

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Connect America Fund)	WC Docket No. 10-90
)	
A National Broadband Plan for Our Future)	GN Docket No. 09-51
)	
Establishing Just and Reasonable Rates for Local Exchange Carriers)	WC Docket No. 07-135
)	
High-Cost Universal Service Support)	WC Docket No. 05-337
)	
Developing a Unified Intercarrier Compensation Regime)	CC Docket No. 01-92
)	
Federal-State Joint Board on Universal Service)	CC Docket No. 96-45
)	
Lifeline and Link-Up)	WC Docket No. 03-109
)	
Universal Service Reform – Mobility Fund)	WT Docket No. 10-208

COMMENTS OF AT&T

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I. INTRODUCTION AND SUMMARY

AT&T Inc., on behalf of its operating affiliates (collectively, AT&T), hereby files these comments in support of USTelecom's most recent petition for reconsideration and clarification of the Commission's reporting requirements applicable to high-cost recipients.¹ Since December 2011, USTelecom and others have repeatedly sought timely reconsideration or clarification of the reporting requirements contained in section 54.313(a) of the Commission's rules.² Although the Commission has addressed discrete components of USTelecom's petitions beginning in May 2012, it has left unanswered fundamental challenges to this rule while seemingly expecting high-cost recipients to collect and file the challenged data as early as July 1, 2013.³ AT&T urges the Commission to address the merits of USTelecom's petitions prior to requesting approval from the Office of Management and Budget (OMB) for its new high-cost reporting form, FCC Form 481.

Specifically, as USTelecom requests, the Commission should (1) clarify that high-cost recipients have no obligation to report information required by rules that are not yet in effect,⁴ and (2) reconsider its decision to impose both broadband reporting obligations on high-cost

¹ USTelecom's Petition for Reconsideration and Clarification and Comments in Response to Paperwork Reduction Act, WC Docket No. 10-90 et al. (filed April 4, 2013) (Petition).

² See Petition for Reconsideration of USTelecom, WC Docket No. 10-90 et al. (filed Dec. 29, 2011) (USTelecom First Reconsideration Petition); Rural Incumbent Local Exchange Carriers Serving Tribal Lands Petition for Reconsideration, WC Docket No. 10-90 et al. (filed Dec. 29, 2011) (Rural ILECs Reconsideration Petition); Petition for Clarification and Reconsideration or, in the Alternative, for Waiver of CTIA and USTelecom, WC Docket No. 10-90 et al. (filed June 25, 2012) (Joint Petition); Petition for Reconsideration and Clarification of USTelecom, WC Docket No. 10-90 et al., 4-16 (filed Aug. 20, 2012) (USTelecom Third Reconsideration Petition).

³ See, e.g., Draft Instructions to FCC Form 481 at 4-5 (stating that eligible telecommunications carriers (ETCs) are to file broadband data and Tribal engagement information beginning July 1, 2013), available at http://www.usac.org/res/documents/hc/pdf/forms/draftfccform481_instructions.pdf.

⁴ Petition at 15-16.

recipients whose support will be eliminated possibly as early as next year⁵ and Tribal engagement obligations on non-Tribal Mobility Fund high-cost recipients.⁶ We discuss these issues and others addressed in the Petition, below.

II. DISCUSSION

A. The Commission Cannot Compel Carriers to Collect and Report Information in Response to Rules That Are Not in Effect

There is no dispute that the Commission has not sought OMB approval for a number of the information collection and reporting requirements contained in section 54.313(a). In an order released a few weeks ago, the Wireline Competition Bureau (Bureau) confirmed that, to date, the Commission had only sought and received approval for section 54.313(a)(1) through (a)(6).⁷ Just as there is no question about which paragraphs in section 54.313(a) the Commission has not sought Paperwork Reduction Act (PRA) approval, there also is no doubt that, until the Commission obtains such approval, those requirements are not effective.⁸

⁵ *Id.* at 7-11.

