

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

In the Matter of )
Special Access for Price Cap Local Exchange ) WC Docket No. 05-25
Carriers; )
AT&T Corporation Petition for Rulemaking to ) RM-10593
Reform Regulation of Incumbent Local Exchange )
Carrier Rates for Interstate Special Access )
Services )

REPORT AND ORDER

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By the Chief, Wireline Competition Bureau:

TABLE OF CONTENTS

Heading Paragraph #
I. INTRODUCTION ..... 1
II. BACKGROUND ..... 2
III. DISCUSSION ..... 8
A. Clarifying the Scope of the Data Collection ..... 8
1. Purchasers Subject to the Commission’s Jurisdiction ..... 10
2. Price Cap Areas ..... 15
3. FCC Form 477 Filers Reporting Broadband Connections ..... 16
B. Instructions – Data Specifications ..... 19
1. Locations with Connections ..... 20
a. Guidance on Capable Connections for Competitive Providers ..... 23
b. Guidance on Capable Connections for ILECs ..... 28
2. Location Data ..... 32
3. Mapping Requirements ..... 34
4. Billing Information ..... 46
5. Headquarters Information ..... 47
6. Certain Questions Requiring Narrative Responses from Purchasers ..... 51
C. Modifications and Amendments to the Data Collection ..... 53
D. Other Requests for Clarifications and Changes ..... 54
IV. PROCEDURAL MATTERS ..... 55
V. ORDERING CLAUSES ..... 63
APPENDIX A – Instructions for Data Collection
APPENDIX B – Revised Data Collection

## I. INTRODUCTION

1. On December 11, 2012, the Commission adopted the *Special Access Data Collection Order*, requiring providers and purchasers of special access and certain entities providing “best efforts” service to submit data, information and documents for a comprehensive evaluation of competition in the special access market.<sup>1</sup> In this Report and Order, we move forward in our efforts to review and ensure that our special access rules work to promote access, competition and investment by finalizing the comprehensive data collection. Specifically, pursuant to authority delegated by the Commission, we (1) clarify the scope of the collection to reduce burden where doing so is consistent with our delegated authority and will not impact the Commission’s ability to analyze the data; (2) provide instructions and record format specifications for submitting information; and (3) modify and amend questions and definitions contained in the collection. We will subsequently issue a public notice announcing the deadline for submissions once approval for the collection is obtained as required by the Paperwork Reduction Act of 1995 (PRA) from the Office of Management and Budget (OMB).<sup>2</sup>

## II. BACKGROUND

2. On August 15, 2012, the Commission suspended, on an interim basis, its rules allowing the grant of pricing flexibility for special access services in areas subject to price cap regulation.<sup>3</sup> The Commission took this step based on “significant evidence that these rules, adopted in 1999, are not working as predicted, and widespread agreement across industry sectors that these rules fail to accurately reflect competition in today’s special access markets.”<sup>4</sup> To identify a replacement framework, the Commission detailed a plan to collect data and information for a robust market analysis to gauge actual and potential competition for special access services. There was ample support in the record for “collecting additional data to inform our future actions.”<sup>5</sup>

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<sup>1</sup> See *Special Access for Price Cap Local Exchange Carriers; AT&T Corporation Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services*, WC Docket No. 05-25, RM-10593, Report and Order and Further Notice of Proposed Rulemaking, 27 FCC Rcd 16318 (2012) (referred to herein as either *Special Access Data Collection Order* or *Special Access Data Collection FNPRM*); *AT&T Inc. and BellSouth Corporation Application for Transfer of Control*, WC Docket No. 06-74, Memorandum Opinion and Order, 22 FCC Rcd 5662, 5677, para. 28 (2007) (*AT&T/BellSouth Order*) (“[S]pecial access is a dedicated transmission link between two locations, most often provisioned via high-capacity circuits.”). The data collection uses the term *Dedicated Service*, which is defined as a service that “transports data between two or more designated points, e.g., between an *End User*’s premises and a point-of-presence, between the central office of a local exchange carrier (LEC) and a point-of-presence, or between two *End User* premises, at a rate of at least 1.5 Mbps in both directions (upstream/downstream) with prescribed performance requirements that include bandwidth-, latency-, or error-rate guarantees or other parameters that define delivery under a *Tariff* or in a service-level agreement.” See Appendix B, Definition of *Dedicated Service*. *Dedicated Service* includes regulated and unregulated “special access” service and its functional equivalents. See *Special Access Data Collection Order*, 27 FCC Rcd at 16319, para. 1 n.1 (defining special access). *Dedicated Service* does not include “best efforts” services, which are handled separately in the data collection. See Appendix B, Definitions for *Dedicated Service* and *Best Efforts Business Broadband Internet Access Service*. Unless stated otherwise, capitalized and italicized terms used in this Report and Order refer to the defined terms in the data collection attached hereto. See *id.*

<sup>2</sup> Public Law 104-13 (codified at 44 U.S.C. §§ 3501-3520).

