



Federal Communications Commission
Washington, D.C. 20554

August 13, 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 August 8, 2012, representatives of broadband providers, public interest groups, companies, and other organizations met with Commission staff to discuss the Commission's 2012 broadband measurement and performance program. The meeting focused on operational matters and milestones related to data gathering for the second 2012 Report on broadband performance. A full list of meeting attendees is attached to this filing.

Mr. Walter Johnston, Chief of the Electromagnetic Compatibility Division (EMCD), opened the meeting by stating that the agenda was to discuss work on the next report. Mr. Johnston noted that Mr. Alex Salter of SamKnows would discuss the proposed work plans and schedules.¹ Mr. Johnston observed that in recent meetings program policies had been discussed, and stated that the FCC would continue to facilitate dialogue on those issues in order to reach resolution. Mr. Johnston stated that measurement of data for the second report would operate under the same operational procedures for testing used in the first 2012 report. He explained several operational proposals that would improve the program's ability to address challenges experienced in the July 2012 report's data collection. He described proposals for a standardized non-disclosure agreement to facilitate more rapid data exchange for analysis and network diagnostics, and a policy on data loss. Mr. Johnston also discussed possible diagnostic improvements to the M-Lab platform, including open event logs.

Mr. Alex Salter of SamKnows presented key dates and operational milestones for the preparation of data gathering for the second 2012 report.² Mr. Salter began by reviewing the achievements of the program over the last two years and the compelling value of the program as it moves toward the publication of a third report. He identified key dates for recruitment, noting that fewer new testing volunteers would be required given that the current sample was updated for the first 2012 report. He described other operational points for customer validation and data, and test nodes. Mr. Salter invited feedback and discussion on the first 2012 report and announced

¹ The FCC presentation is attached to this filing as Attachment A.

² The SamKnows presentation is attached to this filing as Attachment B.

that SamKnows test software would be made available under an Open Source license.

Jim Partridge of the National Cable & Telecommunications Association inquired how any effect on results by subscribers using legacy cable modems that are unable to utilize the full network capacity available on cable networks would be addressed in the upcoming report. Mr. Johnston explained that it would be necessary to understand the scope of the concern before making a determination and asked cable providers to provide information about what portion of their current subscribers by tier were currently using legacy DOCSIS 1 or 2 modems on networks where DOCSIS 3 support was available. Mr. Johnston indicated that a decision whether and/or how to address the issue would depend upon the results of the providers' review. Parties discussed parallel concerns and considerations of supporting legacy equipment between both wireline and wireless networks, and the nature of providers' incentives and challenges for encouraging consumers to adopt newer and better performing hardware.

The group discussed plans for the next meeting in three weeks to review preparations for the September 2012 measurement process and the second 2012 report.

Sincerely,

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

Walter Johnston, Chief
Electromagnetic Compatibility Division/OET

Attendees

| Name | Organization |
|---------------------|------------------------------|
| Ken Ko | Adtran |
| Jim Smith | AT&T |
| Ladonna Hagler | AT&T |
| Mike Pfau | AT&T |
| Tom Anschutz | AT&T |
| Paul Jamieson | Cablevision |
| Jeb Benedict | Centurylink |
| Paul Diamon | Centurylink |
| Mary Retka | Centurylink |
| Michael Bugenhagen | Centurylink |
| Carl Leuschner | Charter |
| Christin McMeley | Charter |
| Christopher Avery | Charter |
| Dave Rodrian | Charter |
| Kristina Gustafson | Charter |
| Steve Cox | Charter |
| Marc Linsner | Cisco |
| David Don | Comcast |
| Jason Livingood | Comcast |
| Mary McManus | Comcast |
| Anita Dear | Cox |
| Barry Ohlson | Cox |
| Barry Ohlson | Cox |
| Grace Koh | Cox |
| Martin Corcoran | Cox |
| Paul Cain | Cox |
| Alec Macdonell | FCC |
| Dan Chen | FCC |
| Daniel Kirschner | FCC |
| Deborah Broderson | FCC |
| Henning Schulzrinne | FCC |
| James Miller | FCC |
| Walter Johnston | FCC |
| Mike Saperstein | Frontier |
| Meredith Whittaker | Google/M-Lab |
| Jim Partridge | NCTA |
| Peter Sevcik | NetForecast |
| Stephen Soltesz | New America Foundation/M-Lab |
| Thomas Gideon | New America Foundation/M-Lab |
| Alex Salter | SamKnows |
| Rachel Neish | SamKnows |
| Sam Crawford | SamKnows |

Sophie Deen
Jason Weil
Terri Natoli
Glenn Reynolds
Donna Epps
Kitty O'Hara
Jimm Phillips
Malena Barzilai
Nikeitha Polk

SamKnows
Timewarner Cable
Timewarner Cable
US Telecom
Verizon
Verizon
Warner Communications
Windstream
Windstream

Appendix A

Appendix B