⁶ *Id.* at 11-14.

⁷ See *Connect America Fund*, WC Docket No. 10-90, Order, DA 13-1115, ¶ 3 (rel. May 16, 2013), corrected by *Erratum* (rel. May 29, 2013), available at http://transition.fcc.gov/Daily_Releases/Daily_Business/2013/db0529/DOC-321268A1.pdf. When the Commission sought OMB approval for the reporting requirements contained in section 54.313(a)(1)-(6) last March, those paragraphs required high-cost recipients to provide responsive information for voice services only. It was not until March of this year – one year later – that the Bureau revised section 54.313(a) to clarify that any high-cost recipient must provide information and data required by paragraphs (a)(1)-(7) separately broken out for both voice and broadband service. *Connect America Fund*, WC Docket No. 10-90 et al., Order, DA 13-332, ¶ 14 (rel. March 5, 2013) (*March 2013 Order*). Until the *March 2013 Order*, section 54.313(a)(11) was the paragraph that required high-cost recipients to provide the information required by paragraphs (a)(1)-(7) separately broken out by voice and broadband service. Thus, the Commission has yet to seek OMB approval for requiring high-cost recipients to provide broadband data for paragraphs (a)(1) through (7).

⁸ *Connect America Fund*, WC Docket No. 10-90 et al., Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663, ¶ 1428 (2011) (*USF/ICC Transformation Order*) (“The rules that

A cornerstone of administrative law is that an agency cannot compel an entity to comply with rules that are not in effect. Consequently, the Commission lacks authority to compel parties to collect information prior to the Commission obtaining OMB approval for that information collection and prior to the rule becoming effective.⁹ Commission affirmation of such a fundamental principle should be unnecessary. Unfortunately, the Commission has muddied this otherwise clear principle through statements made in orders and reports that imply that parties are so obligated, and by proposing to require carriers to report on July 1, 2013, information pursuant to a collection requirement that is currently not in effect. For example, in an order issued last year, the Bureau stated that “ETCs are required to undertake their Tribal engagement obligations in 2012 after [the Office of Native Affairs and Policy (ONAP)] provides engagement process guidance, which will be the substance of the reporting beginning April 1, 2013 and annually thereafter.”¹⁰ In that same order, the Bureau also declared that “[b]eginning April 1, 2013, and annually thereafter, those ETCs must file such information [required pursuant to paragraphs 54.313(a)(1) through (a)(6)] broken out for both voice and broadband service.”¹¹

contain information collections subject to PRA review WILL BECOME EFFECTIVE following approval by the Office of Management and Budget.”) (emphasis in original)).

⁹ See, e.g., *Saco River Cellular, Inc v. FCC*, 133 F.3d 25, 32 (D.C. Cir. 1998) (an “agency may not, having belatedly gotten OMB approval of an information collection requirement, punish a respondent for its faulty compliance while the collection was still unauthorized.”).

¹⁰ *Connect America Fund*, WC Docket No. 10-90 et al., Order, DA 12-147, ¶ 11 (2012) (*February 2012 Order*). ONAP, the Bureau, and the Wireless Telecommunications Bureau issued Tribal engagement guidance last July. *Office of Native Affairs and Policy, Wireless Telecommunications Bureau, and Wireline Competition Bureau Issue Further Guidance on Tribal Government Engagement Obligation Provisions of the Connect America Fund*, Public Notice, DA 12-1165 (rel. July 19, 2012). USTelecom sought reconsideration and clarification of this public notice. See USTelecom Third Reconsideration Petition.

¹¹ *February 2012 Order* at ¶ 9 (citing 47 C.F.R. § 54.313(a)(11)).

