

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
Development of Nationwide Broadband Data to)
Evaluate Reasonable and Timely Deployment of)
Advanced Services to All Americans,) WC Docket No. 07-38
Improvement of Wireless Broadband)
Subscribership Data, and Development of Data on)
Interconnected Voice over Internet Protocol)
(VoIP) Subscribership)



THE NATIONAL CABLE & TELECOMMUNICATIONS ASSOCIATION

Daniel L. Brenner
Loretta P. Polk
Steven F. Morris
National Cable &
Telecommunications Association
25 Massachusetts Avenue, N.W. – Suite 100
Washington, D.C. 20001-1431
(202) 222-2445

June 15, 2007

TABLE OF CONTENTS

INTRODUCTION AND SUMMARY	2
I. THE COMMISSION SHOULD FOCUS ON PROMOTING BROADBAND DEPLOYMENT IN UNSERVED AREAS.....	3
II. NCTA SUPPORTS IMPROVED DATA COLLECTION REQUIREMENTS.	5
A. The Commission Should Focus on Identifying Unserved Areas.....	5
B. The Commission Should Not Collect Information on Broadband Pricing or International Deployment and Adoption Rates.....	8
C. The Commission Should Retain The Existing Speed Tiers on the Form 477.....	11
D. The Commission Must Continue To Preserve The Confidentiality of The Data It Collects.....	13
III. REPORTING OBLIGATIONS FOR VOIP PROVIDERS SHOULD TRACK THOSE IMPOSED ON CIRCUIT-SWITCHED PROVIDERS.	15
CONCLUSION.....	16

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Development of Nationwide Broadband Data to)	
Evaluate Reasonable and Timely Deployment of)	
Advanced Services to All Americans,)	WC Docket No. 07-38
Improvement of Wireless Broadband)	
Subscribership Data, and Development of Data on)	
Interconnected Voice over Internet Protocol)	
(VoIP) Subscribership)	

**COMMENTS OF THE
NATIONAL CABLE & TELECOMMUNICATIONS ASSOCIATION**

The National Cable & Telecommunications Association (NCTA) hereby submits its comments in the above-captioned proceeding.

NCTA is the principal trade association representing the cable television industry in the United States. Its members include cable operators serving more than 90% of the nation's cable television subscribers, as well as more than 200 cable programming networks and services. NCTA's members also include suppliers of equipment and services to the cable industry. The cable industry is also the nation's largest provider of high-speed Internet access after investing over \$110 billion since 1996 to build out a two-way interactive network with fiber optic technology.

INTRODUCTION AND SUMMARY

In the Notice, the Commission seeks comment on a wide variety of questions related to its data collection efforts, particularly with respect to broadband services.¹ As we explain in these comments, the development of the broadband market in recent years has been nothing short of phenomenal. Cable operators, telephone companies, wireless carriers, and satellite providers all make broadband services available across the country, with cable broadband service already available to 94 percent of all U.S. homes. Not only is broadband nearly ubiquitous, competition among these providers has resulted in continual increases in service quality and speed, and decreases in price-per-megabit offered. The market is working to meet the needs of consumers and the Commission must take care not to interfere with this success.

In light of the fact that broadband service is available from multiple providers in most parts of the country, any new data collection obligations should be focused on identifying those areas where broadband networks have not yet been deployed. To achieve that goal, NCTA supports the collection of data at the level of 9-digit zip codes, provided that the Commission continues its practice of preserving the confidentiality of the data it collects. NCTA does not support the collection of retail pricing data, which is not necessary in this competitive environment. Nor do we believe it is useful for the Commission to collect or report data on deployment or adoption of broadband services in other countries given the substantial difficulties associated with making meaningful comparisons among countries.

¹ *Development of Nationwide Broadband Data to Evaluate Reasonable and Timely Deployment of Advanced Service to All Americans, Improvement of Wireless Broadband Subscriber Data, and Development of Data on Interconnection Voice over Internet Protocol (VoIP) Subscriber Data*, WC Docket No. 07-38, Notice of Proposed Rulemaking, FCC 07-17 (rel. Apr. 16, 2007) (Notice).

