

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

In the Matter of)
)
Deployment 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)

**FURTHER COMMENTS OF CONSUMERS UNION, CONSUMER
FEDERATION OF AMERICA, FREE PRESS AND PUBLIC KNOWLEDGE**

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Summary

The Further Notice of Proposed Rulemaking seeks input on the collection and dissemination of a data pertaining to a variety of broadband market characteristics. Section 706 of the Telecommunications Act of 1996 mandates the Commission encourage the universal and timely deployment of advanced telecommunications capability. In order to begin to fulfill this mandate, the Commission first needs detailed, granular and accurate information on the location and characteristics of broadband infrastructure deployed throughout the country. Beyond the collection of mere availability data, the Commission needs information regarding the price and actual speeds experienced by broadband subscribers including from subscribers themselves. The Commission has indicated it plans to collect such data. This information will further aid the timely deployment and adoption of broadband, and we urge the Commission to not only collect, but also disseminate this information to the public in an easily accessible format.

The Commission should dismiss any claims of potential competitive disadvantage that might be caused to private carriers through the public release of this information. Much of the information we request the Commission collect is already available to consumers, just not in a manner that enables informative comparative analysis. Some of the new data the Commission proposes gathering involves surveys of the public, or self-reporting by the public. It is imperative that any data collected through the direct participation of the public should subsequently be made available in detail for public use. Further, any new information collected that is not currently available to the public would produce significant public benefits through its release, far outweighing any claimed

competitive concerns. The full potential of this data cannot be achieved if the Commission keeps it confidential. We urge the Commission to recognize this fact.

One of the major factors influencing consumer adoption of broadband is the cost of service. The Commission should collect the published, stand-alone non-promotional, non-contractual price from providers. This information will simplify the data collection process and reflect the true cost of purchasing broadband service. The Commission should also consider collecting information regarding the provision of static IP addresses. This feature is central to Congress' definition of advanced telecommunication capability, specifically permitting Americans to *originate* "high-quality voice, data, graphics, and video".

We are pleased the Commission seeks comment on methods to collect the actual speeds experienced by broadband subscribers. Concerns about actual versus advertised speeds exist primarily due to misleading marketing that is routine amongst providers, something we feel the Commission should work to reform. We recognize that difficulties exist in gathering real world speed information. However, these barriers can be overcome. The Commission can partner with other entities involved with tracking broadband to perform controlled speed test. In addition, the Commission has the authority to collect information on the contention ratios of residential broadband offerings. Contention ratios will enable the Commission and customers to know the "down to" speed, in addition to the more common "up to" speed marketed by carriers.

The Commission should move forward in collecting these relevant characteristics of the broadband marketplace. Doing so will better enable the Commission to ensure the reasonable and timely deployment of true two-way, affordable broadband services to all Americans.

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I. Introduction

A. Interest and Expertise of Commenters

The interest and expertise of the Commenters was set forth in the original comment period.¹

B. The Necessity of Data

During the initial comment period, we provided a thorough review of the Commission's broadband collection methods. We demonstrated the need for the Commission to modify its Form 477 data collection practices in order to collect meaningful information concerning the deployment, adoption and quality of broadband in all regions of the nation.² We applaud the Commission for its subsequent action that vastly improves the subscribership information collected from ISPs on Form 477. There is universal consensus that good public policy requires good data.

The revised Form 477 data will inform and ultimately improve the effectiveness of public policies aimed at achieving the goal of universal broadband adoption. But the Commission's work is not done. In addition to finalizing rules for the collection of availability data, the Commission must create a system for collecting data on the price and actual speeds of broadband service offerings. In these comments we offer our thoughts on the best way to proceed.

¹ Consumers Union et al. Comments at 7-8.

² Consumers Union et al. Comments at II (B).

II. Discussion

A. The Commission is the Appropriate Entity to Provide Broadband Information to the Public

In the Telecommunications Act of 1996 (“The Act”), Congress provided the FCC clear authority to collect and distribute information on the deployment and adoption of telecommunications and advanced information services.³ In The Act and the debates that occurred in the months prior to its adoption, Congress made clear its desire to have the Commission facilitate the deployment of universal, affordable and competitive broadband offerings.⁴ Accurate data must be both collected and distributed in order to fulfill the Act’s mandate for the Commission to “encourage the deployment on a reasonable and timely basis of advanced telecommunications capability to all Americans.”⁵ Furthermore, as Congress recognized, the Commission contains the necessary expertise and experience to carry out such a task.⁶ Thus, the Commission has been long been provided Congressional authority to comprehensively collect and make available detailed information on the characteristics of the Internet services available and where those services are deployed.