<sup>3</sup> *Special Access for Price Cap Local Exchange Carriers; AT&T Corporation Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services*, WC Docket No. 05-25, RM-10593, Report and Order, 27 FCC Rcd 10557 (2012) (*Pricing Flexibility Suspension Order*).

<sup>4</sup> *Id.* at 10558, para. 1.

<sup>5</sup> See *id.* at 10605, para. 85.

3. On December 18, 2012, the Commission released the *Special Access Data Collection Order*, outlining the data collection.<sup>6</sup> Services covered by the collection include traditional special access service (including DS1s and DS3s), *Packet-Based Dedicated Service (PBDS)* such as Ethernet, and *Best Efforts Business Broadband Internet Access Service* to ensure a “clear picture of all competition in the marketplace.”<sup>7</sup> Those required to respond to the data collection include *Providers* and *Purchasers* of special access services<sup>8</sup> and certain entities providing *Best Efforts Business Broadband Internet Access Service*.<sup>9</sup> The geographic and temporal scope includes data on a nationwide basis for areas where the *Incumbent Local Exchange Carrier (ILEC)* is subject to price cap regulation (*i.e.*, price cap areas) with the majority of the data from calendar years 2010 and 2012.<sup>10</sup>

4. The general categories of data and information identified by the Commission for collection are: market structure, pricing, demand, terms and conditions, and competition and pricing decisions.<sup>11</sup> Under each category, most of which would be collected from *Providers*, the Commission highlighted the types of data and information covered. For example, market structure included, among other things, data exclusively from *Providers* on facilities used to provide *Dedicated Service*, non-price factors affecting deployment, collocations, and network maps.<sup>12</sup> The pricing information included data exclusively from *Providers* on the “quantities sold and prices charged for special access services, by circuit element” and required *ILECs* to “list the form of price regulation that applies . . . on a wire-center-by-wire-center basis.”<sup>13</sup> The demand data included not only information on the bandwidth of special access sold and revenues earned by *Providers* but also on the expenditures made by *Purchasers*.<sup>14</sup> The terms and conditions section called for information and data from both *Providers* and *Purchasers*, seeking details on topics such as the discounts and benefits associated with *Tariff* plans and the business rationale for those plans.<sup>15</sup> The Commission also sought information on Requests for Proposals and advertised and marketed services to help evaluate competition and pricing decisions for special access services. Lastly, the Commission described the coverage area and price information it sought to collect from entities providing *Best Efforts Business Broadband Internet Access Service*.<sup>16</sup> The Commission provided an “initial version” of the questions and definitions for the collection as an appendix to the order.<sup>17</sup>

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<sup>6</sup> See *Special Access Data Collection Order*, 27 FCC Rcd at 16360, App. A.

<sup>7</sup> *Id.* at 16326-27, paras. 16-19.

<sup>8</sup> The Commission found “it necessary to obtain data from special access providers and purchasers of all sizes.” *Id.* at 16327-28, para. 22. In reaching this conclusion, the Commission focused on how small providers could be a “significant competitor in smaller areas,” citing filings by AT&T Inc. (AT&T) and Verizon in the proceeding. *Id.* at 16328, para. 22 n.51. The Commission said that “[c]ompetition in the provision of special access appears to occur at a very granular level—perhaps as low as the building/tower” and so even a provider with at least fifty channel terminations to end users could be significant. *Id.* at 16327-28, para. 22. Accordingly, the Commission declined to exempt smaller providers of *Dedicated Service* from the collection.

<sup>9</sup> *Id.* at 16327-28, para. 22 (exempting those entities with fewer than 15,000 customers and fewer than 1,500 business broadband customers).

<sup>10</sup> *Id.* at 16328-31, paras. 23-29.

<sup>11</sup> *Id.* at 16331, para. 30.

<sup>12</sup> *Id.* at 16331-33, paras. 31-35.

<sup>13</sup> *Id.* at 16333, paras. 36-37.

<sup>14</sup> *Id.* at 16333-34, para. 38.

<sup>15</sup> *Id.* at 16334, para. 39.

<sup>16</sup> *Id.* at 16335-37, paras. 40-46.

<sup>17</sup> *Id.* at 16331, para. 30.

