



May 13, 2013

Ex Parte Notice

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

Re: Special Access for Price Cap Local Exchange Carriers, WC Docket No. 05-25

Dear Ms. Dortch:

On Friday, May 10, 2013, the undersigned, and Brian Ford, on behalf of NTCA–The Rural Broadband Association (“NTCA”), met with Elizabeth McIntyre, Deena Shetler, William Layton, Rachel Kazan, Ken Lynch, Jonathan Reel, Eric Ralph, Laura Yu, and Belinda Nixon (participating via telephone) from the Wireline Competition Bureau and Jack Erb from the Office of Special Projects to discuss the information collection adopted in the above-captioned proceeding.¹

NTCA began by stating that the burden of the information collection, estimated by the Commission to be 134 hours per respondent,² would be particularly burdensome for the average NTCA member with fewer than 25 employees. Most member companies have one, or at most a handful, employees with the expertise or training necessary to sort through the voluminous and sometimes technical records necessary to produce the requested information. NTCA further observed that, when combined with study area boundary mapping efforts and voluminous additional reporting requirements expected to become effective soon in the context of the high-cost universal service program, the special access information collection will place tremendous strains on small business operations such as those within the NTCA membership. NTCA stated that many small companies would need to seek outside consulting help to manage and complete all of these reporting requirements, and committed to provide Commission staff with further information regarding the costs associated with retaining such consultants.

Additionally, NTCA noted that an estimate of 134 hours would be extremely low as to smaller operators that do not have automated systems and databases in all cases, and that this estimate also does not appear in particular to take into account the mapping requirements contained in the

¹ *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, Report and Order and Further Notice of Proposed Rulemaking, FCC 12-153 (released Dec. 18, 2012) (Order).*

² Information Collection(s) Being Reviewed by the Federal Communications Commission (the “Commission”), Comments Requested, 78 Fed. Reg. 9911 (published Feb. 12, 2013).

information collection, which will require additional hours as discussed below. In fact, NTCA noted that the very basis of the 134 hour estimate is unclear from the record.

Turning to specific aspects of the information collection, NTCA first stated that the mapping provisions of Section II A, paragraph 5 of Appendix A will be particularly burdensome for small providers of special access services. This is because these providers do not as a matter of normal business operations generate the maps as contemplated by the information collection, particularly for “last mile” facilities. Most, if not all, do not have the software or other resources, or the technical expertise necessary, to generate such maps. Thus, these providers will be required to engage outside consultants, at substantial cost, to prepare information generated only for the narrow purpose of responding to this information collection.

NTCA also noted that a number of the questions will be of questionable utility. Specifically, Appendix A, Section II A, paragraphs 8, 11, 18, and 19, and Section F, paragraphs 8-10, and 12, seek “narrative” type responses, requiring small carriers to provide insight into “business rules” and decisions made in perhaps dozens or even hundreds of separate instances. These vaguely worded questions will impose substantial time burdens on small carriers. Additionally, because they will likely produce subjectively worded answers that vary dramatically in form and content by respondent, it is difficult to grasp what possible productive use the Commission could make of such information.

NTCA further observed that a number of sections require “reports” that certain systems and databases, even if automated, may not currently support without significant manual handling. For example, Appendix A, Section II A, paragraphs 14 to 19, Section II B, paragraphs 6 through 13, and Section II F, paragraphs 2 to 14 all require various “slices” of revenue, payments, customer data, and/or sales or procurement information that may not be readily identifiable or accessible in carrier billing platforms or other systems or databases (to the extent such platforms, systems, or databases are in fact automated). Paragraphs 12 and 13 of Section II B and paragraphs 8 through 14 of Section II F, in particular, would appear to require significant and burdensome manual review of billing records and/or service contracts that could likely lead response time to far exceed the 134 hour estimate.

In discussing the relative benefits and burdens of the information collection, NTCA also noted that the information collection does not include data on special access purchases from non-regulated business purchasers (*e.g.*, large corporate customers or other private purchaser entities that do not offer communications services of one kind or another). Such entities likely purchase many more of the services of the kind relevant to the information collection than small rural competitive providers. As a result, it can hardly be said that the exclusion of small operators providing or purchasing a *de minimis* amount (*e.g.*, fewer than 50) services would represent a serious “gap” in data when others may buy hundreds or thousands of circuits or services that go “unnoticed” in the Commission’s analysis. Given the massive volumes of services that are *not* subject to the information collection, an exception for the smallest providers of special access services would not seem to introduce serious risk of compromising the value of the data collection in terms of the Commission’s ability to understand the market that is the subject of the Order.

To resolve concerns surrounding the time estimate identified by the Commission and to more reasonably minimize the burdens arising out of this information collection, NTCA urged the Commission to consider “short-form” data collection options that can streamline the information

collection for small carriers. The Commission could, as just one example, streamline the information collection by explicitly adopting a shorter time frame for small operators, requiring them to submit such data for only the most recent calendar year unless Commission staff determines subsequently upon review that additional information is required from a given respondent. Also, a de minimis exception could, for example, exclude from the precepts of the information collection (or at least portions of it) those providers or purchasers of less than 50 special access connections in a relevant geographic area. This would enable the Commission to achieve its goal of understanding the overall market for special access services while minimizing the burden on small businesses that in all likelihood comprise a statistically insignificant portion of the overall market. Finally, the Commission should not require small carriers to provide or produce information in a form (*i.e.*, maps) that they do not have or maintain in the normal course of business.

Sincerely,
/s/ Michael R. Romano
Michael R. Romano
Senior Vice President – Policy

cc: Elizabeth McIntyre
Deena Shetler
William Layton
Rachel Kazan
Ken Lynch
Jonathan Reel
Eric Ralph
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