The record in this proceeding makes it quite clear that the current patchwork of state data collection efforts is clearly inferior to a single consistent methodology implemented by the Commission.⁷ These state efforts are important, and originated in large part due to the information vacuum created by federal government inaction.⁸ By

³ 47 U.S.C. § 157. See § 706(a) of the Telecommunications Act of 1996, 104 P.L. 104; 110 Stat. 56; 1996 Enacted S. 652; February 8, 1996.

⁴ Consumers Union et al. Comments, GN Docket No. 07-45, p. 9-11, May 16, 2007.

⁵ § 706(a) of The Act.

⁶ Id.

⁷ See for instance, Comments of New York State Department of Public Service.

⁸ See for example, Mary Branham Dusenberry, “Broad Base of Broadband,” Council of State Governments, April 2008, Available at

implementing a comprehensive data collection effort the Commission will be able to provide all state and local agencies with the valuable information needed to further their efforts to increase broadband deployment and adoption. Throughout this proceeding state and local governments have recognized the Commission's role in facilitating this information.⁹ A clear consensus has developed that the Commission act on their authority and produce a comprehensive dataset on both the location and characteristics of broadband in the United States.

B. The Commission Should Make the Underlying Dataset Publicly Available

Throughout the original and subsequent comment periods, we have consistently requested that the Commission provide underlying datasets to the general public.¹⁰ Currently the Commission does not make the underlying subscribership data submitted by providers on Form 477 available (indeed, the Commission even redacts some information that is aggregated up to the state level). While we believe there is little justification for this extreme level of confidentiality of subscribership data, there is absolutely no justification to redact data concerning the availability, price and actual speeds of broadband services. During the expedited comment period, states agencies also argued that the underlying data collected on broadband deployment be made available to

<http://www.csg.org/pubs/Documents/sn0804BroadBaseofBroadband.pdf>. Also for instance, Sean Slone, "Health Policy Rx: States Taking the Lead, Setting Examples," April 2007, Council of State Governments, Available at <http://www.csg.org/pubs/Documents/sn0704HealthPolicyRX.pdf>; Janet Pelley, "States take lead on climate change laws," Environment Science & Technology, Dec. 11, 2003, Available at http://pubs.acs.org/subscribe/journals/esthag-w/2003/dec/policy/jp_states.html.

⁹ Joint Expedited Comments of the Massachusetts Department of Telecommunications and Cable and the Maine Public Utility Commission at 7; National Association of State Utility Consumer Advocates Expedited Comments at 3-4; the National Association of Telecommunications Officers and Advisors, the National Association of Counties, The U.S. Conference of Mayors, and The National League of Cities Expedited Comments at 3; New Jersey Division of Rate Counsel Expedited Comments at 4-5; California Public Utility Commission Expedited Comments at 3-4.

¹⁰ Consumers Union et al. Comments at 28-29; Consumers Union et al. Reply Comments at 7; Consumers Union et al. Expedited Comments at 17.

the public, noting the significant benefits of doing so.¹¹ However, in their comments, carriers failed to offer any specific evidence that disclosure of such information would lead to competitive harms, or that these hypothetical harms would outweigh the real public interest benefits from public access to the underlying data.

The Commission recognized the benefits of publicly available data when it required local exchange carriers to report detailed information regarding their infrastructure investments and architecture through the Automated Reporting Management Information System (ARMIS).¹² Such information is surely more sensitive than mere information on availability and price.

We suggest that publicly available data would actually benefit broadband providers. Many already make certain data available as a means of product promotion. For example, wireless carriers repeatedly advertise their coverage areas¹³ and provide detailed maps in order to tout their commitment to nationwide deployment.¹⁴ Furthermore, as we explained in the expedited comment cycle,¹⁵ the burgeoning Internet mapping community will likely make innovative use of the Commission's underlying broadband data, which will allow prospective customers endless ways to discover providers in their area -- ultimately increasing consumer sovereignty and enhancing competition between carriers.¹⁶

¹¹ See Consumers Union et al. Expedited Reply Comments at 8-9.