I. THE COMMISSION SHOULD FOCUS ON PROMOTING BROADBAND DEPLOYMENT IN UNSERVED AREAS.

In its recent comments in the Commission's *Section 706 Report* proceeding, NCTA explained that the vast majority of consumers have multiple options for broadband services.² Based on company data collected by the Commission, as of June 30, 2006, cable high-speed Internet service was available to 93 percent of households that could access cable TV service.³ Industry analysts report even higher penetration rates. Kagan Research data shows, for example, that cable broadband service is available to more than 94 percent of all U.S. homes and it projects 95 percent by year-end.⁴

According to Kagan Research estimates, households passed by cable's high-speed Internet service reached 119 million in 2006. And over the past two years, the cable industry has invested another \$23 billion to enhance and improve its advanced, interactive, hybrid-fiber coaxial network.⁵ This state-of-the-art network enables the delivery of unsurpassed residential broadband data, video and digital voice services.

Cable operators' broadband services are offered in an increasingly competitive marketplace. As reported in the Commission's most recent broadband report, cable high-speed data service's chief rival – the phone companies' Digital Subscriber Line (DSL) service – is available to 79 percent of households which could access ILEC telephone service.⁶ In addition, AT&T is offering satellite-delivered high-speed service from WildBlue Communications to its

² See Comments of the National Cable & Telecommunications Association, GN Docket No. 07-45 (filed May 16, 2007).

³ See High-Speed Services for Internet Access: Status as of June 30, 2006 (Industry Analysis and Technology Division, Wireline Competition Bureau) (2006 Broadband Report), Table 14.

⁴ Kagan Research LLC; Kagan *Broadband Cable Financial Databooks*, 26th Edition at 11-12.

⁵ Kagan Research LLC; *Broadband Technology* at 7 (Mar. 20, 2007).

⁶ 2006 Broadband Report at 3.

customers that live outside its DSL coverage area.⁷ Mobile wireless broadband has grown from less than 1 percent of total broadband services in June 2005 to 17 percent in June 2006 and portends a bright future for next generation advanced wireless broadband technologies.⁸

Overall, for the year ending June 30, 2006, high-speed lines connecting homes and businesses to the Internet increased by 52 percent.⁹ As Commissioner McDowell recently observed in a speech addressing the United States' international standing in broadband deployment, "broadband has had the fastest penetration rate of any technology in modern history. That is to say, broadband has been deployed faster than: electricity, radios, TVs, VCRs, DVD players, PCs and every other technology in American history."¹⁰

As cable and other broadband services continue to experience healthy subscriber growth, competition among these services is resulting in steadily increasing transmission speeds and declining prices-per-megabit offered. In 1996, when cable first offered high-speed Internet service as an alternative to dial-up access, the speeds were approximately 1-1.5 Mbps. Today, most cable operators offer broadband speeds topping 5 Mbps and some operators, such as Cablevision, offer speeds up to 50 Mbps. Others, like Comcast and Cox, offer a "PowerBoost" service that provides speeds as high as 12-16 Mbps on an on-demand, capacity-available basis. Many cable operators now are preparing to deploy the next generation "wideband" architecture

⁷ Press Release, AT&T Yahoo Broadband Via Satellite Provided By WildBlue Expands Across AT&T's 22-State Wireline Territory (May 9, 2007). WildBlue provides broadband service at speeds ranging from 512 kbps to 1.5 Mbps.

⁸ 2006 Broadband Report, Table 1.

⁹ *Id.*

¹⁰ Remarks of FCC Commissioner Robert M. McDowell, Catholic University School of Law Symposium, March 15, 2007, page 10.

(DOCSIS 3.0), which is backward-compatible with existing cable high-speed modems, and will deliver speeds of over 100 Mbps.¹¹

In this highly competitive marketplace, we believe the government should focus its attention on addressing the issue of broadband availability in areas of the country that are currently unserved. We recognize that there are still remote rural areas across the United States that only have access to broadband service via satellite services. We would thus urge that existing and future federal initiatives to promote ubiquitous broadband availability more carefully target these areas of the country. The first step in targeting support in this way is to identify areas that do not have broadband service available from a cable operator or telephone company. As we explain below, the Commission's reporting requirements are of some value in this regard, but NCTA supports the collection of more granular data that would help the Commission identify more precisely the areas where broadband service has not yet been made available.

II. NCTA SUPPORTS IMPROVED DATA COLLECTION REQUIREMENTS.

A. The Commission Should Focus on Identifying Unserved Areas.

The Commission currently requires providers to report a list of 5-digit zip codes in which they provide broadband service.¹² The 5-digit zip code data has some value in that it identifies those zip codes that have absolutely no broadband service whatsoever. As the Commission acknowledges in the Notice, there may be ways in which it can make better use of this data than it has in the past.¹³

¹¹ "Comcast's 150 Mbps Modem is Good for U.S. Broadband," *PC World*, May 9, 2007, <http://blogs.pcworld.com/staffblog/archives/004354.html>; "Comcast's Roberts: 'Wideband' to Trump Telcos," *Multichannel News*, May 8, 2007.