5. The Commission plans to use the data collected for a one-time, multi-faceted market analysis.<sup>18</sup> The analysis will evaluate “how the intensity of competition (or lack thereof), whether actual or potential, affects prices, controlling for all other factors that affect prices.”<sup>19</sup> The analysis will include “econometrically sound panel regressions . . . of the prices for special access on characteristics such as 1) the number of facilities-based competitors (both actual and potential); 2) the availability of, pricing of, and demand for best efforts business broadband Internet access services; 3) the characteristics of the purchased service; and 4) other factors that influence the pricing decisions of special access providers, including cost determinants (e.g., density of sales) and factors that deliver economies of scale and scope (e.g., level of sales).”<sup>20</sup> The Commission also plans to assess the reasonableness of terms and conditions offered by ILECs for special access service.<sup>21</sup> Once the data are obtained and analyzed, the Commission will evaluate whether it is appropriate to make changes to its existing pricing flexibility rules to better target regulatory relief in competitive areas and evaluate whether remedies are appropriate to address any potentially unreasonable terms and conditions.<sup>22</sup>

6. The Commission delegated authority to the Wireline Competition Bureau (Bureau) to implement the data collection. The Commission’s delegation gives the Bureau authority to: “(a) draft instructions to the data collection and modify the data collection based on public feedback; (b) amend the data collection based on feedback received through the PRA process; (c) make corrections to the data collection to ensure it reflects the Commission’s needs as expressed in [the *Special Access Data Collection Order*]; . . . (d) issue Bureau-level orders and Public Notices specifying the production of specific types of data, specifying a collection mechanism (including necessary forms or formats), and set[] deadlines for response to ensure that data collections are complied with in a timely manner; and (e) take other such actions as are necessary to implement [the *Special Access Data Collection Order*]. . . consistent with the terms of [the *Special Access Data Collection Order*].”<sup>23</sup>

7. After the release of the *Special Access Data Collection Order*, we received several requests for clarifications and changes to the initial version of the data collection definitions and questions; received comments through the PRA process; and met with several potential respondents to discuss the data collection.<sup>24</sup> We also reviewed the collection for improvements to achieve the robust analysis proposed in the *Special Access Data Collection FNPRM*.<sup>25</sup> In this Report and Order, consistent with our delegated authority, we clarify the scope of the collection; provide instructions on how to

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<sup>18</sup> *Special Access Data Collection FNPRM*, 27 FCC Rcd at 16343-49, paras. 66-71.

<sup>19</sup> *Id.* at 16346-47, paras. 68-69.

<sup>20</sup> *Id.* at 16346, para. 68.

<sup>21</sup> *Id.* at 16354-56, paras. 91-93.

<sup>22</sup> *Id.* at 16352-56, paras. 80-93.

<sup>23</sup> *Special Access Data Collection Order*, 27 FCC Rcd at 16340, para. 52.

<sup>24</sup> See *Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested*, 78 Fed. Reg. 9911 (Feb. 12, 2013) (announcing a 60-day period for to comment on the collection as part of the PRA process). A list of the filings received is available in the Commission’s Electronic Comment Filing System (ECFS) in WC Docket No. 05-25 and RM-10593. Consistent with our delegated authority, we reference the PRA comments in making modifications, amendments, and clarifications to the data collection in this Report and Order. See *Special Access Data Collection Order*, 27 FCC Rcd at 16340, para. 52. Allegations as to whether the collection complies with the PRA are not addressed here however. We will address those allegations as part of the PRA approval process.

<sup>25</sup> See *Special Access Data Collection FNPRM*, 27 FCC Rcd at 16345-49, paras. 66-71.

respond to the data collection questions; and provide a list of all modifications and amendments to the data collection questions and definitions based on the feedback received and our further internal review.<sup>26</sup>

### III. DISCUSSION

#### A. Clarifying the Scope of the Data Collection

8. As established by the *Special Access Data Collection Order*, *Providers* and *Purchasers* of special access services are required to respond to the data collection if they are subject to the Commission's jurisdiction under the Communications Act of 1934, as amended.<sup>27</sup> In addition, the Commission required entities providing *Best Efforts Business Broadband Internet Access Services* to respond unless they have fewer than 15,000 customers and fewer than 1,500 business broadband customers.<sup>28</sup> The Commission limited the geographic scope of the collection to services provided and purchased in price cap territories.<sup>29</sup>

9. We have received several questions about the scope of the data collection. Parties have asked: (1) who is required to file; (2) whether entities in rate-of-return areas must respond; and (3) how the reference to FCC Form 477 (Form 477) filers reporting broadband connections in Section II.G of the data collection affects the pool of respondents.<sup>30</sup> We address these questions below.

##### 1. Purchasers Subject to the Commission's Jurisdiction

10. The *Special Access Data Collection Order* stated that *Purchasers* of *Dedicated Service* must supply certain information as part of the data collection.<sup>31</sup> A *Purchaser* is a *Competitive Provider* or an *End User*, which is defined as a "business, institutional, or government entity that purchases a communications service for its own purposes and does not resell such service."<sup>32</sup> In the collection, *Purchasers* are generally required to report their expenditures for *Dedicated Service* under *Tariff* and non-*Tariff* plans and provide details on the terms and conditions associated with those plans.<sup>33</sup> This information is useful in evaluating allegations of harmful, anticompetitive conduct and cross-checking the information reported by *Providers*.<sup>34</sup>

11. The term *Purchasers* is broadly defined in the *Special Access Data Collection Order* to include "any entity subject to the Commission's jurisdiction . . . that purchases special access services."<sup>35</sup> Read literally, that term encompasses a very broad range of entities that are consumers of *Dedicated*

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<sup>26</sup> See Appendices A (Instructions) and B (Revised Data Collection).