¹² See <http://www.fcc.gov/wcb/armis/>

¹³ See for instance <http://www.verizonwireless.com/b2c/bestNetwork/itsthenetwork.jsp>;
<http://www.youtube.com/watch?v=Dgilk-SQjA>.

¹⁴ See "See Coverage in Your Area" <http://www.verizonwireless.com>; "Coverage Viewer" <http://www.wireless.att.com>; "Coverage" <http://www.sprint.com>.

¹⁵ Consumers Union et al. Expedited Comments at 19-20.

¹⁶ Clearly such a need exists, Rob Pegoraro, "Fios in Your Neighborhood? Don't Ask Verizon," Washington Post, Sept. 27, 2007, Available at <http://www.washingtonpost.com/wp-dyn/content/article/2007/09/26/AR2007092602468.html>. ("People are stuck visiting the Web sites of multiple vendors, plugging in phone numbers or street addresses at each -- which may still not yield correct

The Commission has the duty to balance the needs of providers to maintain trade secrets with the need for public disclosure of broadband data. The FCC must require providers to do more than just say information is proprietary. The Commission must assume that release of this data to the public will cause no harm, placing the burden of proof on providers to demonstrate that such release will lead to real harms that outweigh the public interest benefits.

C. The Commission Should Collect Data on Broadband Pricing in a Manner that Reflects the Reality of the Marketplace.

The Commission has requested comment on the collection of broadband pricing information. We applaud the Commission for recognizing the need for such information. Numerous surveys indicate that price and perceived value are the key reasons why consumers who could purchase broadband choose to not do so. In general, we believe the Commission should collect the published, stand-alone, non-promotional, non-contractual price, categorized within the Commission's improved speed tiers on a Census Block Group or Census Tract level. In doing so, the Commission can create a uniform dataset of broadband price information. Similar to subscriber data, this information should also distinguish between residential and business connections. Given that many providers create uniform pricing across their service territories, a requirement for reporting pricing information at this level of detail will not be burdensome. Further, given that such information is already made publicly available, it should not be subjected

answers, much less a full picture of their telecom choices. Here's how it should work: You visit one Web site and see exactly what types of service -- cable, DSL, fiber, wireless -- are available at any given spot.”)

to claims of confidentiality.¹⁷

The Commission has also requested comment on a variety of peripheral issues regarding the collection of broadband price information.

Service bundling is an increasingly common practice in the provision of broadband service. The Commission recognized this in asking for comment.¹⁸ It has also recognized how bundling can potentially be a case of tying, and has the potential to reduce consumer welfare (hence the need for the Commission to require “naked” DSL conditions in the AT&T/BellSouth merger).¹⁹ While providers claim bundling saves consumers money and simplifies bill payment, the practice is also used to tie consumers to unwanted services, increasing the effective price for broadband service. If a consumer is interested in only subscribing to broadband, using that connection for both phone (via third-party VoIP) and video service (via third-party providers),²⁰ a bundle simply increases the basic cost of the Internet connection and decreases the demand for these third-party services. Therefore we suggest that if a provider only offers bundled services, that the Commission avoid attempting to derive a standalone price for broadband service, and instead have providers report the least expensive bundle within each respective speed tier. In other words, the price customers are required to pay for their broadband connection is the price of the bundle, not some arbitrary portion of that bundled price.

¹⁷ See the National Association of Telecommunications Officers and Advisors, the National Association of Counties, The U.S. Conference of Mayors, and The National League of Cities Expedited Comments at 7.

¹⁸ FNPRM ¶37

¹⁹ Federal Communication Commission, Memorandum Opinion and Order, In the Matter of AT&T Inc. and BellSouth Corporation Application for Transfer of Control, WC Docket No. 06-74, Released: March 26, 2007, Appendix F, ADSL Service.

²⁰ While VoIP service has been popular for years, consuming online video in a variety of forms including through peer-to-peer networks has become increasingly popular. See for instance, Evan Hessel and Dorothy Pomerantz, “The People Vs. Comcast,” *Forbes*, Jan. 28, 2008, Available at <http://www.forbes.com/businesstech/forbes/2008/0128/076.html>; Mike Robuck, “Report: Online viewing finding an audience,” *CedMagazine.com*, July 30, 2008, Available at <http://www.cedmagazine.com/Report-Online-viewing-audience.aspx>.