¹² Notice at ¶ 10.

¹³ *Id.* at ¶ 13.

Although the current data can help identify some areas with no broadband service at all, it is not effective in identifying any unserved portions of zip codes where broadband service is otherwise available. As the Government Accountability Office stated in a 2006 report, the current system “may overstate deployment in the sense that it can be taken to imply that there is deployment throughout the zip code, even if deployment is very localized.”¹⁴ By way of example, the GAO report explains that the data collected by the Commission showed a much higher rate of deployment in Kentucky than did the more granular data collected by ConnectKentucky, a state public-private broadband alliance.¹⁵

More granular data would help the Commission identify these unserved pockets within zip codes that are identified as being served today. In developing new data collection requirements, however, the Commission must balance the costs and benefits. For example, requiring reporting of broadband availability on the basis of 9-digit zip codes has been identified by the Commission as one possible approach.¹⁶ NCTA supports this approach. Nine-digit zip code data will be more helpful than 5-digit data in identifying unserved areas. Reporting data in this format would be less burdensome than other more elaborate proposals because billing systems often use 9-digit zip codes.

¹⁴ GAO Report No. 06-426, *Broadband Deployment Is Extensive throughout the United States, but It Is Difficult to Assess the Extent of Deployment Gaps in Rural Areas* (May 2006).

¹⁵ *Id.* at 17.

¹⁶ Notice at ¶ 31.

The Commission also requested comment on mapping efforts like ConnectKentucky.¹⁷ The cable industry has participated in the ConnectKentucky project and the data produced by this type of effort certainly can be helpful in identifying unserved areas. The Commission must recognize, however, that such efforts require a much greater commitment of public and private resources than simply reporting on deployment. These costs ultimately are borne by consumers and taxpayers and therefore such efforts should not be undertaken lightly. In addition, if the Commission were to attempt to scale a statewide program like ConnectKentucky to the national level, states should not be allowed to impose a separate data collection requirement on broadband providers.

In addition to improving its Form 477 reports, the Commission sought comment on alternative methods of gathering data regarding broadband deployment. In response, the Information Technology and Innovation Foundation (ITIF) has proposed that the Commission or the National Telecommunications and Information Administration (NTIA) oversee administration of a website where consumers could automatically test the speed of their broadband connection, enter additional information (such as their address), and have the “speed” results posted to an online mapping service.¹⁸

Such an approach may be interesting as a theoretical matter, but it raises a number of practical concerns. As an initial matter, we are skeptical that a speed test of this sort can accurately account for the fact that download speed is affected by factors beyond the control of the broadband provider, including the capacity of other networks involved in the transmission

¹⁷ *Id.* at ¶ 36. ConnectKentucky is a public-private partnership whose mission is to accelerate the growth of technology within the state of Kentucky. Among the projects that ConnectKentucky supports is an effort to map broadband coverage across the state.

¹⁸ *See* Comments of the Information Technology and Innovation Foundation, WC Docket No. 07-38 (filed May 25, 2007) at 6.

and the activities of other subscribers that are using shared facilities. Unless these issues could be resolved, a speed test would not be a reliable indicator of the speed that any given broadband provider gives to its customers. Such an approach also would be highly susceptible to gaming and manipulation, *e.g.*, by entering incorrect information about the broadband provider. Even if these and other concerns could be addressed, moreover, it is not clear what role, if any, the Commission should play in developing and administering such a program.

B. The Commission Should Not Collect Information on Broadband Pricing or International Deployment and Adoption Rates.

In the Notice, the Commission seeks comment on whether it should collect information on retail pricing of broadband services.¹⁹ The Commission also asks whether it should collect or report data on international broadband deployment and adoption.²⁰ NCTA opposes both the collection of pricing data and data on international broadband offerings.

Consumers in the broadband marketplace already have access to the information they need to make purchasing decisions. As Timothy Muris, former Chairman of the Federal Trade Commission stated: “Most consumers are able to evaluate the broad array of competitive offerings and assess the attributes of the different technologies.”²¹ In addition to information made available through the marketing and advertising efforts of broadband providers, “third-party analysts and market observers, such as Consumer Reports, compare different types of broadband access across a wide range of variables, including price, speed, always-on connectivity, and the ability to share Internet service with others.”²²

¹⁹ Notice at ¶¶ 45-47.