While the Bureau subsequently changed the April 1 annual filing deadline to July 1 in response to USTelecom's request,¹² it has not qualified its previous statements about high-cost recipients being required to report broadband data as well as the results of their Tribal engagement obligations in 2013. In fact, with respect to the latter rule, Commission staff stated in March of this year that "[i]n 2013, ETCs will report for the first time on their compliance with the Tribal government engagement obligation"¹³ Staff's proposed Form 481 also assumes that high-cost recipients will report broadband data and Tribal engagement information on July 1, 2013.¹⁴

Requiring high-cost recipients to submit broadband data in response to section 54.313(a)(1)-(7) and documents demonstrating compliance with section 54.313(a)(9) on July 1, 2013 would turn the purpose of the PRA on its head by ostensibly requiring parties to collect such information before the Commission even seeks OMB approval.¹⁵ The Commission should

¹² *Connect America Fund*, WC Docket No. 10-90 et al., Third Order on Reconsideration, 27 FCC Rcd 5622, ¶¶ 9-10 (2012) (*Third Reconsideration Order*).

¹³ Federal Communications Commission Office of Native American Affairs and Policy 2012 Annual Report at 5 (rel. March 20, 2013), available at <http://transition.fcc.gov/cgb/onap/ONAP-AnnualReport03-19-2013.pdf>. See also Letter from John Kuykendall, John Staurulakis, Inc., to Marlene Dortch, FCC, WC Docket No. 10-90 et al., at 3 (filed Sept. 10, 2012) (stating that ONAP staff "explained that the pending [PRA] approval applies only to the obligation for ETCs to report as to how they have fulfilled the Tribal engagement requirement; it does not impact their responsibility to conduct the engagement.").

¹⁴ See, e.g., Draft Instructions to FCC Form 481 at 4 ("Beginning July 1, 2013, and annually thereafter, ETCs must separately file these data [i.e., section 54.313(a)(1)-(7)] for voice and broadband service, except that, at this time, ETCs are not required to submit outage information regarding their broadband service.") (further citations omitted), 5 ("Section 54.313(a)(9) requires ETCs, to the extent they serve Tribal lands, to undertake their Tribal engagement obligations pursuant to the Office of Native Affairs and Policy (ONAP) guidance.") (further citations omitted).

¹⁵ The Commission's response to the current status of the Tribal engagement obligation cannot be that high-cost recipients were required to have discussions in 2012 with Tribal governments on Commission-specified topics because a "discussion" is not an "information collection," which requires OMB approval. It is inconceivable that an agency would have the authority to compel a party to have agency-specified discussions with another party even though it lacked the authority to require either party to report on those

grant the Petition and confirm that no party has any obligation to comply with a rule containing an information collection subject to PRA review until OMB approves the collection and the rule becomes effective.¹⁶

B. The Commission Should Reconsider Its Decisions to Impose Any Broadband Reporting Requirements on Non-CAF Phase II Recipients and Tribal Engagement Obligations on Non-Tribal Mobility Fund High-Cost Recipients

Prior to requesting OMB approval for any broadband reporting requirement and the Tribal engagement obligation, the Commission should address the merits of USTelecom’s and other parties’ challenges to these rules. Only after acting on USTelecom’s petitions – which, if granted, would scale back the scope of these reporting rules – should the Commission request PRA approval. AT&T and other parties have addressed at length the deficiencies with these rules as adopted and we ask that the Commission incorporate by reference these pleadings.¹⁷ While we do not repeat here all of our previously filed arguments, we do summarize several key points for the convenience of staff and other commenters.

1. Broadband Reporting Should Be Limited to CAF Phase II Recipients

The Commission asserts that requiring *all* high-cost recipients to report certain broadband-related data¹⁸ is “necessary and appropriate” to “monitor progress in achieving our

discussions. AT&T does not believe that such a strained interpretation of the PRA would withstand judicial review.

¹⁶ See *March 2013 Order* at ¶ 16.

