



PUBLIC NOTICE

Federal Communications Commission
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DA 09-741
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COMMENT SOUGHT ON INTERNATIONAL COMPARISON AND CONSUMER SURVEY REQUIREMENTS IN THE BROADBAND DATA IMPROVEMENT ACT

PLEADING CYCLE ESTABLISHED

GN Docket No. 09-47

Comment Date: April 10, 2009
Reply Comment Date: April 17, 2009

In this Public Notice, we seek comment on how the Commission should implement sections 103(b) and 103(c)(1) of the Broadband Data Improvement Act (BDIA).¹ These sections impose new broadband data collection and reporting obligations on the Commission by requiring the Commission to include an international comparison in its annual broadband report and to conduct a consumer survey of broadband service capability.

Specifically, section 103(b) of the BDIA provides:

(b) INTERNATIONAL COMPARISON.—

(1) IN GENERAL.—As part of the assessment and report required by section 706 of the Telecommunications Act of 1996 (47 U.S.C. 157 note), the Federal Communications Commission shall include information comparing the extent of broadband service capability (including data transmission speeds and price for broadband service capability) in a total of 75 communities in at least 25 countries abroad for each of the data rate benchmarks for broadband service utilized by the Commission to reflect different speed tiers.

(2) CONTENTS.—The Commission shall choose communities for the comparison under this subsection in a manner that will offer, to the extent possible, communities of a population size, population density, topography, and demographic profile that are comparable to the population size, population density, topography, and demographic profile of the various communities within the United States. The Commission shall include in the comparison under this subsection—

¹ Broadband Data Improvement Act of 2008, Pub. L. No. 110-385, 122 Stat. 4097 (codified at 47 U.S.C. §§ 1301-04).

(A) a geographically diverse selection of countries; and

(B) communities including the capital cities of such countries.

(3) SIMILARITIES AND DIFFERENCES.—The Commission shall identify relevant similarities and differences in each community, including their market structures, the number of competitors, the number of facilities-based providers, the types of technologies deployed by such providers, the applications and services those technologies enable, the regulatory model under which broadband service capability is provided, the types of applications and services used, business and residential use of such services, and other media available to consumers.²

The Commission invites parties to comment on how the Commission can effectively implement the international comparison of broadband service capability, including speeds and prices, required by section 103(b). We seek comment on the criteria in section 103(b)(2) for the identification and selection of the communities to be included in the survey. We seek comment on the enumerated indicators in section 103(b)(3) for the identification of “relevant similarities and differences in each community” as well as any additional indicators that commenters seek to propose. We also seek comment on all possible sources of data that the Commission should examine in the course of implementing this section of the BDIA. Finally, we seek comment on any other factors or issues the Commission should consider in implementing section 103(b) of the BDIA.

Section 103(c)(1) of the BDIA provides:

(c) CONSUMER SURVEY OF BROADBAND SERVICE CAPABILITY.—

(1) IN GENERAL.—For the purpose of evaluating, on a statistically significant basis, the national characteristics of the use of broadband service capability, the Commission shall conduct and make public periodic surveys of consumers in urban, suburban, and rural areas in the large business, small business, and residential consumer markets to determine—

(A) the types of technology used to provide the broadband service capability to which consumers subscribe;

(B) the amounts consumers pay per month for such capability;

(C) the actual data transmission speeds of such capability;

(D) the types of applications and services consumers most frequently use in conjunction with such capability;

(E) for consumers who have declined to subscribe to broadband service capability, the reasons given by such consumers for declining such capability;

(F) other sources of broadband service capability which consumers regularly use or on which they rely; and

² BDIA § 103(b); 47 U.S.C. § 1303(b).

(G) any other information the Commission deems appropriate for such purpose.³

The Commission invites parties to comment on how the Commission can effectively implement the survey requirements in section 103(c)(1), including any factors or issues the Commission should consider as part of this implementation.⁴

This Public Notice proposes new information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget to comment on the information collection proposals contained in this document, as required by the Paperwork Reduction Act of 1995, Public Law No. 104-13. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law No. 107-198, *see* 44 U.S.C. § 3506(c)(4), we seek specific comment on how we might “further reduce the information collection burden for small business concerns with fewer than 25 employees.”

All comments should refer to GN Docket No. 09-47. Comments may be filed using (1) the Commission’s Electronic Comment Filing System (ECFS), (2) the Federal Government’s eRulemaking Portal, or (3) by filing paper copies.⁵

Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>.⁶ Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, “get form.” A sample form and directions will be sent in reply. Parties who choose to file by paper must file an original and four copies of each filing.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- The Commission’s contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m.

³ BDIA § 103(c)(1); 47 U.S.C. § 1303(c)(1).

⁴ We recognize that, while the Commission previously raised related issues of whether and how the Commission should undertake broadband customer surveys in a pending proceeding, the BDIA mandates that we conduct and publish such a survey. *See Development of Nationwide Broadband Data to Evaluate Reasonable and Timely Deployment of Advanced Services to All Americans, Improvement of Wireless Broadband Subscriber Data, and Development of Data on Interconnected Voice over Internet Protocol (VoIP) Subscriber Data*, WC Docket No. 07-38, Report and Order and Further Notice of Proposed Rulemaking, 23 FCC Rcd 9691, 9712, para. 40 (2008).

⁵ *See* Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (1998).

⁶ Filers should follow the instructions provided on the Federal eRulemaking Portal website for submitting comments.

All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.

- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554.

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For further information about this Public Notice as it relates to section 103(b) of the BDIA, please contact Robert S. Tanner, Strategic Analysis and Negotiations Division, International Bureau at (202) 418-1535. For further information about this Public Notice as it relates to section 103(c)(1) of the BDIA, please contact Jeremy Miller, Industry Analysis and Technology Division, Wireline Competition Bureau at (202) 418-0940.

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