



PUBLIC NOTICE

Federal Communications Commission
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WIRELINE COMPETITION BUREAU SEEKS COMMENT ON THE STATE OF FIXED BROADBAND COMPETITION

GN Docket No. 18-231

Comments Due: August 17, 2018

In this *Public Notice* the Wireline Competition Bureau (the Bureau) seeks information and data for the Commission's analysis of fixed broadband competition as required by RAY BAUM'S Act of 2018.¹

Title IV of RAY BAUM'S Act of 2018 requires the Commission, "in the last quarter of every even numbered year" to publish a "Communications marketplace report."² The Communications marketplace report must include, among other things: 1) an assessment of "the state of competition in the communications marketplace, including competition to deliver . . . data services among providers of telecommunications, . . . Internet service providers, and other providers of communications services"; and 2) an assessment of "whether laws, regulations, regulatory practices (whether those of the Federal Government, States, political subdivisions of States, Indian tribes or tribal organizations (as such terms are defined in section 5304 of title 25), or foreign governments), or demonstrated marketplace practices pose a barrier to competitive entry into the communications marketplace or to the competitive expansion of existing providers of communications service."³

This *Public Notice* requests comment on the criteria or metrics that should be used to evaluate the state of fixed broadband competition. Comment and information also is sought on industry data, competitive dynamics, and trending factors in the industry, including but not limited to, subscribership numbers, financial indicators (such as revenues or profitability), investment, pricing, and network coverage. The Bureau requests that commenters provide any other information that may inform the Commission's analysis of the fixed broadband industry.

The Bureau also requests comment on whether laws, regulations, regulatory practices or demonstrated marketplace practices pose a barrier to competitive entry into the fixed broadband marketplace, or to the competitive expansion of existing providers. Further, information is sought on the extent to which any such laws, regulations or marketplace practices affect entry barriers for entrepreneurs and other small businesses in the fixed broadband marketplace.

We also note that in September 2017, the United States Government Accountability Office (GAO), released a report examining factors affecting broadband competition, including how the

¹ Consolidated Appropriations Act, 2018, Pub. L. No. 115-141, Div. P-Repack Airwaves Yielding Better Access for Users of Modern Services Act of 2018, §§ 401-404, 132 Stat. 348, 1087-90 (2018) (RAY BAUM'S Act of 2018).

² 47 U.S.C. § 163(a).

³ 47 U.S.C. § 163(b).

Commission promotes broadband competition.⁴ GAO reported that the Commission has taken actions to promote competition but lacks information on the effectiveness of these actions and competition's effect on consumers.⁵ GAO recommended that the Commission seek input on how well its actions are working to promote broadband competition and on how the number of broadband providers affects the prices and service quality that consumers experience with broadband service.⁶ Consistent with the recommendations in the GAO report⁷ and the commitments made to GAO by the Chiefs of the Wireline Competition Bureau and Wireless Telecommunications Bureau,⁸ we seek comment on the following: (1) how well do the Commission's actions promote broadband competition?; and (2) how do varying levels of broadband deployment affect broadband prices and service quality? We encourage commenters to provide detailed responses supported by data.

The Bureau requests that commenters submit information, data, and statistics for 2016 and 2017, as well as information on any notable trends and developments that have occurred during early 2018. Industry stakeholders, the public, and other interested parties are encouraged to submit information, comments, and analyses regarding competition in the fixed broadband industry. To facilitate analysis of competitive trends, parties that submit data should submit current data, as well as historic data, which are comparable over time. Commenters seeking confidential treatment of their submissions should request that their submission, or a specific part thereof, be withheld from public inspection.⁹

PROCEDURAL MATTERS

Pursuant to Sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments on or before August 17, 2018. All filings should refer to GN Docket No. 18-231. Comments may be filed: (1) using the Commission's Electronic Comment Filing System (ECFS), or (2) by filing paper copies. Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121 (1998).

Comments filed in response to this *Public Notice* will be available for public inspection and copying in the Commission's Reference Center, Room CY-A257, 445 12th Street, S.W., Washington, D.C. 20554, and via the Commission's Electronic Comment Filing System (ECFS) by entering the docket number, GN Docket No. 18-231.

Comments may be filed using the ECFS or by filing paper copies. Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. 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

⁴ GAO, Broadband: Additional Stakeholder Input Could Inform FCC Actions to Promote Competition, GAO-17-742, at 3 (2017), <https://www.gao.gov/assets/690/687244.pdf>. GAO's analysis included an examination of FCC Form 477 deployment data as of December 31, 2015, a review of relevant statutes and literature, interviews with Commission officials and stakeholders, and meetings with 19 experts from academia, industry and consumer groups. *Id.*

⁵ *Id.* at 21.

⁶ *Id.* at 22-25.

⁷ *Id.* at 26.

⁸ *Id.*, Appendix III: Comments from the Federal Communications Commission at 34-35.

⁹ 47 C.F.R. § 0.459.

sent in reply.

Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number.

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, as follows:

-All hand-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., S.W., Room TW-A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Envelopes must be disposed of before entering the building. The filing hours at this location are 8:00 a.m. to 7:00 p.m. **PLEASE NOTE:** This is the **ONLY** location where hand-delivered or messenger-delivered paper filings for the Commission's Secretary will be accepted. The Commission's former filing location at 236 Massachusetts Ave., N.E., is permanently closed.

-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, DC 20554.

-All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

Alternate formats of this *Public Notice* (computer diskette, large print, audio recording, and Braille) are available to persons with disabilities by contacting the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY), or send an e-mail to fcc504@fcc.gov.

For further information, contact Adam Copeland, Competition Policy Division, Wireline Competition Bureau, (202) 418-1037 or Adam.Copeland@fcc.gov.