



Federal Communications Commission
Washington, D.C. 20554

October 14, 2012

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

Re: Measuring Broadband American Program, GN Docket No. 12-264

Dear Ms. Dortch:

On September 19, 2012, representatives of broadband providers, public interest groups, companies, and other organizations met in person and via conference call with Commission staff to discuss the Commission's 2012 broadband measurement and performance program to discuss progress on the current data gathering and plans for the report and data analysis.¹

Mr. Walter Johnston, Chief Electromagnetic Compatibility Division (EMCD) began the meeting by introducing Alex Salter, SamKnows Ltd., to discuss the progress of data gathering for the September reporting period. Mr. Salter indicated that there were no issues to report and data gathering was proceeding well and was expected to close without incident at the end of September in time to begin work on preparing the data for review and drafting of the 2012 Second Report. Mr. Johnston responded to questions regarding the schedule for the drafting and release of the Report and indicated that staff believed that work could commence after data gathering and review was complete, with release of the report and data in November or December 2012.

Mr. Johnston solicited comment on the non-disclosure agreement (NDA) circulated at the August meeting. Mr. Johnston recommended that future reports be circulated under the NDA to ISPs one-day in advance of its release to the public in order to facilitate its review and fact checking by participants. Meredith Whittaker, Google, expressed a desire to have access to the pre-release review draft. Mr. Miller emphasized that any advance review would only be permitted for parties that had properly executed the 2012 Code of Conduct and the appropriate NDA. Ms. Whittaker indicated Google had proposed changes in the 2012 Code of Conduct regarding specifying release dates for all data collected. Mr. Johnston noted that the suggested changes had been discussed and concerned issues relevant only to the Commission and not participants in general. He felt therefore that the changes were not relevant to a general code of conduct. No substantive changes or comments on the NDA were discussed.

Mr. Johnston answered questions regarding planning for the program following the release of the second 2012 report. Mr. Johnston explained that there was strong support and interest at the

¹ A list of attendees and documents circulated at the meeting are attached to this filing in GN Docket No. 12-264.

Commission in continuing the program in 2013. Mr. Johnston explained that while the Commission had not developed an official position, a focus on performance tracking and a release of a single annual report were being considered.

Commission staff solicited feedback on the draft disclaimer circulated at the August meeting, and indicated the release of the “raw data” for unprocessed data files collected from March 2012 through the present time was still under review. Ms. Meredith Whittaker, Google, indicated that a reported had been sent to Mr. Johnston prior to the meeting and asked that the disclaimer be consistent with the findings of the report. Ms. Whitaker indicated that she was not prepared to present the findings to the group as the report had only been completed immediately prior to the meeting, but that she or other M-Lab representatives would discuss the analysis of the report at the next meeting. Staff again encouraged participants to utilize the collaborative mailing list for sharing information in advance of meetings, and Ms. Whittaker indicated that the document would be shared to the list.²

Mr. Johnston reminded parties that the Commission would be holding a meeting Friday, September 21, 2012 to announce the addition of mobile performance measurement to the program and that the same collaborative model would be used for developing the mobile component of the program.³ Interested participants were encouraged to attend the meeting and contact Mr. Miller or Mr. Johnston to be added to the mailing lists and for future work.

Mr. Miller informed that drafting and review was proceeding on the Internet Draft to be submitted to the Internet Engineering Task Force (IETF) and the Large Scale Measurement of Access network Performance mailing list.⁴ Meetings in the ng Architecture group held in the morning had focused on review of the current draft and any comments were request by Friday, September 21, 2012 to accommodate September 24th planned request of a birds of a feather with the IETF organizers of the November meeting in Atlanta, GA.

Mr. Miller informed that a new docket was being prepared to facilitate easier reference of documents filed on the Measuring Broadband America program. Mr. Miller explained a public notice will follow announcing the new docket number, and that future filings should be directed to the new docket.⁵

² A copy of the document is attached to this filing, and also available as a separately filed ex parte.

³ *Mobile Broadband Services Testing and Measuring Program*, <http://www.fcc.gov/events/mobile-broadband-services-testing-and-measurement-program>.

⁴ *lmap -- Large Scale Measurement of Access network Performance*, <https://www.ietf.org/mailman/listinfo/lmap>.

⁵ *Announcement of Open Docket For Measuring Broadband America Program*, DA 12-1530 (rel. Sep. 26, 2012), available at <http://www.fcc.gov/document/measuring-broadband-america-program>. As a courtesy this filing was also submitted to In the Matter of Consumer Information and Disclosure Truth-in-Billing Format IP-Enabled Services in CG Docket No. 09-158; *In the Matter of Truth-in-Billing and Billing Format* in CC Docket No. 98-170; and *In the Matter of IP-Enabled Services* in WC Docket No. 04-36.

Discussions for the coming meeting in three weeks were discussed. Staff suggested that the meeting would likely focus on status of the report and data analysis, and adjourned the meeting.

Sincerely,

A handwritten signature in blue ink that reads "Walter Johnston". The signature is written in a cursive style with a long, sweeping horizontal line extending from the end of the name across the top of the signature area.

Walter Johnston, Chief
Electromagnetic Compatibility Division/OET

Attendees

Name	Organization
Ken Koh	Adtran
Tom Anschutz	ATT
Jeb Benedict	Centurylink
Michael Bugenhagen	Centurylink
Paul Diamond	Centurylink
Marc Linsner	Cisco
Matthew Schwartz	CommDaily
Anita Dear	Cox
Martin Corcoran	Cox
Paul Cain	Cox
Alec MacDonell	FCC
Daniel Kirschner	FCC
Henning Schulzrinne	FCC
James Miller	FCC
Walter Johnston	FCC
Matt Mathias	Google
Meredith Whittaker	Google / M-Lab
Shane Amante	Level3
Thomas Gideon	New America Foundation / M-Lab
Alex Salter	SamKnows
Sam Crawford	SamKnows
Neil Campbell	SamKnows
Racheal Neish	SamKnows
Sophie Deen	SamKnows
Jason Weil	Time-Warner Cable
David Young	Verizon
Kitty O'Hara	Verizon
Jennie Chandra	Windstream