Another area of broadband pricing, which the Commission should account for, is long-term contracts. Such contracts are commonplace in the mobile wireless industry, as the Commission is well aware,²¹ and becoming more so amongst the wireline community.²² The Commission should ensure that they collect the non-contract price from providers. If a provider does not offer broadband without a contract, the Commission must reflect this in the price. One such way to do this is to amortize the cancellation fee into the monthly price. The Commission's pricing data must reflect the true costs of the service. Contracts create switching costs that must be taken into account.

The Commission also sought comment on how to best account for other potential differences in service characteristics such as “the variety of optional features.”²³ We believe many of these characteristics to be wholly irrelevant as many of these services such as email addresses and online storage are provided by a variety of third-party companies at no cost.²⁴

One characteristic that *is* relevant to the Commission's collection of price is the provision of a static, rather than dynamic, IP address. Firstly, we applaud the Commission for recognizing this important service characteristic. During the previous comment period, we reviewed the significance of static IP addresses in allowing consumers to originate content, central to the Commission's Congressional mandate under Section 706 of The Act.²⁵ In our prior comments we analyzed the static IP address

²¹ Federal Communications Commission Public Hearing, Early Termination Fees, June 12, 2008.

²² See i.e.

<http://www22.verizon.com/content/consumerfios/popop/verizon+fios+internet+service+pricing+plans/verizon+fios+internet+service+pricing+plans.htm>.

²³ FNPRM ¶38

²⁴ See <http://www.emailaddresses.com/>; <http://techmagazine.ws/free-online-file-storage/>.

²⁵ Comments of Consumers Union et al., Appendix A.

offerings of some of the largest Internet service providers in the United States. We found, if static IPs are offered, consumers must add an additional monthly fee to the highest residential broadband subscription cost. However, in many instances a residential customer would need to upgrade to a much more expensive business account in order to receive a static IP address.²⁶

The use of static IP addresses presents the Commission with a choice. It could require providers report pricing information separately for static and dynamic IP offerings. If it chose to not separate these services, the Commission should weight the price in a given speed category by the percentage of lines which include a static IP address.

The Commission also seeks comment on requiring providers to report Average Revenue Per User (ARPU). Such information is commonly disclosed in financial reports and thus would not be burdensome for providers to calculate.²⁷ We support the requirement of ARPU reporting. The Commission also seeks additional metrics to “collect meaningful comparative broadband price information.”²⁸ We believe one such metric is the price per megabit of speed advertised. The calculation of this metric will provide a method for consumers to better understand the value of the services available to them.

²⁶ Id.

²⁷ See i.e. Comcast 2007 Financial Results, Feb. 14, 2008, Table 6, Available at http://library.corporate-ir.net/library/11/118/118591/items/279702/Q407_PR.pdf.

²⁸ FNPRM ¶38

D. The Commission Must Make the Voluntary Reporting System Data Publicly Available

The Commission intends to “design and implement a voluntary system that households may use to report availability and speed of broadband Internet access”²⁹ and seeks comment on preserving the confidentiality of those households.

If the Commission adopts such a system for self-reporting, it should collect information such as the address of the household, the broadband technology used, the upstream and downstream speed of the service, and the price of the service.

To ensure confidentiality, the Commission should provide a Web interface that immediately converts the address provided by the user to the Census Block level, stores the Census block number, then immediately deletes the address information. Of course, the Commission should allow households to report broadband information without including their address but should remind respondents that doing so severely limits the usefulness of the information they provide. By employing this model, we believe the Commission can adequately protect the confidentiality of participants. With the personally identifiable information eliminated, the Commission should provide this data to the general public on a Census Block level. We disagree with the Commission’s assertion that only relevant agencies and public-private partnerships and “similar ventures” should be afforded access.³⁰ The Commission should not deny access to the public who were central to the database’s creation.

²⁹ Id.

³⁰ FNPRM ¶39

While we believe the creation of the voluntary reporting system will be useful, we urge the Commission to recognize the lack of reliability inherent in a self-reporting system.³¹

E. The Commission Should Collect Data on Actual Broadband Speeds and Contention Ratios

The Commission has correctly recognized the inherent difficulties in measuring the actual speeds available to customers. A standard speed test is influenced by a variety of factors -- factors that make interpretation of the data incredibly subjective. This process is difficult even under controlled condition, but speed data that is self-reported has even less validity. Nonetheless, given the arguments of congestion taking place in a separate proceeding³² and the Chairman's stated commitment to transparency,³³ we believe the Commission must arm consumers with more knowledge about their Internet connections. Despite the challenges described above, we believe methods exist that can accomplish this goal.