<sup>27</sup> See *Special Access Data Collection Order*, 27 FCC Rcd at 16327, para. 20.

<sup>28</sup> *Id.* at 16327, para. 22.

<sup>29</sup> *Id.* at 16328, para. 23 ("If, however, a provider or purchaser prefers to provide data for all areas without distinguishing between areas served by price cap LECs and rate-of-return LECs, it may do so.").

<sup>30</sup> Section II.G of the data collection adopted by the Commission states that if an entity is required to respond because it reported broadband connections to end user locations in the Form 477 but is outside the scope of the collection, then the entity must certify as such. See *id.* at App. A § II.G.

<sup>31</sup> *Special Access Data Collection Order*, 27 FCC Rcd at 16327, para. 20.

<sup>32</sup> See Appendix B, § I Definitions.

<sup>33</sup> See *id.* § II.F. *Purchasers* that are mobile wireless service providers will provide additional information on their cell site locations. *Id.* § II.E.1-2.

<sup>34</sup> See *Special Access Data Collection FNPRM*, 27 FCC Rcd at 16355-56, paras. 92-93.

<sup>35</sup> *Special Access Data Collection Order*, 27 FCC Rcd at 16327, para. 20.



*Services* and, in that regard, are no different from consumers of *Dedicated Services* that are not subject to our jurisdiction. For example, a package delivery service that purchases a DS-1 to operate its business would be required to comply with the collection if it holds a private radio license for communications with its drivers (and is therefore “subject to the Commission’s jurisdiction”). But if instead of holding its own wireless license the same company purchases a commercial mobile radio service (CMRS) for those communications, and does not otherwise engage in an activity that would cause it to fall within the Commission’s jurisdiction, it would not be required to comply with the data collection. There are potentially hundreds of thousands of license and authorization holders, information service providers, or others that are “subject to the Commission’s jurisdiction” but otherwise are simply consumers of *Dedicated Services* and are unfamiliar with, and perhaps completely unaware of, the Commission’s requirements and proceedings involving the regulation of *ILECs* in price cap areas.

12. For several reasons, we do not believe the Commission intended to capture these consumers. First, including literally all entities subject to the Commission’s jurisdiction would result in the non-uniform treatment of certain consumer categories; responses from manufacturers, banks, or package delivery service providers that purchase *Dedicated Service* would turn on whether an entity in that category just happened to engage in an unrelated activity that subjects it to the Commission’s jurisdiction. Second, in describing the entities required to submit data in its Final Regulatory Flexibility Analysis (FRFA), the Commission noted that *Providers* and *Purchasers* required to respond may include “price cap regulated incumbent LECs, competitive LECs, interexchange carriers, cable operators, and companies that provide fixed wireless communications services” in addition to some entities providing “best efforts” services.<sup>36</sup> We believe this statement largely describes the categories of entities from which responses were anticipated by the Commission; this is also consistent with the Commission’s estimated respondent pool of about 6,500—far fewer than the potentially hundreds of thousands of entities if the definition of *Purchasers* were interpreted more broadly.<sup>37</sup> Third, defining *Purchasers* more broadly will not contribute substantially to the economic analysis. As proposed in the *Special Access Data Collection FNPRM*, the analysis of the collected data will rely more heavily on the data obtained from *Providers*, e.g., *Locations* served and prices charged at the circuit-level, than the limited information on terms and conditions obtained from *Purchasers*.<sup>38</sup> Although the data obtained from *Purchasers* will help to identify harmful, anticompetitive conduct in the sale of *Dedicated Service*, it need not, and indeed cannot, be comprehensive to serve this purpose.<sup>39</sup> Finally, these consumers of *Dedicated Service* are unlikely to respond with any additional information on terms and conditions that we would not otherwise obtain from a smaller respondent pool and so the benefit of having a broader array of *Purchasers* respond is outweighed by the burden. Clarifying the scope of *Purchaser* respondents is therefore appropriate.<sup>40</sup>

13. Consistent with the Commission’s overall intent, we clarify that the definition of *Purchasers* excludes from the collection entities that are subject to the Commission’s jurisdiction only

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<sup>36</sup> *Id.* at 16408-09, App. B, para. 70.

<sup>37</sup> See *Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested*, 78 Fed. Reg. 9911 (Feb. 12, 2013) (providing an initial estimate of 6,386 respondents).