¹⁷ See *AT&T USTelecom First Reconsideration Petition* Comments, WC Docket No. 10-90 et al. (filed Feb. 9, 2012); *AT&T Joint Petition* Comments, WC Docket No. 10-90 et al. (filed Aug. 6, 2012); *AT&T USTelecom Third Reconsideration Petition* Comments, WC Docket No. 10-90 et al. (filed Sept. 26, 2012); *AT&T PRA* Comments, WC Docket No. 10-90 et al. (filed April 26, 2013).

¹⁸ These data include, among other things, the number of requests for broadband service that went unfulfilled during the prior calendar year, the number of broadband customer complaints per 1,000

broadband goals and to assist the FCC in determining whether the funds are being used appropriately.”¹⁹ However, this reasoning does not hold true for high-cost recipients whose existing high-cost support was designed and intended to achieve other objectives (such as the reduction of interstate switched access charges) and now is being eliminated. For reasons detailed in USTelecom’s First Reconsideration Petition, its Joint Petition with CTIA and, most recently, in its Petition, extending broadband reporting obligations to these ETCs will provide the Commission with no insight into whether its “broadband goals” are being achieved or whether legacy funds “are being used appropriately.” In other words, this information has no “practical utility,” as that term is defined by OMB.²⁰

If broadband reporting requirements were applied to price cap ETCs receiving frozen high-cost support or Connect America Fund (CAF) Phase I incremental support (collectively referred to by the Commission as “CAF Phase I support”), these ETCs would be required either to: (i) report broadband data for the entire study area; or (ii) develop the systems and processes to track and report broadband data only in those areas where the ETC is using CAF Phase I support for broadband deployment. Neither option is reasonable.

First, reporting broadband data on a study area basis would not provide the Commission with any meaningful information about the impact of support on achievement of its “broadband goals” or the “appropriate[]” use of CAF Phase I support, which are the justifications offered by the Commission for its reporting requirements. *USF/ICC Transformation Order* at ¶ 580.

connections in the prior calendar year, as well as data on broadband service outages from the prior calendar year.

¹⁹ *USF/ICC Transformation Order* at ¶ 580.

²⁰ *See, e.g.*, Petition at 7-11.

Requiring providers to report study-area wide data would artificially inflate the impact of CAF Phase I support insofar as only a small fraction of price cap ETCs' broadband investment will be funded with the limited amount of CAF dollars made available in Phase I. For example, even if a price cap carrier repurposes one-third of its frozen support in 2013 to broadband deployment (and two-thirds in 2014), the facilities funded by such dollars would pale in comparison to the amount of broadband facilities deployed using private investment.²¹

Assume a study area in which 95 percent of the housing units have access to wireline broadband that meets the Commission's definition of at least 4 Mbps downstream and 1 Mbps upstream – an assumption that would be consistent with the Commission's most recent analysis of broadband deployment nationwide.²² Assume further that an ETC uses CAF Phase I support to construct broadband facilities to serve some segment of the 5 percent of housing units in the study area without broadband. If an ETC were required to report the number of broadband complaints per 1,000 connections under section 54.313(a)(4) for the entire study area, the majority of such complaints would involve broadband connections not constructed with CAF Phase I support. Thus, the complaint data being reported would tell the Commission nothing about the efficacy of its CAF Phase I program and thus has no practical utility. Similarly,

²¹ The Columbia Institute for Tele-Information has estimated that broadband providers will invest more than \$240 billion between 2008 and 2015, or approximately \$30 billion annually. See Robert C. Atkinson & Ivy E. Schultz, Columbia Institute for Tele-Information, *Broadband in America*, Preliminary Report Prepared for the Staff of the FCC's Omnibus Broadband Initiative, at 66, Table 15 (Nov. 11, 2009). By contrast, the entire amount of CAF support that will be available in price cap territories is less than \$2 billion annually. *USF/ICC Transformation Order* ¶ 126.

