

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

Modernizing the FCC Form 477 Data Program       )       WC Docket No. 11-10

**REPLY COMMENTS OF  
NTCA–THE RURAL BROADBAND ASSOCIATION**

To the Commission:

NTCA–The Rural Broadband Association (NTCA)<sup>1</sup> hereby submits reply comments in the above-captioned proceeding.<sup>2</sup> As noted in the FNPRM, the Commission is undertaking this proceeding in order to (a) determine whether it can "collect better and more accurate information on Form 477," and (b) improve other aspects of the data collection in order to make the product more useful for policymakers, legislators, and the industry.<sup>3</sup> The Commission also noted its recognition of the burdens on filing entities, and the need to balance these burdens against potentially better data.<sup>4</sup> In initial comments, NTCA recommended an approach that would address the Commission's goals: (1) collect geocoded data for the Form 477 for new installations or upgrades only, but (2) reduce the Form 477 filings from a semi-annual requirement to an

---

<sup>1</sup> NTCA represents nearly 850 independent, community-based telecommunications companies and cooperatives and more than 400 other firms that support or are themselves engaged in the provision of communications services in the most rural portions of America. All NTCA's service provider members are full service rural local exchange carriers ("RLECs") and broadband providers.

<sup>2</sup> *Modernizing the FCC Form 477 Data Program: Further Notice of Proposed Rulemaking*, WC Docket No. 11-10, FCC 17-103 (2017) (FNPRM).

<sup>3</sup> FNPRM at para. 1.

<sup>4</sup> *Id.*

annual obligation. NTCA also urged the Commission to maintain safeguards that protect the confidential and competitively sensitive information submitted by filers.<sup>5</sup> In these reply comments, NTCA will address each of these issues.

***1. Collecting More Granular Data***

As presented in initial comments, NTCA supported the collection of geocoded data for new installations and upgrades *only*. NTCA did not contemplate any requirement for retroactive geocoding. As do other parties, NTCA recognizes substantial concerns that would be associated with a costly, wholesale conversion to geocoding; NTCA agrees with American Cable Association's overarching perspective that the Commission must balance the potential benefits of greater granularity against the certain burdens on small and medium providers that would be subject to more detailed reporting requirements.<sup>6</sup> NTCA agrees with the ACA assessment that census block reporting is imperfect, and risks both under-counting and over-counting.<sup>7</sup> At the same time, NTCA concurs with the comprehensive picture painted by ACA of the difficulty that would be approached were carriers required to provide all locations in geocoded format.<sup>8</sup>

---

<sup>5</sup> NTCA also recommended that subscription data be gathered annually on a sampled basis, instead of a semi-annual mandatory submission, proposing a stratified random sampling of companies to obtain a statistically valid sampling of the industry. These companies would file the full subscription data set, *e.g.*, speed and network type, in that given year. Although the total universe of customer connections would still be obtained by the Commission by requiring all companies to file their total voice and broadband subscriber counts, the overall burden on all companies would be reduced. *See*, NTCA at 8, 9.

<sup>6</sup> American Cable Association at 6 (ACA).

<sup>7</sup> ACA at 7.

<sup>8</sup> ACA at 10.

Accordingly, NTCA distinguishes its middle-ground proposal from those entities that rationally and *correctly* warn against a *wholesale* conversion of existing data to geolocations or other more granular bases<sup>9</sup> and others who issue a blanket call for greater (and, consequently, more onerous) granularity.<sup>10</sup> USTelecom is correct: "Providers, particularly small rural ones, do not have the resources to geolocate every device and serviceable location on its [sic] network."<sup>11</sup> In contrast, NTCA proposes that on a *prospective-only basis*, entities would geocode for Form 477 purposes *only* new installations as well as upgrades of service at existing locations; providers would be under no obligation to revise Form 477 data filed prior to the date of this change. To be sure, while there is some incremental burden associated with such tracking and reporting, prospective reporting when network facilities are installed or upgrades in service are activated at a location should not impose undue burden. As a representative of nearly 850 rural providers, NTCA recognizes that obstacles such as those noted by Sacred Wind Communications,<sup>12</sup> as well as others, can hamper a technician's ability to generate geocoded information. NTCA submits that under its proposal, those barriers would be of less consequence since they would need to be overcome, anyway, at the time when a provider must physically access the location to install or

---

<sup>9</sup> See, ITTA at 4; NCTA at 5-7; Sacred Wind Communications at 5; Verizon at 11.

