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November 28, 2012

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

**Re: Special Access for Price Cap Local Exchange Carriers, WC Docket No. 05-25  
AT&T Corporation Petition for Rulemaking to Reform Regulation of  
Incumbent Local Exchange Carrier Rates for Interstate Special Access  
Services, RM-10593**

Dear Ms. Dortch:

On November 27, 2012, Jennifer McKee and the undersigned, on behalf of the National Cable & Telecommunications Association (NCTA), spoke by phone with Eric Ralph of the Wireline Competition Bureau regarding the upcoming mandatory data request in the above-referenced dockets. On November 28, 2012, we spoke by phone with Christine Kurth, Legal Advisor to Commissioner McDowell, regarding the same topic.

In both conversations we explained that the Commission should not attempt to collect data on the pricing of “best efforts” (i.e., non-dedicated) broadband services offered by cable operators to business customers in this data request. As we explained previously with respect to the pricing of dedicated services, information regarding the prices offered by competitive providers at a particular point in time is not useful in achieving the primary goal of the data request, which is to determine where incumbent LECs face competition for special access services.<sup>1</sup> Moreover, to the extent companies provide such services at rates that vary across locations and/or pursuant to negotiated agreements, the request could substantially increase the burden on respondents, in violation of the Paperwork Reduction Act. Finally, we note that some companies provide information on their websites regarding the list prices for best efforts

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<sup>1</sup> Letter from Steven F. Morris, NCTA, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 05-25 (filed Oct. 24, 2012) at 2 (“This proceeding has always been focused on the reasonableness of incumbent LEC prices and how best to determine where competitive alternatives exist. Extracting detailed and highly competitively sensitive pricing information from competitive providers will do little, if anything, to further that analysis. Once again, the extreme burden that would be imposed on competitors by this request completely outweighs any policy or regulatory benefit.”).

business broadband service.<sup>2</sup> If the Commission determines that pricing data for these services is relevant, it should conduct an analysis of the information that already is publicly available before it imposes a burdensome collection requirement on hundreds of competitive providers.

Respectfully submitted,

**/s/ Steven F. Morris**

Steven F. Morris

cc: E. Ralph  
C. Kurth

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<sup>2</sup> See, e.g., Comcast Business Class, Plans and Pricing, at <http://business.comcast.com/smb/services/internet/plans>. As illustrated by this example, best efforts business broadband service often is sold with a variety of additional features, such as e-mail addresses, web hosting, network security, and cloud capabilities that may make comparisons with incumbent LEC special access services challenging.