²² See *Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, and Possible Steps To Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996, as Amended by the Broadband Data Improvement Act*, Eighth Broadband Progress Report, FCC 12-90, ¶ 45 (2012).

reporting broadband outages at the study area level would provide the Commission with no indication about whether it is achieving its broadband goals and funds are being used appropriately.²³

Second, broadband reporting targeted to the precise geographic areas where a price cap ETC uses CAF Phase I support for broadband deployment is impractical.²⁴ ETCs would have to expend resources to modify systems and procedures in order to track and report the information for just those connections constructed with CAF Phase I funds. The cost associated with the modifications required to produce data at such a granular level could be significant. Moreover, the estimated burden hours to collect such granular data could be exponentially larger than the 20 hours that the Commission proposed as being necessary, on average, to complete the entire FCC Form 481. *See* Draft Instructions to FCC Form 481 at 1.²⁵

Furthermore, extending broadband data reporting requirements to the handful of price cap carriers electing CAF Phase I incremental support is unnecessarily duplicative of the other

²³ While the Bureau stated in March that it is not seeking PRA approval to collect broadband outage data “*at this time*,” AT&T urges the Commission to clarify its rules to make clear that it will not require high-cost recipients to report broadband service outage information. *See March 2013 Order* at n.46 (emphasis added). *See also* Joint Petition at 6 (requesting that the Commission reconsider requiring high-cost recipients to provide broadband outage data).

²⁴ *See Connect America Fund*, WC Docket No. 10-90, Report and Order, FCC 13-73, n.70 (rel. May 22, 2013) (explaining that if a price cap carrier is not otherwise subject to high-cost reporting requirements, “receipt of Phase I incremental support triggers reporting requirements only with respect to those locations which the carrier seeks to count toward the satisfaction of its Phase I deployment obligations.”).

²⁵ In comments filed last year, AT&T stated that one of its wireless affiliates that is a high-cost recipient required more than 45 hours to comply with the Commission’s old high-cost reporting rules, which the Commission significantly expanded in its *USF/ICC Transformation Order*. *See* AT&T Comments, WC Docket No. 10-90 et al., at 12 (filed Feb. 9, 2012). This particular wireless affiliate had experience with the prior reporting rules but, even with that experience, still could not approach the estimated 20 hours proposed in FCC Form 481. Moreover, this affiliate reported data on an ETC service area-wide basis and did not have to devote significant resources toward identifying and collecting data on a relatively small number of specific locations for its annual report. Due to the new reporting requirements, it seems likely that this affiliate’s estimated burden will be well north of 45 hours.

reporting requirements that govern such support. *See* 44 U.S.C. § 3506(c)(3)(B). Specifically, section 54.313(b) of the Commission’s rules obligates a price cap carrier receiving CAF Phase I incremental support to file annual reports that include certifications to the effect that the carrier has met its deployment and related obligations associated with such support. These section 54.313(b) reports are more than adequate for the Commission to ensure that CAF Phase I incremental support is achieving the Commission’s broadband goals and is being used appropriately.

2. Tribal Engagement Obligations Are Appropriate Only for Tribal Mobility Fund Recipients

Section 54.313(a)(9) of the Commission’s rules requires all high-cost recipients to provide “documents or information demonstrating that the ETC had discussions with Tribal governments that, at a minimum, included: a needs assessment and deployment planning with a focus on Tribal community anchor institutions; feasibility and sustainability planning; marketing services in a culturally sensitive manner; rights of way processes, land use permitting, facilities siting, environmental and cultural preservation review processes; and compliance with Tribal business and licensing requirements.” 47 C.F.R. § 54.313(a)(9). Proposed FCC Form 481 requires high-cost recipients to attach a document “demonstrating that the ETC had operational coordination with tribal governments” consistent with the Commission’s Tribal engagement rule. *See* Draft Instructions to FCC Form 481 at 24.