²⁰ *Id.* at ¶ 30.

²¹ Statement of Timothy J. Muris, Before the Workshop on Broadband Connectivity Competition Policy, U.S. Federal Trade Commission (Feb. 28, 2007) at 20.

²² *Id.*

Given the information that is already available to help consumers compare their broadband service options (and recognizing that broadband service facilitates the ability of consumers to make such comparisons and share their opinions with others), government collection and reporting of pricing information by the Commission offers little benefit. First, there are a wide variety of factors that affect the price a consumer pays, including speed of service, term of contract, bundling with other services, and promotions. This makes price comparisons in many cases misleading or meaningless. Second, there is an inevitable, and inevitably long, time lag between companies reporting their data and the Commission publishing it. Time-lagged reports would be meaningless as soon as they are released. These types of delays have habitually plagued the Commission's "annual" cable price report.²³ As we have explained, "the Commission and the public could obtain better and more useful information from consumer advertising appearing on television and in newspapers."²⁴

For similar reasons, the Commission should not collect or report data on international deployment or adoption. Practice trumps theory here, too. As NCTA explained in its comments in the *Section 706 Report* proceeding, meaningful comparisons of data across countries are difficult to make and there is a tendency for the results of such comparisons to be given meaning beyond what is warranted. For example, despite the depth and scale of broadband availability in the United States, the Organization for Economic Cooperation and Development (OECD) ranks the U.S. at 15th in the world in broadband adoption.²⁵ But, as recently observed by

²³ See, e.g., Letter from Kyle McSlarrow, President and CEO, NCTA, to Kevin J. Martin, Chairman, Federal Communications Commission, MM Docket No. 92-266 (Jan. 4, 2007) at 1 ("As we have said for some time, the Commission's annual cable price survey is a very limited and crude instrument for collecting information, and it is essentially obsolete in today's dynamic marketplace.").

²⁴ *Id.*

²⁵ OECD Broadband Statistics to December 2006, released: 23 April 2007.
http://www.oecd.org/document/7/0,2340,en_2649_34223_38446855_1_1_1_1,00.html.

Commissioner Robert McDowell, “many of the statistics surrounding our nation’s broadband penetration rate can be misleading.”²⁶ As the Commissioner points out, OECD ranks the U.S. behind such countries as Denmark, the Netherlands, Iceland, Switzerland and Sweden in terms of broadband penetration, but it fails to account for population density, which puts the United States, which has sizable rural areas, at a distinct disadvantage.²⁷

Compared to most of the nations that rank “ahead” of the U.S. in broadband penetration, the U.S. is geographically vast and significantly less dense. Korea, often mentioned as a leader in broadband, is 16 times more densely populated than the United States, and more than half of Koreans live in large apartment buildings, while 75 percent of Americans live in single-family dwellings.²⁸ Similarly, comparing the U.S. to much smaller regions like Hong Kong, which is 422 square miles, or Iceland, where almost 93 percent of its inhabitants live in urban areas, is not a meaningful comparison.

As this analysis demonstrates, the United States faces challenges in making broadband available that are not faced by many other countries. We have vastly more people to connect to broadband and a vastly larger land mass to cover, which makes the service more expensive to provide. Moreover, we have chosen to rely on facilities-based competition, rather than government regulation and subsidies, to a greater extent than other countries.²⁹ Given all these differences, comparing broadband deployment or penetration across different countries in a

²⁶ Remarks of Commissioner Robert M. McDowell, Catholic University School of Law Symposium, March 15, 2007.

²⁷ *Id.*

²⁸ The U.S. has a population density of 31 people per square kilometer, compared with Korea at 483 people per square kilometer.

²⁹ *See* Letter from Paul Brigner, Executive Director -Federal Regulatory, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 07-38 (May 17, 2007), Attachment at 6.

meaningful way is an extremely challenging task.³⁰ The results would not provide facts for policy; they would trigger debates over the data instead. The Commission's limited resources should be put to more productive use.³¹

C. The Commission Should Retain The Existing Speed Tiers on the Form 477.

The current Form 477 identifies five tiers of broadband speeds and requires providers to report on a state-by-state basis the percentage of their connections that fall within each tier.³² The lowest tier starts at 200 kbps, which the Commission has defined as the threshold for a service to be considered broadband.³³ In the Notice, the Commission asks whether it should raise the 200 kbps threshold or otherwise develop new or different tiers for reporting purposes.³⁴

The 200 kbps threshold does not accurately reflect all the types of broadband services that cable operators routinely offer today.³⁵ As noted above, most cable operators typically offer speeds over 5 Mbps, and many operators are offering even faster connections.³⁶ Many cable operators also offer slower speeds, however, and customers that purchase these services may be

³⁰ The same is true with respect to speed comparisons across countries. For a variety of reasons, as noted above, it is difficult to obtain consistently accurate speed measurements. These challenges are not limited to the U.S. and therefore international comparisons are accurate only to the extent that the same techniques are used to measure speed in all the countries being compared.