<sup>38</sup> See, e.g., *Special Access Data Collection FNPRM*, 27 FCC Rcd at 16346, para. 68 (proposing to undertake econometric modeling to develop panel regressions on special access prices by taking into account, among other things, the number of facilities-based competitors and the characteristics of purchased service).

<sup>39</sup> See *id.* at 16355-56, paras. 92-93. Even though the mandatory collection does not comprehensively cover all purchasers of special access, purchasers not subject to the collection will have an opportunity to provide data and information, on a voluntary basis, to highlight for the Commission’s consideration any harmful, anticompetitive conduct experienced in their purchase and use of special access services.

<sup>40</sup> We note the Commission similarly excluded those “best efforts” providers with a small number of subscribers from the collection because the excluded data “would not diminish the rigor of [the Commission’s] analysis.” See *Special Access Data Collection Order*, 27 FCC Rcd at 16335-36, para. 44.

because they fall within one or more of the categories listed below.<sup>41</sup> These exclusions do not apply to entities that hold licenses, authorizations or registrations under any other Part of the Commission's rules not listed below, or that provide a *Dedicated Service* or a *Best Efforts Business Broadband Internet Access Service* in a price cap area.<sup>42</sup>

- *End Users* that provide an information service;
- Equipment authorization holders regulated under Parts 2 and 15 of the Commission's rules;
- Accounting authorization holders in the maritime and maritime mobile-satellite radio services regulated under Part 3 of the Commission's rules;
- Experimental radio authorization holders regulated under Part 5 of the Commission's rules;
- Commercial radio operators regulated under Part 13 of the Commission's rules;
- Antenna structure registration holders regulated under Part 17 of the Commission's rules;
- Television and radio broadcasters regulated under Part 73 of the Commission's rules;
- Holders of authorizations issued pursuant to Part 74 of the Commission's rules such as experimental radio, auxiliary, special broadcast and other program distribution service authorizations;
- Maritime service authorization holders regulated under Part 80 of the Commission's rules;
- Aviation service authorization holders regulated under Part 87 of the Commission's rules;
- Private land mobile radio service authorization holders regulated under Part 90 of the Commission's rules except for holders of authorizations under Part 90 for the provision of point-to-point fixed microwave services and authorizations in the Wireless Broadband Services frequency band, 3650-3700 MHz;
- Personal radio service authorization holders regulated under Part 95 of the Commission's rules; and
- Amateur radio service authorization holders regulated under Part 97 of the Commission's rules.

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<sup>41</sup> While we clarify the narrower scope of *Purchasers*, we decline to adopt the suggestions of Smith Bagley *et al.* and NTCA—The Rural Broadband Association (NTCA) to exempt all small carriers, over which the Commission's jurisdiction extends completely, from the collection if they spend less than \$5 million annually on special access or purchase fewer than 50 special access connections in a relevant geographic area. *See* Smith Bagley PRA Comments of Smith Bagley, Inc. *et al.*, WC Docket No. 05-25, at 7 (filed Apr. 15, 2013) (Smith Bagley PRA Comments); NTCA PRA Comments, WC Docket No. 05-25, at 12 (filed Apr. 15, 2013) (NTCA PRA Comments). The Commission has already included *Providers* and *Purchasers* of "all sizes" in the collection. *Special Access Data Collection Order*, 27 FCC Rcd at 16327-28, para. 22. The Bureau cannot therefore create a *de minimis* exception for smaller *Purchasers* that is clearly inconsistent with the terms of the Commission's order.

<sup>42</sup> For example, an entity holding an earth station license issued under Part 25 of the Commission's rules that also has an experimental license issued under Part 15 (a listed exclusion category), is not excluded from the collection if it purchased *Dedicated Service* in a price cap area during the relevant reporting periods. Likewise, an entity holding an antenna structure registration under Part 17 (a listed exclusion category) is not excluded from the collection if it provided a covered *Best Efforts Business Broadband Internet Access Service* in a price cap area.

14. These exclusions only apply to the categorically excluded entity and do not extend to other entities within the same corporate structure or entities that are otherwise affiliated with the excluded entity. For example, if an entity holding a television broadcast authorization is affiliated with a cable company that provides *Dedicated Service*, the affiliated cable company must still respond to the data collection even though the television broadcasting entity is not required to respond. In addition, for clarity, we point out that these categorical exclusions do not include common carriers (wired or wireless), mobile wireless service providers, cable system operators even if they only provide video program services, international service providers, satellite service providers, or entities that hold authorizations issued by the Federal Communications Commission (FCC) for the provision of fixed point-to-point microwave services.

