

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

and

**Office of Management and Budget
Washington, DC 20503**

In the Matter of	)	
	)	
Information Collection Regarding Local	)	
Telephone Competition and Broadband	)	
Reporting, FCC Form 477	)	OMB Control No. 3060-0816
	)	
Development of Nationwide Broadband	)	
Data to Evaluate Reasonable and Timely	)	
Deployment of Advanced Services to All	)	WC Docket No. 07-38
Americans, Improvement of Wireless	)	
Broadband Subscribership Data, and	)	
Development of Data on Interconnected	)	
Voice over Internet Protocol (VoIP)	)	
Subscribership	)	

**PAPERWORK REDUCTION ACT REPLY COMMENTS OF
TEXAS STATEWIDE TELEPHONE COOPERATIVE, INC.**

I. Introduction

Texas Statewide Telephone Cooperative, Inc. (TSTCI) offers these Paperwork Reduction Act Reply Comments in the above-captioned proceedings regarding changes to the Commission's broadband reporting requirements in the FCC Form 477. Specifically, TSTCI would like to address the new requirement to report broadband subscriber data by census tract. TSTCI is an association representing 38 small, rural incumbent telephone companies and cooperatives in Texas (see Attachment 1). Although these small companies and cooperatives serve less than 3% of Texas consumers, their service areas include almost 50 percent of Texas' geographic area. The vast majority of, if not all, TSTCI member companies provide broadband Internet access services either directly or through Internet Service Provider subsidiaries.

II. TSTCI Supports Joint Proposal of OPASTCO and RICA

This Notice requests comment on, among other things, “ways to minimize the burden of the collection of information on the respondents.”¹ TSTCI supports the Commission’s efforts to obtain useful and meaningful data that helps to analyze the state of local competition and broadband availability. However, the requirement to provide subscriber data by census tract would impose heavy burdens on many small companies/cooperatives. As stated by the Organization for the Promotion and Advancement of Small Telecommunications Companies (OPASTCO) and the Rural Independent Competitive Alliance (RICA)² (OPASTCO-RICA), this new rule requires, “...major alterations to rural LECs’ recordkeeping, training and business practices.” Determining the location of broadband service and maintaining records by census tract will be expensive for many of these carriers in terms of time, resources, and database changes. A number of these carriers will have to manually look up each individual service address to determine the relevant census tract, and their service area likely covers multiple census tracts. (The overall density of most of TSTCI member companies’ service areas ranges from a low of 0.8 customers per route mile to six customers per route mile.)

Although the number of customers may seem relatively small, (approximately 75 percent of TSTCI member companies serve fewer than 5,000 access lines and over 50 percent of these companies individually serve fewer than 2,000 access lines), these companies also have small staffs with which to conduct the necessary census tract research required for the new regulatory reporting requirement. In its Notice, the Commission estimates the average time burden required for each response under the proposed new Form 477 is 337 hours – *over 42 business days* – a significant

¹ *Local Telephone Competition and Broadband Reporting*, OMB Control Number 3060-0816, Notice of Public Information Collection(s) Being Submitted for Review to the Office of Management and Budget, 73 Federal Reg. 55080 (September 24, 2008) (Notice).

² *Paperwork Reduction Act Comments of the OPASTCO and the RICA*, OMB Control Number 3060-0816, WC Docket No. 07-38, November 24, 2008, p. 2.

increase from the current Form 477 which estimated an average per response hour burden of 46 *hours* per respondent. To devote this amount of time for one regulatory report is extremely burdensome for many small companies with limited personnel. The estimated time burden may be even substantially more for these companies, at least for the initial report, when the census tract for each broadband customer must be determined and new recordkeeping procedures for census tract information are implemented.

TSTCI supports the proposal submitted by the OPASTCO-RICA³ as a means of reducing the burden of the collection of information on small rural ILECs. OPASTCO-RICA jointly propose that rural ILECs have an automatic option of providing a confidential list of service addresses or GIS coordinates in lieu of reporting subscriber counts by census tract.