³¹ See Testimony of Dr. George Ford, Chief Economist, Phoenix Center for Advanced Legal and Economic Public Policy Studies, before the House Committee on Energy and Commerce, Subcommittee on Telecommunications and the Internet (May 17, 2007) at 8 (“I believe our data collection resources should be directed on availability within the United States, which is a big enough task in itself. International comparisons are inevitable, regardless of legislation or regulatory mandates, and in my opinion, not very meaningful.”).

³² Notice at ¶ 18.

³³ *Id.*

³⁴ *Id.* at ¶¶ 19-20.

³⁵ See Testimony of Kyle McSlarrow, President and CEO, National Cable & Telecommunications Association, before the House Committee on Energy and Commerce, Subcommittee on Telecommunications and the Internet (May 17, 2007) (McSlarrow Testimony).

³⁶ Cable broadband service is an asymmetrical service, however, which means that these speeds typically are available for downloads, while upload speeds tend to be lower. *Id.* at 5. The Commission must consider the asymmetrical nature of this service if it updates the 200 kbps threshold.

perfectly satisfied because they value other aspects of the service, such as the “always on” availability and security protections.

Should the Commission choose to update the 200 kbps threshold, however, it should be cognizant that such a decision would have implications beyond its jurisdiction. For example, raising the threshold could result in more areas of the country being considered “unserved” for purposes of the broadband loan program operated by the Rural Utilities Service, even if those areas already are served by one or more providers. The Commission should take great care not to inadvertently expand the scope of this program, which already has been the subject of much criticism for distributing money to areas where it is not needed.³⁷

The question of whether or not these slower services should continue to be considered broadband services is separate from the question of what data the Commission should collect in the Form 477. Requiring broadband providers to break down their subscriber figures based on the different tiers of service enables the Commission to conduct a longitudinal analysis across a range of connection speeds. By collecting this data, the Commission can determine not just whether the number of broadband subscribers is increasing, but also whether providers are offering, and customers are purchasing, higher speeds.³⁸

The current speed tiers on the Form 477 serve this purpose. We believe the Commission would do more harm than good were it to make significant changes to the tiers it uses for reporting purposes. Changing the various tiers would make comparisons to past data more

³⁷ See, e.g., Summary of Congresswoman Stephanie Herseth Sandlin’s Rural Broadband Improvement Act (H.B. 2035) (“RUS is too often being used to subsidize Internet access to suburban and affluent communities that already have multiple high speed Internet providers.”)

³⁸ Notice at ¶ 19 (“Do our current speed tiers enable us to understand the evolving dynamics of the broadband marketplace as providers offer faster and faster connections?”).

difficult,³⁹ and changing them on a regular basis (*e.g.*, automatically adjusting speeds upward over time), as suggested by the Commission in the Notice, would make comparisons virtually impossible.⁴⁰ It also would increase the administrative burden associated with the Form 477 reporting obligation. The Commission would be better served by leaving the current speed tiers as is on the Form 477, even if it decides to update the threshold for purposes of measuring broadband deployment.

D. The Commission Must Continue To Preserve The Confidentiality of The Data It Collects.

The Commission recognized when it adopted the Form 477 reporting requirement that it was requiring companies to routinely provide competitively-sensitive information.⁴¹ Consequently, anticipating that many companies would seek confidential treatment of the data that would be required on an ongoing basis, the FCC established a streamlined process by which a provider could request confidential treatment simply by checking a box on the first page of the form.⁴² Since then, the Commission consistently has refused to make such information available in response to FOIA requests.⁴³

³⁹ Ford Testimony at 6 (“In order to maximize its value, the broadband data should include statistics on a range of speeds beginning at the 200 kbps level if only to allow us to continue to use the historical data in a meaningful way.”).

⁴⁰ The proposal to split the lowest tier in two, which is supported by ITIF, does not raise the same type of concerns because the two new tiers could simply be added together for purposes of comparing to prior periods.