## 2. Price Cap Areas

15. The Commission is seeking data and information on the provision and purchase of services in price cap areas “[b]ecause the focus of this proceeding is on the regulation of special access services in price-cap territories.”<sup>43</sup> While certain language in the *Special Access Data Collection Order* has led to confusion on whether carriers in rate-of-return areas must respond, we clarify that entities providing or purchasing *Dedicated Service* only in areas where the *ILEC* is subject to interstate rate-of-return regulation are not required to provide data and information in response to the data collection. Likewise, we clarify that an entity providing *Best Efforts Business Broadband Internet Access Service* only in areas where the *ILEC* is subject to interstate rate-of-return regulation is not required to submit data in response.<sup>44</sup> A map depicting the study areas where the *ILECs* are subject to price cap and rate-of-return regulation is available on the Commission’s website; the map will assist entities in determining whether or not they are providing or purchasing services in price cap areas.<sup>45</sup> In addition, we recognize that over the years some *ILECs* have converted to price cap regulation and further clarify that the data collection covers *Dedicated Service* provided or purchased and *Best Efforts Business Broadband Internet Access Service* provided if the *ILEC* was subject to price cap regulation in the area at any point during the relevant reporting periods, 2010 or 2012.<sup>46</sup>

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<sup>43</sup> See *Special Access Data Collection Order*, 27 FCC Rcd at 16328, para. 23 (discussing the geographic scope of the collection). Carriers currently subject to price cap regulation are the ACS Companies; the Ameritech Operating Companies; BellSouth Telecommunications, Inc.; CenturyTel Operating Companies; Cincinnati Bell Telephone; Consolidated Communications; Embarq Local Telephone Companies; Frontier Telephone Companies; Hawaiian Telecom, Inc.; Illinois Consolidated Telephone Company; Micronesian Telecommunications, Corp.; Nevada Bell Telephone Company; Pacific Bell Telephone Company; Puerto Rico Telephone Company; Qwest Corporation; Southern New England Telephone; Southwestern Bell Telephone; SureWest Telephone; The Fairpoint Telephone Companies; The Verizon Telephone Companies; Virgin Islands Telephone Company and Windstream Telephone System.

<sup>44</sup> If an entity provides or purchases *Dedicated Service* in both price cap and rate-of return areas, then it must only report data and information relevant to the areas where the *ILEC* is subject to price cap regulation. However, for administrative ease, *Providers* and *Purchasers* may submit data that include both price cap and non-price cap areas if they prefer. See *Special Access Data Collection Order*, 27 FCC Rcd at 16328, para. 23.

<sup>45</sup> See Map: Regulatory Type at the Holding Company Level by Study Area, FCC, <http://www.fcc.gov/maps/regulatory-type-holding-company-level-study-area> (last visited Sept. 9, 2013). We note that we are currently updating this map based on a collection of study area boundaries. If the new study area boundary data are not available to respondents in time for them to take into account in formulating responses to the special access data collection, we will consider reliance on the currently available study area boundary data to be reasonable.

<sup>46</sup> A *Provider* must report data on its operations for the entire year for both 2010 and 2012 if the *ILEC* was subject to price cap regulation at any point during 2010 or 2012.



### 3. FCC Form 477 Filers Reporting Broadband Connections

16. In delegating authority to the Bureau, the Commission noted that “[t]he delegation includes the authority to require entities subject to the Commission’s jurisdiction to certify whether or not they are special access providers, entities that provide best efforts business services, or purchasers for the purposes of this data collection.”<sup>47</sup> In Section II.G of the initial version of the data collection attached to the *Special Access Data Collection Order*, the Commission stated that “[i]f you must respond to this data collection because you filed the FCC Form 477 in 2012 to report the provision of ‘broadband connections to end user locations’ but are not covered by the scope of the collection ‘then indicate as such . . . and complete the certification accompanying this data collection.’”<sup>48</sup>

17. Smith Bagley *et al.* in their joint comments to the Commission as part of the PRA process highlighted the reference to the Form 477 in Section II.G and requested a clarification as to which entities must submit data and which entities must only certify that they are not required to submit data and information in response to the collection.<sup>49</sup> We therefore clarify that all entities required to submit the Form 477 because they provide broadband connections to end user locations in price cap areas must—at a minimum—submit a certification in this special access data collection. Specifically, entities required to report broadband connections to end user locations on the Form 477 must certify whether they are a *Provider*, *Purchaser*, a covered entity providing *Best Efforts Business Broadband Internet Access Service*, or none of the above as part of this data collection.<sup>50</sup> If the Form 477 filer is also a *Provider*, *Purchaser*, or a covered entity providing *Best Efforts Business Broadband Internet Access Service* as defined in this collection, then it must also respond to all the relevant questions for that category of entity. If the Form 477 filer does not fall within any of those categories, *e.g.*, an entity only providing *Best Efforts Business Broadband Internet Access Service* in interstate rate-of-return areas and not purchasing *Dedicated Service*, then the Form 477 filer need not submit any information or data beyond its certification.<sup>51</sup>