The Commission anticipated that an alternative format for reporting data may be necessary “under limited circumstances” and permits entities to report a list of service addresses or GIS coordinates of service “upon a showing of significant hardship.”⁴ However, as noted by OPASTCO-RICA, “the Report and Order does not define ‘significant hardship,’ nor does it explain the procedure by which a rural ILEC broadband provider might make the required showing.”⁵ Guidance has not been provided by the Commission on how to request permission to provide the data in an alternative format, much less, the criteria that must be met in order for approval to be granted.

TSTCI supports OPASTCO-RICA in their request that rural LECs be permitted at their discretion to report a list of service addresses or GIS coordinates of service, along with the speed and technology of the broadband connection in service at each address, in lieu of reporting

³ *Paperwork Reduction Act Comments of the OPASTCO and the RICA*, OMB Control Number 3060-0816, WC Docket No. 07-38, November 24, 2008, p. 2.

⁴ *In the Matter of Development of Nationwide Broadband Data to Evaluate Reasonable and Timely Deployment of Advanced Services to All Americans, Improvement of Wireless Broadband Subscribership Data, and Development Of Data on Interconnected Voice over Internet Protocol (VoIP) Subscribership*, WC Docket No. 07-38, Report and Order and Further Notice of Proposed Rulemaking, par. 15.

⁵ OPASTCO-RICA Comments, p. 3.

subscriber counts by census tract. As described by OPASTCO-RICA, providing data in the alternative manner “without going through the unexplained step of showing a ‘significant hardship’ would not impede the Commission’s ability to gather the data it deems necessary.”⁶

This is not to say that all small rural LECs will need to report this data in the alternative method. There may be some rural LECs who will find it less burdensome to submit data by census tract. Also, those rural LECs who do find census tract reporting a burdensome requirement may be able to do the necessary census tract research and change their practices, given additional time. However, TSTCI believes that the small rural LECs should have the option of providing data in the alternative method without having to go through a showing of “significant hardship,” particularly since there currently are no guidelines to define what the Commission considers a “significant hardship.”

III. Conclusion

TSTCI respectfully requests that in lieu of reporting broadband subscriber counts by census tracts, small rural LECs be given the automatic option to provide a confidential list of service addresses or GIS coordinates of service, along with the speed and technology of the broadband connection in service at each address. Providing this option would alleviate the substantial burden census tract reporting imposes on many small rural LECs.

Respectfully submitted,

A handwritten signature in black ink that reads "Cammie Hughes". The signature is written in a cursive, flowing style.

Cammie Hughes
Authorized Representative

January 5, 2009

⁶ OPASTCO-RICA Comments, p. 5

TEXAS STATEWIDE TELEPHONE COOPERATIVE, INC.

Alenco Communications, Inc.
Big Bend Telephone Company, Inc.
Brazos Telecommunications, Inc.
Brazos Telephone Coop., Inc.
Cameron Telephone Company
Cap Rock Telephone Coop., Inc.
Central Texas Telephone Coop., Inc.
Coleman County Telephone Coop., Inc.
Colorado Valley Telephone Coop., Inc.
Community Telephone Company, Inc.
Cumby Telephone Coop., Inc.
Dell Telephone Coop., Inc.
E.N.M.R. Telephone Coop., Inc.
Eastex Telephone Coop., Inc.
Electra Telephone Company
Etex Telephone Coop., Inc.
Five Area Telephone Coop., Inc.
Ganado Telephone Company, Inc.
Hill Country Telephone Cooperative, Inc.
Industry Telephone Company, Inc.
La Ward Telephone Exchange, Inc.
Lake Livingston Telephone Company
Lipan Telephone Company, Inc.
Livingston Telephone Company
Mid-Plains Rural Telephone Coop., Inc.
Nortex Communications, Inc.
Panhandle Telephone Coop., Inc.
Peoples Telephone Coop., Inc.
Poka Lambro Telephone Coop., Inc.
Riviera Telephone Company, Inc.
Santa Rosa Telephone Coop., Inc.
South Plains Telephone Coop., Inc.
Tatum Telephone Company
Taylor Telephone Coop., Inc.
Wes-Tex Telephone Coop., Inc.
West Plains Telecommunications, Inc.
West Texas Rural Tel. Coop., Inc.
XIT Rural Telephone Coop., Inc.