The Commission should begin by encouraging network providers to disclose to customers the limitations of their connections.³⁴ The current industry practice of advertising the "up to" speed is highly misleading, particularly given the lack of emphasis

³¹ See also NATAO Expedited Comments at 6.

³² Federal Communications Commission, In the Matter of Broadband Industry Practices, WC Docket No. 07-52; Free Press et al. Petition for Declaratory Ruling that Degrading an Internet Application Violates the FCC's Internet Policy Statement and Does Not Meet an Exception for "Reasonable Network Management".

³³ "Statement of Chairman Kevin Martin," *En Banc* Hearing of the Federal Communications Commission, Cambridge, Massachusetts, February 25, 2008, http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-280446A1.pdf

³⁴ It would also be helpful for the Commission to monitor provider business practices. See Consumers Union et al. Comments at 38.

on the “up to” portion.³⁵ Providers should do much more to help consumers understand this speed will not be attainable at all times or even the majority of the time. AT&T has recently responded to this ubiquitous complaint by announcing they will provide a basement speed in addition to the ceiling speed.³⁶ The Commission should urge all providers to buck this “up to” trend and inject honesty into their broadband marketing practices.

The Commission can also gain an understanding of the actual speeds received by consumers through the use of controlled experiments. By partnering with existing entities such as universities and national labs, the Commission can undertake periodic, controlled experiments.³⁷

i. The Commission Should Collect the Information Necessary to Calculate Contention Ratios

A straightforward approach that would supply the Commission with relevant information on the level of service consumers receive is to gather the information necessary to calculate the upstream and downstream contention ratios.³⁸ This information will provide the Commission with a clear understanding of the minimum amount of broadband being provided to each subscriber, as well as the “oversubscription” level. Oversubscription is a fundamental characteristic of communications networks. This model takes advantage of the fact that all customers will not be concurrently using their service. While the use of oversubscription is standard and efficient, it also can be abused,

³⁵ See for instance how this Comcast commercial (at 22 seconds) displays “> Twice as fast as DSL” while saying “with speeds *up to* twice as fast as DSL”. [emphasis added] <http://www.youtube.com/watch?v=cOGv9SozBK8>. See also NATAO Expedited Comments at 4, n. 3.

³⁶ Fawn Johnson, “AT&T To Create Tiered Internet Access For Subscribers,” *Dow Jones*, July 21, 2008, Available at <http://www.smartmoney.com/news/ON/index.cfm?story=ON-20080721-000545-1904>.

³⁷ See for instance <http://jlab4.jlab.org:7123/>

³⁸ A contention ratio is simply the number of broadband subscribers divided by the amount of bandwidth devoted to broadband; in other words, the total number of people with buckets and the size of the town well.

preventing subscribers from achieving the capacity advertised for any reasonable duration. With simple alterations to existing forms, the Commission can easily collect contention ratio information.

1. Telephone Providers

Telephone providers are currently required to use ARMIS to publicly report a variety of financial and operational data.³⁹ The local exchange carriers are currently petitioning the FCC for forbearance from many of these requirements or requesting their integration into Form 477.⁴⁰ Small modifications to this information will enable the calculation of LEC contention ratios. The Commission would simply need to gather information on how many subscribers share each trunk within each central office and the amount of bandwidth provided in each direction by that trunk.

2. Cable Providers

During the Commission's investigation of Comcast's broadband practices, the company argued, along with Cox, that due to the large amount of local congestion in their network, draconian blocking measures were needed to manage this congestion. Clearly we disagree with this assessment. According to Time Warner Cable's CTO adding capacity in the upstream or downstream direction for broadband only requires the simple conversion of a single channel and is "basically free."⁴¹ Given this fact, consumers

³⁹ See <http://www.fcc.gov/wcb/armis/>.

⁴⁰ In the Matter of Petition of AT&T Inc. for Forbearance under 47 U.S.C. § 160(c) from Enforcement of Certain of the Commission's ARMIS Reporting Requirements, WC Docket No. 07-139; In the Matter of Petition of Verizon For Forbearance Under 47 U.S.C. § 160(c) From Enforcement of Certain of the Commission's Record Keeping and Reporting Requirements, WC Docket No. 07-273; In the Matter of Petition of Qwest Corporation for Forbearance from Enforcement of the Commission's ARMIS and 492A Reporting Requirements Pursuant to 47 U.S.C. § 160(c), WC Docket No. 07-204.