18. The intent of this certification is to ensure the subsequent market analysis of the collected data comprehensively includes all *Providers* with *Connections* to *Locations* that are owned, leased under an *Indefeasible Right of Use (IRU)* agreement, or in the case of *Competitive Providers*, obtained as an *Unbundled Network Element (UNE)* to provide a *Dedicated Service*, and covered entities providing *Best Efforts Business Broadband Internet Access Service*.<sup>52</sup> We estimate that most, if not all, of these *Providers* and covered entities providing “best efforts” services are required to file the Form 477 based on that form’s reporting criteria.<sup>53</sup> Therefore, we can use the list of Form 477 filers as a point of reference to

<sup>47</sup> See *Special Access Data Collection Order*, 27 FCC Rcd at 16381-82, para. 52 n.111.

<sup>48</sup> See *id.* at 16381-82, App. A § II.G. In this Report and Order, we are further modifying this language so that more specifically, filers who were required to report broadband connections to end user locations on the Form 477 due on March 1, 2013, must, at a minimum, file a certification in response to the data collection. See *infra* Section III.C; Appendix B § II.G.

<sup>49</sup> See Smith Bagley PRA Comments at 12-13.

<sup>50</sup> This clarification merely implements the process provided in the data collection adopted by the Commission and is otherwise consistent with the Bureau’s delegation of authority. See *Special Access Data Collection Order*, 27 FCC Rcd at 16318, para. 52 n.111.

<sup>51</sup> More details on the electronic certification process are provided in the attached instructions. See Appendix A.

<sup>52</sup> See *Special Access Data Collection FNPRM*, 27 FCC Rcd at 16345-49, paras. 66-71 (proposing a one-time, multi-faceted market analysis of the collected data).

<sup>53</sup> For example, entities reporting broadband connections on the Form 477 are “incumbent and competitive local exchange carriers (LECs), cable system operators, fixed wireless service providers (including “wireless ISPs”), terrestrial and satellite mobile wireless service providers, BRS providers, electric utilities, municipalities, and other entities.” The Form 477 filers include providers of broadband connections to non-residential locations. The transfer rate covered by the Form 477, exceeding 200 kbps in at least one direction, captures the minimum bandwidth (continued....)

ensure that appropriate *Providers* respond to the collection. For example, if an entity filed the Form 477 but did not respond to the collection, there is a strong likelihood it has data and information relevant to the collection. Moreover, to the extent Form 477 filers not covered by the scope of the collection have to certify as such, this burden is minimal.<sup>54</sup> Thus, the Form 477 certification requirement furthers the Commission's goal of conducting a comprehensive data collection in a minimally burdensome way.

## B. Instructions – Data Specifications

19. Attached to this Report and Order is a comprehensive set of instructions with format specifications for responding to the data collection.<sup>55</sup> These instructions address many requests for clarification received from parties since the release of the *Special Access Data Collection Order*. The more significant clarifications contained in the instructions are discussed below.

### 1. Locations with Connections

20. *Providers* are required to report *Locations* with *Connections* to help the Commission identify: (1) facilities that can, or could, be used to provide a *Dedicated Service*; and (2) the demand for *Dedicated Service*.<sup>56</sup> Regardless of what market analysis we adopt, this information is critical in determining how and where competition for special access services exists or is likely to develop.<sup>57</sup>

21. A *Connection* is defined as a communication path between a *Location* and a *Provider's* network that provides a *Dedicated Service* or is “capable” of providing a *Dedicated Service*.<sup>58</sup> By design, only *Connections* to non-residential *Locations* are reported.<sup>59</sup> Special access services are used by businesses, schools, libraries, and other institutions of state and local government.<sup>60</sup> Including facilities and services provided to residences will not help, and may distort, our analysis of the special access market. Therefore, *Providers* do not report *Connections* to residential locations.

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connections at issue in this collection, *i.e.*, at least 1.5 megabits per second (Mbps) in both directions. The Form 477 filers also include providers using the same types of connections sought in the collection, *e.g.*, connections to end user locations that are owned, obtained as UNEs, or leased as special access lines. *See* Instructions for Local Telephone Competition and Broadband Reporting (FCC Form 477), Filing due 9/1/2013 (reporting data as of 06/30/2013) at 2 (Form 477 Instructions); *Special Access Data Collection Order*, 27 FCC Rcd at 16318, App. A., § I Definitions, Questions II.A.3-4; II.B.2-3.

<sup>54</sup> The Commission included the potential burden associated with this certification for Form 477 filers in its published estimate for the proposed information collection. *See Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested*, 78 Fed. Reg. 9911 (Feb. 12, 2013).

<sup>55</sup> *See* Appendix A. While the attached instructions are largely in final form, we may make further adjustments, as necessary, to implement the data collection. We will make the final version of the instructions available on the Commission's website well in advance of the deadline for responding to the collection.

