Steve Morris	NCTA
Peter Sevcik	Netforecast
Andrew Reynolds	New America / M-Lab
Benjamin Lennett	New America/M-Lab
Ashutosh Dutta	Niksun
Ariela Fish	SamKnows

Neil Campell	SamKnows
Sam Crawford	SamKnows
Jason Weil	Timewarner Cable
Terri Natoli	Timewarner Cable
Chris Stengrim	Timewarner Cable
Glenn Reynolds	US Telecom
Chris Martin	Verizon
David Young	Verizon
Donna Epps	Verizon
Kitty O'Hara	Verizon
Mark Montano	Verizon
David Curran	Windstream
Malena Barzilai	Windstream