⁴¹ "If you want more throughput for your customers, the easiest and least expensive way is to add another DOCSIS carrier. It's basically free" Leslie Ellis, "How Sexy is HFC? (Answer: Plenty.)" CED Magazine, May 1, 2007, Available at <http://www.cedmagazine.com/article.aspx?id=146993>.

should have had the ability to know whether congestion is real or manufactured.

Contention ratios provide that information.

Cable providers currently are required to file Form 325, the Annual Cable Operator Report.⁴² Any cable operator with 20,000 subscribers or more is required to file. According to the 1999 Report & Order on Form 325, 70 percent of U.S. cable subscribers are served by cable operators that fall into this category.⁴³ Form 325 has the potential to provide interested or concerned consumers with the much of the knowledge that is not currently made available to them by their cable company. Table I includes a full list of the information currently reported and the public availability of this data.

⁴² See <http://svartifoss2.fcc.gov/csb/coals/>.

⁴³ Federal Communication Commission, Report and Order, In the matter of 1998 Biennial Regulatory Review—“Annual Report of Cable Television Systems,” Form 325, filed pursuant to Section 76.403 of the Commission’s Rules, CS Docket No. 98-61, ¶12, March 21, 1999, Available at http://gullfoss2.fcc.gov/prod/ecfs/retrieve.cgi?native_or_pdf=pdf&id_document=6006743991.

Table I: Form 325 Information

Section	Form 325 Information	Public?
I	Operator Information	Y
II	General Information	
II.2.a	Number of Subscribers	Y
II.2.b	Potential Subscribers	Y
II.2.c	Cable Modem Subscribers	N
II.2.d	Telephony Subscribers	N
II.3.a	Leased Cable Modems	N
II.3.b	Total Set Top Boxes	Y
II.3.b.i	Analog Boxes Leased	Y
II.3.b.ii	Hybrid Boxes Leased	Y
II.3.b.iii	Digital Boxes Leased	Y
II.4.a	Coaxial Plant Length	N
II.4.b	Fiber Optic Plant Length	N
II.4.c	Fiber Optic Nodes	N
II.4.c.i	Subscribers/Node	N
II.4.d.i	Systems in cluster (if applicable)	Y
II.4.d.ii	Subscribers in cluster (if applicable)	Y
II.4.e	CARS microwave links used	Y
III	Frequency Information	
III.1.a	Upstream Spectrum Available (lower & upper MHz)	N
III.1.b	Upstream Spectrum Max Activated BW (MHz)	N
III.2.a	Downstream Spectrum Available (lower & upper MHz)	Y
III.2.b	Downstream Spectrum Max Activated BW (MHz)	Y
III.3.a	Analog Video Channels (capacity & carried)	Y
III.3.b	Digital Video Channels (capacity & carried)	Y
III.4	Largest number of digital streams per 6 MHz	Y
III.5	Modulation method(s) used for video delivery (QAM)	Y
IV	Channel Lineup	Y

Many of the questions the Commission included in this form directly pertain to the contention ratio. Unfortunately, the Commission has agreed to shield certain information reported on these forms from the public.

Through the addition of a few questions and the collection of this information on a more granular level, the Commission can easily determine the contention ratios of cable broadband services using Form 325 (or by porting this information to Form 477). First the Commission must gather data at the node level rather than the current system level.

The Commission already collects the number of cable modem subscribers on Form 325; this number would simply need to be reduced to include those contained within each node. Though the Commission collects the available and activated upstream and downstream spectrum, it does not collect the amount of spectrum dedicated for Internet use. By collecting these two pieces of information on a node level, the Commission could accurately assess the minimum level of speed a cable provider allocates to each household. Furthermore, the Commission would significantly increase the accuracy of information contained within II.4.c.i, subscribers per node.

A similar collection procedure could be used for other providers that provide broadband quality speeds and abide by the principles set forth in the Commission's Policy Statement. Undoubtedly, providers will want strict confidentiality of such information. Nonetheless, we believe the full disclosure of such information would yield significant public interest benefits. However, if the Commission disagrees, we request that they simply calculate the contention ratio and make that data publicly available.

III. Conclusion

We support the Commission's efforts to improve its broadband data gathering practices. In doing so, the Commission can fulfill its Congressional mandate under Section 706 of The Act while also producing a valuable public resource.

Respectfully submitted,

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