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May 28, 2013

VIA ECFS

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

Re: American Cable Association (“ACA”) *Ex Parte* Filing on the Special Access Mandatory Data Collection, WC Docket No. 05-25, RM-10593

Dear Ms. Dortch:

On May 23, 2013, Ross Lieberman (ACA), and Thomas Cohen and Joshua Guyan (Kelley Drye & Warren LLP), met with Kalpak Gude, Belinda Nixon, William Layton, Elizabeth McIntyre, Eric Ralph, Luis Reyes, Ken Lynch, Jon Reel, Deena Shetler and Anjali Vohra from the Wireline Competition Bureau. The purpose of the meeting was to discuss the mandatory data request in Appendix A to the Special Access Order¹ and the burdens identified in the comments filed by ACA and declarations of its members included therewith.²

We began by describing the ACA members as generally small businesses,³ some of which have begun to provide dedicated ethernet services to enterprise customers. We estimated that approximately 100 – 150 of ACA’s members provide Dedicated Services or Best Efforts services to business customers and many of these providers serve in price cap local exchange carrier (LEC) territories.

¹ See *Special Access for Price Cap Local Exchange Carriers, AT&T Corporation Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services*, WC Docket No. 05-25, RM-10593, Report and Order and Further Notice of Proposed Rulemaking, FCC 12-153 (2012).

² See Paperwork Reduction Act Comments of the American Cable Association, WC Docket No. 05-25, RM-10593 (filed Apr. 15, 2013) (“ACA PRA Comments”).

³ ACA members generally do not have in-house counsel or dedicated regulatory personnel.

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We explained that ACA members reviewed the special access data request,⁴ and have concluded that the burdens of responding to the data request would be inordinately substantial. At the same time, these members are interested in further discussions with the staff and believe that less burdensome alternatives can be found that would still provide the Commission with what it needs to understand the special access market.

From the perspective of the primarily small businesses that are ACA members and would be subject to the mandatory data request, the three most burdensome data requests are the fiber maps (Question A 5), the location information (Question A 4) and the billing and revenues information (Questions A 12-19).

Fiber maps. The data request requires respondents to provide maps of their networks, including fiber that is owned or leased and all Nodes used to interconnect to third party networks, and the year the Node went live. ACA members have indicated that they do not have such maps and would have to create them. One ACA member, Frankfort Plant Board (“Frankfort”) stated that it would likely take Frankfort 180 hours to create the requested maps,⁵ which is 23.5 percent of its total estimated response time of 765 hours. Another ACA member, ImOn Communications (“ImOn”) declared that it would likely take 80 hours to create the maps,⁶ which is 14.2 percent of its total estimated response time of 560 hours.

Location information. The data request requires respondents to provide a variety of specific information about locations where they provide a connection for Dedicated Services. While ACA members have customer addresses, they rarely have the geocoding information and often do not have the location type (e.g., building, cell site, other man-made structure), and would have to manually generate the geocodes and manually review agreements to collect this data. For that reason Frankfort indicated that this task would likely take 60 hours,⁷ which is 7.8 percent of its total estimated response time. ImOn stated that this task would likely take 200 hours,⁸ which is 35.7 percent of its total estimated response time. At least 40 of those 200 hours

⁴ Employees of ACA members are much less familiar with the concepts and nomenclatures involved in the telecommunications services than cable. Accordingly, it has taken substantial time for them to review and understand the special access mandatory data request.

⁵ See ACA PRA Comments at 10 and Frankfort Declaration, ¶ 7.

⁶ See *id.*, at 11 and ImOn Declaration, ¶ 7.

⁷ See *id.* and Frankfort Declaration, ¶ 6.

⁸ See *id.*, at 12 and ImOn Declaration, ¶ 6.

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would come from the obligation to locate information about the date on which it first provided the connections to its customers.⁹

Billing and revenues information. The data request requires respondents to provide a large amount of data related to billing and revenues. Although most ACA members have automated billing records, they do not have much of the information requested, especially revenues from Dedicated Services based on bandwidth speeds or by LEC rate element. Frankfort indicated that responding to these questions would likely take hundreds of hours¹⁰ and ImOn stated that responding to two specific questions alone would likely require 16 hours each – closing dates of monthly billing cycles and revenues from Dedicated Services based on bandwidth speeds.¹¹

ACA believes that modifying the above-referenced three data requests to better reflect that way such data is kept by ACA members would make a dramatic difference in the time and financial commitment necessary for ACA's primarily small businesses to respond to the mandatory data request. We look forward to continuing to work with the staff on this matter and providing additional information as it is available.

This letter is being filed electronically pursuant to section 1.1206 of the Commission's rules.

Sincerely,



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⁹ See *id.* and ImOn Declaration, ¶ 8.

¹⁰ See ACA PRA Comments at 12 and Frankfort Declaration, ¶ 8.

¹¹ See *id.* and ImOn Declaration, ¶ 8.

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cc: Kalpak Gude
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Eric Ralph
Luis Reyes
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