⁴¹ *Local Competition and Broadband Reporting*, CC Docket No. 99-301, Report and Order, 15 FCC Rcd 7717, 7758-59, ¶¶ 87-90 (2000).

⁴² *Id.* at 7759, ¶ 90.

⁴³ See Letter from Kirk Burgee, Associate Chief, Wireline Competition Bureau, to Drew Clark, Senior Fellow and Project Manager, The Center for Public Integrity, FOIA Control No. 2006-493 (Sept. 26, 2006).

The FCC's confidentiality policy with respect to the data submitted on Form 477 is fully consistent with its efforts to obtain competitively-sensitive information from companies in order to fulfill its responsibilities under the Communications Act. The FCC has held, for example, that subscriber counts collected from cable operators in connection with other annual reporting requirements should be accorded confidential treatment.⁴⁴ Similarly, the FCC does not publicly disclose company-specific information regarding contributions made to federal universal service support mechanisms because that information could be used by competitors to the disadvantage of the company submitting the information.⁴⁵

NCTA urges the Commission to reiterate and continue its existing policy of preserving the confidentiality of Form 477 data if it seeks more granular data regarding broadband deployment. Given the level of competition that exists for broadband services, detailed information regarding the capabilities of a broadband network or the success of any particular service offering is not generally disclosed at the detailed level required by Form 477. If such information were made public, it undoubtedly would be used by competitors in developing their own strategies to compete with other broadband providers. Such information would be valuable in providing both a snapshot of a competitor's network and services at a given point in time and, by looking at changes over time, a roadmap to strategic decisions made over a period of years. Accordingly, continued preservation of the confidentiality of Form 477 data is warranted for all providers.

⁴⁴ See, e.g., *Cox Communications, Inc.; Request for Confidentiality for Information Submitted on Forms 325 for the Year 2003*, 19 FCC Rcd 12160, 12162, ¶ 8 (2004), *recon. granted in part*, 21 FCC Rcd 2309 (2006); *Comcast Cable Communications, Inc.; Request for Confidentiality for Information Submitted on Forms 325 for the Year 2003*, 19 FCC Rcd 12165, 12167, ¶ 8 (2004); *Time Warner Cable; Request for Confidentiality for Information Submitted on Forms 325 for the Year 2003*, 19 FCC Rcd 12170, 12172, ¶ 7 (2004).

⁴⁵ See *Lakin Law Firm, P.C.*, 19 FCC Rcd 12727, 12729-30, ¶¶ 6-7 (2004).

III. REPORTING OBLIGATIONS FOR VOIP PROVIDERS SHOULD TRACK THOSE IMPOSED ON CIRCUIT-SWITCHED PROVIDERS.

In the Notice, the Commission proposes to require providers of Interconnected VoIP services to report information on Form 477. Specifically, the Commission proposes to require retailers of Interconnected VoIP service to report: (1) the number of retail subscribers; (2) the percentage of retail subscribers that are residential, as opposed to business, customers; and (3) the percentage of retail subscribers that receive service over a broadband connection provided by the filer (or an affiliate of the filer).⁴⁶

As NCTA has stated on numerous occasions, the Commission should strive to treat voice services in a competitively and technologically neutral manner.⁴⁷ In this case, the proposed collection requirements for VoIP providers are comparable to the reporting requirements imposed on local exchange carriers. Consequently, NCTA supports these requirements.

⁴⁶ Notice at ¶ 22.

⁴⁷ *See, e.g.*, Reply Comments of the National Cable & Telecommunications Association, MD Docket No. 07-81 (filed May 11, 2007) (“As a policy matter, NCTA does not oppose the imposition of regulatory fees on VoIP providers, provided that the fee is no more burdensome than the fee imposed on other voice service providers. As companies using different technologies increasingly compete with each other by offering bundled packages of services, the Commission must ensure that its regulatory fees do not unfairly burden any one set of competitors.”).

CONCLUSION

NCTA supports the collection of more granular data that would help the Commission identify areas of the country where broadband service is not yet available, provided that it continues its policy of preserving the confidentiality of that data. The Commission should not, however, devote its limited resources to monitoring the pricing and packaging of broadband services, nor should it collect or report data on international deployment or adoption of broadband services.

Respectfully submitted,

/s/ Daniel L. Brenner

Daniel L. Brenner
Loretta P. Polk
Steven F. Morris
National Cable &
Telecommunications Association
25 Massachusetts Avenue, N.W. – Suite 100
Washington, D.C. 20001-1431
(202) 222-2445

June 15, 2007