



Federal Communications Commission  
Washington, D.C. 20554

July 10, 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 28, 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 the July 2012 Report, further discussion on the treatment of data sets including anomalies, and other matters related to the conclusion of data collection and release of the July report. A full list of meeting attendees is attached to this filing.

The meeting opened with discussion of the content of the July 2012 Report. Mr. Johnston indicated that while the report results could not be discussed, the format would be similar to the previous report with the major metrics carrier forward. He discussed that some additional charts would also be included. Mr. Johnston also indicated that in addition to the report, the Technical Appendix describing the methodology would be published together with a spreadsheet of detailed statistical measures, chart data, and the data set upon which the report was based. Ms. Whitaker requested that the methodologies involved in the testing be disclosed. Mr. Johnston indicated that the material on the FCC website "Measuring Broadband America" included such a description, principally in the Technical Appendix and that an updated set of material would be published on the FCC website associated with the July Report. However, he noted that he would welcome any suggestions for improvements from participants.

Though no datasets containing anomalies due to network failures would be used for the July 2012 Report, further discussion of how to handle the possible release of those datasets was raised by Meredith Whitaker of Google. Ms. Whitaker noted she had sent descriptive language covering these datasets to Mr. Johnston shortly before the meeting. She also wished to make clear that of the two incidents of anomalies reported, in April and in March, only the March incident involved the M-Lab platform and the April incident involved network problems beyond the M-Lab platform itself that affected other Internet users as well, besides M-Lab. Mr. Johnston indicated that he had received a note from Steve Bauer/MIT covering these issues and largely agreed with many of Mr. Bauer's viewpoints, but had not yet had time to review Ms. Whitaker's suggested descriptive. In addition, Mr. Johnston noted that the drafting of statements to describe the datasets was agreed at prior meetings to be conducted as a collaborative process.

Ms. Whitaker noted that Mr. Bauer's preliminary analysis indicated that the March anomaly likely affected only a fraction of the data. Mr. Johnston agreed, but noted that it also affected participants unevenly due to factors such as proximity to affected server and service areas of individual participants. Ms. Whitaker noted that M-Lab had been analyzing the anomalies using data obtained under a non-disclosure agreement with the FCC and that Mr. Bauer was undertaking a similar analysis. Ms. Whitaker indicated that this analysis would be essential to understanding the actual impact on the data collected and cautioned that such data would still be useful. Mr. Johnston, while agreeing that such data could be useful

for research purposes, in the interests of fairness, it could not, as previously decided, form a comparative basis for the FCC report. Steve Morris, NCTA, indicated his view that release of anomalous data should be delayed from release of the report and data associated with the report so it would not confuse information presented in the report. Mr. Johnston agreed, and suggested that, in consideration of the future outage and data analysis, discussions be suspended on how to characterize the anomalous data for possible release until these reports were available and could be incorporated into the general discussion of whatever characterizations or labels should be applied to the data. Mr. Johnston also inquired as to whether M-Lab maintained a log of such outages and whether the log could be made available to participants. Ms. Whitaker indicated that an outage log was maintained and that M-Lab was working on a process to make it available.

Mr. Johnston noted that in response to concerns raised at earlier meetings, he had been working with SamKnows to examine means to increase the reliability of the overall collection process. Mr. Johnston noted that a key concern is that the failure of a single server imperils the collection effort and as Mr. Bauer noted in his memo, 100% stability of a server or server platform is difficult to achieve, and of particular consequence when measuring ISPs that span the nation.

Mr. Johnston noted that many ISPs had invested in their own test servers using SamKnows provided software for audit and other purposes and that extensive data collection has demonstrated close compliance with such “off-net” servers with M-Lab servers. Mr. Johnston noted that discussion was ongoing of how these servers could be added to the testing pool in a “mated pair” arrangement, where testing could alternate between an M-Lab server and an ISP’s “off-net” server. He noted that increasing the diversity of measurement server would serve both as a further audit on the collection process and second, in the event of the failure of a single server, ensure that data would continue to be collected albeit at a lower rate. The benefit for the immediate discussion would be that the failure of a single server would not imperil the collection period. The success of this approach would be dependent upon the willingness of ISPs to provide servers for this purpose. Ms. Whitaker suggested such test servers be donated to M-Labs to maintain transparency in the measurement process.

Donna Epps, Verizon, indicated that it would be useful to participants to know the report release data for press coordination purposes. Dan Kirschner noted that he would expect the release of the report within weeks. (Participants were notified following the meeting that the report would be presented at the next Commission Open Meeting on July 19<sup>th</sup>, 2012.).

David Young inquired about the service tier validation process and whether the data, as seen through the portals, reflected validated tiers. Mr. Salter, SamKnows, gave an overview of the validation process. He noted that the validation process was predominantly a manual process. Mr. Johnston noted that although many of the processes in conducting the broadband performance surveys had been optimized, this remained one area that was very time-consuming and in which improvements could likely be made. He suggested this as a future area to focus on.

Steve Morris, NCTA, raised an issue concerning network upgrades. Though some companies were in the process of evolving to higher speed architectures, these objectives were impeded by consumers who did not install new cable modems, even when given to them by the ISP. Mr. Morris suggested such panelists be removed from the survey. Alex Salter noted that the issue was part of the customer experience, captured by the survey. Mr. Johnston noted that this was a policy suggestion, which could be discussed by all participants in time for the next report.. Mr. Morris suggested that this report could observe the possibility of this effect as a way of encouraging customers to install new cable modems, a suggestion to which Mr. Johnston was receptive.

Mr. Morris asked whether all participants could have access to their individual portals prior to the release of the report. Mr. Johnston indicated that how such access was to be provided was discussed and agreed to early in the discussions among all participants and could not be addressed in the remaining time before

the release of the report. He left it to participants to raise this issue at a future meeting if desired.

Finally, Mr. Johnston confirmed that acting on a proposal from the last meeting, the reporting period for the next report would be September and not August. This would still allow time to deliver the next report by year end.

Sincerely,

A handwritten signature in black ink, appearing to read "Walter Johnston", written over a diagonal line that extends from the top right of the page towards the signature.

Walter Johnston, Chief  
Electromagnetic Compatibility Division/OET

## Attendees

Name	Organization
Ken Ko	Adtran
Jim Smith	ATT
Mike Pfau	ATT
Paul Jameson	Cablevision
Jeb Benedict	CenturyLink
Paul Diamond	CenturyLink
Michael Bugenhagen	CenturyLink
Crystal Tully	Charter Communications
Marc Linsner	Cisco
Russ Gyurek	Cisco
Mary McManus	Comcast
Chae Chung	Comcast
John Jay	Corning
Paul Cain	Cox
Anita Dear	Cox
Grace Koh	Cox
Walter Johnson	FCC
James Miller	FCC
David Horne	Intel
Shane Amante	Level 3
Powell Bedgood	Mediacom
Meredith Whittaker	M-Lab/Google
Thomas Gideon	M-Lab/Google
Stephen Soltész	M-Lab/OTI
Jim Partridge	NCTA
Steve Morris	NCTA
Sam Crawford	SamKnows
Alex Salter	SamKnows
Ariela Fish	SamKnows
Terri Natoli	Time Warner Cable
Chris Stengrim	Time Warner Cable
David Young	Verizon
Donna Epps	Verizon
Chris Martin	Verizon
Kitty O'Hara	Verizon
Mary Crespy	Verizon
Mark Montano	Verizon
David Curran	Windstream