<sup>10</sup> See, Broadband Census, LLC and Microband Media, LLC, at 6, 7 (Broadband Census, *et al.*); Institute for Local Self-Reliance at 3 (ISLR); Open Technology Institute at 6 (OTI) (it bears noting that none of the afore-mentioned commenters are entities that would bear the costs of more granular reporting).

<sup>11</sup> USTelecom at 9.

<sup>12</sup> Sacred Wind Communications at 7 ("... field data GPS data collection efforts are consistently hampered by physical barriers from obstacles such as locked gates, aggressive dogs, and abandoned buildings.")

upgrade a facility. Moreover, even if a technician cannot obtain physical access to a site (*i.e.*, where an upgrade might be executed from a remote location), USAC guidance elucidates alternative geocoding methods, including desktop geolocation using web-based maps and imagery and automated address geocoding, that do not require a field visit.<sup>13</sup>

## **2. Annual Reporting**

For the most part, commenters who either file Form 477 or who represent entities that file Form 477 demonstrated due sensitivity and concern for the current frequency of the filing requirement, and support for a proposal to reduce the semi-annual obligation to an annual requirement. Like NTCA, these commenters noted the benefits of reducing the administrative burdens and costs that are associated with the filing.<sup>14</sup> WISPA favored semi-annual filing, citing potential benefits for USF distribution, but acknowledged that Form 477 is "time consuming, costly and difficult," and conditioned its support for semi-annual filings on the Commission's adoption of other WISPA recommendations.<sup>15</sup>

## **3. Confidentiality**

Many entities whose proprietary data are included in the Form 477 were wary of releasing their data, even after a period of time, and opposed any measures that would reveal

---

<sup>13</sup> See, Universal Service Administrative Co., "Geolocation Methods: A Guide to Successfully Collecting Broadband Deployment Data," [http://www.usac.org/\\_res/documents/hc/pdf/tools/HUBBGeolocationMethods.pdf](http://www.usac.org/_res/documents/hc/pdf/tools/HUBBGeolocationMethods.pdf) (last viewed Oct. 24, 2017, 9:55).

<sup>14</sup> See, ACA at 6; Hughes at 7; ITTA at 7; Verizon at 9; Viasat, Inc. at 2.

<sup>15</sup> WISPA at 15, 16.

competitively sensitive information.<sup>16</sup> NTCA agrees with USTelecom's assessment that "regardless of how much time has passed, disclosure of historical competitive information would competitively disadvantage [providers] . . . as well as compromise their future business plans."<sup>17</sup> As was the case with granularity, measures that would retain burdensome requirements and implicate competitively harmful conditions were generally favored only by non-service provider entities, *i.e.*, those who do not bear the costs.<sup>18</sup> In these regards, NTCA urges the Commission to recognize the comprehensive reporting requirements to which providers are subject, and the fiercely competitive nature of the market: both argue for reduced reporting requirements, and assurances that competitively sensitive data that is reported is treated appropriately.

---

<sup>16</sup> See, CTIA at 13, Hughes Network Systems, Inc., at 5, NCTA at 14; USTelecom at 11, Verizon at 15, 16, Viasat, Inc., at 4.

<sup>17</sup> USTelecom at 13.

<sup>18</sup> See, ISLR at 4 and OTI at 9 (supporting semi-annual filings); *see, also*, Broadband Census at 5, 6 (calling for public data sets); ISLR at 3 (supporting the collection of pricing information); OTI at 10 (supporting increased public access to data).

WHEREFORE these reasons and as stated above, NTCA supports (1) geocoding of new installations and upgrades at existing locations only; (2) reduction of the Form 477 filing requirement from a semi-annual and an annual report; and (3) confidential treatment of competitively sensitive information.

Respectfully submitted,



By:

/s/ Joshua Seidemann

Joshua Seidemann

Vice President of Policy

4121 Wilson Boulevard, Suite 1000

Arlington, VA 22203

[jseidemann@ntca.org](mailto:jseidemann@ntca.org)

703-351-2000 (Tel)

October 24, 2017