USTelecom, AT&T, and other parties have detailed how the Commission adopted this new reporting rule in violation of the Administrative Procedure Act because the Commission failed to “fairly apprise interested persons” that it was considering adopting these requirements and, importantly, the record on which the Commission relied in adopting this rule does not

support the Commission’s decision to extend the rule to *all* high-cost recipients.²⁶ These parties also have explained how the current rule violates the First Amendment.²⁷ And, in its most recent petition, USTelecom again details why the Commission should modify the scope of this rule to comply with its PRA obligations.²⁸ AT&T agrees with USTelecom on all counts and urges the Commission reconsider its decision to impose the Tribal engagement obligation on all high-cost recipients.

The Commission’s stated purpose in creating the Tribal engagement requirement is to facilitate “the successful deployment and provision of service” on Tribal lands in order to narrow the “deep digital divide” in those areas. *USF/ICC Transformation Order* at ¶¶ 636-37. To accomplish this goal, the Commission must, of course, provide “sufficient” high-cost support to providers in order to enable them to deploy and maintain broadband service in high-cost Tribal areas that are otherwise uneconomic to serve. *See* 47 U.S.C. § 254(e) (requiring support to be “explicit and sufficient to achieve the purpose of this section”). A carrier cannot be expected – or required – to deploy broadband service in such areas absent “specific, predictable, and sufficient” support. 47 U.S.C. § 254(b)(5). If the Commission fails to provide sufficient support to enable a carrier to deploy broadband service on high-cost Tribal lands, there is little point in mandating that the carrier commence broadband deployment discussions with the relevant Tribal government. As a consequence, the information collection required by section 54.313(a)(9) has

²⁶ *See, e.g.*, Petition at 13; USTelecom First Reconsideration Petition at 18; Rural ILECs Reconsideration Petition at 3-5; AT&T *USTelecom First Reconsideration Petition* Comments at 14-16.

²⁷ *See, e.g.*, USTelecom First Reconsideration Petition at 18-19; AT&T *USTelecom First Reconsideration Petition* Comments at 18-20.

²⁸ Petition at 11-14.

no practical utility except for Tribal Mobility Fund recipients, who will receive high-cost support for the sole purpose of deploying mobile broadband to unserved Tribal lands. *See, e.g., USF/ICC Transformation Order* at ¶ 481.

There may be some logic to require entities that seek Tribal Mobility Fund support to show that they have complied with any validly adopted Tribal engagement rule.²⁹ But, that logic plainly does not apply to entities not seeking such support – irrespective of whether they receive support under other high-cost support mechanisms. Thus, for example, the Commission cannot reasonably justify requiring a large price cap carrier that only receives legacy interstate access support (IAS) (which was intended to replace the implicit subsidies in interstate access charges and not to provide supported services in particular high-cost areas) to document that it has had discussions with all Tribal governments in its large service area on, among other topics, “a needs assessment and deployment planning.”

Applying the Tribal engagement requirement to any ETC whose high-cost support the Commission is eliminating (possibly, on a flash-cut basis beginning next year) seems similarly misguided.³⁰ There is no purpose in requiring Tribal governments and carriers whose support is being zeroed out to discuss, for example, deployment or feasibility planning when these carriers are assured of losing all of their support in a year or two. Given the circumstances, the Commission should expect these carriers to spend their high-cost support on maintaining, not

²⁹ *Further Inquiry into Tribal Issues Relating to Establishment of a Mobility Fund*, WT Docket No. 10-208, Public Notice, 26 FCC Rcd 5997, ¶ 6 (WTB rel. April 18, 2011).

³⁰ *USF/ICC Transformation Order* at ¶¶ 180, 519.

expanding, service.³¹ The Commission has failed to explain what value there possibly could be in mandating that such carriers have discussions with Tribal governments on network deployment plans when the carriers likely have no such plans – or, at least, no such plans relying on high-cost support. In sum, we agree with USTelecom that “collecting and reporting information related to such discussions would have no practical utility [] if the ETC will not be receiving support for network deployments in a Tribal area.” Petition at 12. For these reasons and others detailed in previously submitted pleadings, the Commission should reconsider the scope of its Tribal engagement rule and limit its application to Tribal Mobility Fund recipients only.

C. As Proposed on Draft FCC Form 481, the Commission’s Pricing Information Collection Lacks Practical Utility and Does Not Minimize the Information Collection Burden on Respondents

USTelecom requests the Commission to reconsider or clarify the reporting requirements related to the prices of an ETC’s voice and broadband service offerings, as reflected in the draft FCC Form 481 and instructions. Petition at 16-19. AT&T agrees. Among other things, the draft FCC Form 481 would require high-cost recipients to detail by town every rate offered to residential consumers for: standalone broadband; bundled broadband and voice; bundled broadband, voice, and video; and bundled broadband, voice, video, and mobile. Draft Instructions to FCC Form 481 at 20. To date, the Commission has not explained why collecting such granular broadband pricing data “is necessary for the proper performance of the functions of the agency.” 44 U.S.C. § 3506(c)(3).

³¹ Carriers are permitted to use high-cost support to maintain facilities and services. See 47 U.S.C. § 254(e) (requiring universal service support recipients to use that support for the “provision, *maintenance*, and upgrading of facilities and services for which the support is intended” (emphasis added)).

Until such time as the Commission makes broadband a supported service, it has no statutory obligation to ensure that broadband rates in rural and urban areas are “reasonably comparable” and thus collecting broadband pricing data from high-cost recipients has no practical utility. *See* 47 U.S.C. § 254(b)(3). This is particularly true with respect to the Commission’s proposal to require high-cost recipients to file pricing information for bundled broadband offerings. At a minimum, the Commission should clarify that it will only require high-cost recipients to file standalone broadband rates.³²

Proposed FCC Form 481 also seeks to collect detailed voice rate information from high-cost recipients. Draft Instructions to FCC Form 481 at 17-19. However, as USTelecom notes, the Commission has failed to minimize the burden of the proposed information collection on affected ETCs. Petition at 18. AT&T agrees with USTelecom that at least with respect to price cap carriers, most, if not all, of the proposed voice pricing information is already filed with the Commission. Specifically, as part of its ILECs’ annual tariff filings, AT&T files detailed residential, local service voice pricing by exchange with the Commission. Requiring AT&T’s ILECs to file almost identical information on FCC Form 481 is “unnecessarily duplicative of information otherwise reasonably accessible to the [Commission].” 44 U.S.C. § 3506(c)(3). On reconsideration, AT&T recommends that the Commission grant the Petition and permit high-cost recipients like AT&T’s ILECs that already file the same or nearly identical information with the Commission to so indicate on Form 481 by checking a box in lieu of populating detailed Excel spreadsheets.

³² *See also* Letter from Alan Buzacott, Verizon, to Marlene Dortch, FCC, WC Docket No. 10-90 et al., at 3-5 (filed May 3, 2013) (detailing other reasons why it is inappropriate for the Commission to require high-cost recipients to file broadband rates for anything other than standalone broadband).

III. CONCLUSION

USTelecom alone has filed four petitions of reconsideration and clarification of the Commission's high-cost reporting rules since December 2011. While the Commission has addressed a few of USTelecom's requests in the past year, its failure to resolve parties' fundamental challenges to the reporting rules has created confusion among the industry and state regulators. Various Commission statements about how broadband and Tribal engagement information is due on July 1, 2013 have exacerbated this confusion. Given the looming July 1 deadline, AT&T requests that the Commission promptly clarify that high-cost recipients will not have any obligation to report in 2013 information that is responsive to rules that are not currently in effect. Additionally, before the Commission seeks OMB approval for the remaining provisions of section 54.313(a), AT&T recommends that it address the pending petitions for reconsideration, which, if granted, will appropriately limit the applicability of any broadband and Tribal engagement reporting requirements.

Respectfully Submitted,

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