<sup>56</sup> *See* Appendix B. Questions II.A.3-4, II.B.2-3.

<sup>57</sup> *See Special Access Data Collection FNPRM*, 27 FCC Rcd at 16345-51, paras. 66-79 (proposing a one-time, multi-faceted market analysis using the data collected).

<sup>58</sup> *See* Appendix B (“*Connection* means a wired ‘line’ or wireless ‘channel’ that provides a dedicated communication path between a *Location* and the first *Node* on a *Provider's* network. . . . A *Connection* must have the capability of being used to provide one or more *Dedicated Services*; however a *Connection* can be used to provide other services as well. For example, a dedicated communication path that is currently being used to provide a mass market broadband service but has the capability to provide a *Dedicated Service* is considered a *Connection* for the purpose of this data collection.”).

<sup>59</sup> A *Location* is where an *End User* is connected; an *End User* means a business, institutional, or government entity that purchases service for its own use, not for resale. *See* Appendix B, § I Definitions.

<sup>60</sup> *See Pricing Flexibility Suspension Order*, 27 FCC Rcd at 10559, para. 3.

22. We have received several questions about the meaning of “capable” within the definition of *Connection* for purposes of the data collection.<sup>61</sup> In response, we provide the following guidance on what *Locations* with *Connections* to report, which varies depending on the *Provider* type.

**a. Guidance on Capable Connections for Competitive Providers**

23. *Non-Cable Competitive Providers.* *Competitive Providers* other than cable system operators must report all *Locations* with idle and in-service *Connections* that they own or lease as an *IRU*, regardless of the type of service provided over the *Connection*.<sup>62</sup> This subcategory of *Competitive Providers* must report all of their *Connections* because these entities typically target their service offerings to businesses and other higher-capacity users where sufficient demand exists to justify the investment. They do not typically deploy their facilities (or lease *IRUs*) to blanket an entire area and instead deploy (or lease *IRUs*) to particular *Locations* within a local geographic area.<sup>63</sup> That is, they are likely to only have built such *Connections* to a particular *Location* based on strong expectations of sufficient demand. Both the information about the facilities and the demand leading to the deployment of those facilities are relevant to our analysis.<sup>64</sup>

24. In addition, *Competitive Providers* must report *Locations* with *Connections* obtained as a *UNE* to provide a *Dedicated Service*.<sup>65</sup> This includes those *UNEs* obtained to provide a service that incorporates a *Dedicated Service* within the offering as part of a managed solution or bundle of services sold to the customer. Examples of services incorporating a *Dedicated Service* could include: the Converged Business Network solution offered by Level 3 Communications, Inc. (Level 3); the High-Speed Dedicated Internet Access service from XO Communications, LLC (XO); or the business Ethernet

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<sup>61</sup> See Letter from Jay Bennett, AT&T, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 05-25, at 1 (filed Jan. 15, 2013) (AT&T Letter); Letter from Paul Margie, Counsel for Sprint Nextel Corporation (Sprint), to Marlene H. Dortch, Secretary, FCC, WC Docket No. 05-25, at 1 (filed Jan. 9, 2013) (Sprint Letter); Letter from Maggie McCready, Verizon, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 05-25, at 1 (filed Jan. 15, 2013) (Verizon Letter).

<sup>62</sup> This clarification addresses the concerns raised by AT&T and Verizon on the need to collect data on both idle and in-service *Connections* from *Competitive Providers* to evaluate potential competition. See AT&T Letter at 1; Verizon Letter at 1. In addition, we also revise the questions directed at *Competitive Providers* on *Locations* with *Connections*, Questions II.A.3-4, to include *Locations* with *Connections* during 2010 or 2012 instead of *Locations* with provisioned *Connections* to further effectuate this clarification. See *infra* Section III.C. Lastly, while a cable system operator may technically operate as a competitive local exchange carrier (CLEC), for the purposes of this order and the data collection, we refer to cable system operators as a category separate and apart from other CLECs that are *Competitive Providers*.

<sup>63</sup> See *Pricing Flexibility Suspension Order*, 27 FCC Rcd at 10587-88, para. 54 (citing comments filed by CLECs) (“[I]t is not economical for competitors to deploy their own facilities to serve all special access demand . . . [Costs] are typically too large to justify provisioning a building with relatively low levels of demand”); see also XO Holdings Inc., Annual Report (Form 10-K) at 2, 6 (Mar. 31, 2011) (touting itself as a leading alternative for businesses and large enterprises with 42 metropolitan fiber networks with approximately 3,000 on-network buildings, *i.e.*, an average of about 71 connected buildings per metropolitan network); TW Telecom, Inc. (TW Telecom), Annual Report (Form 10-K) at 4 (Feb. 15, 2013) (providing service to “enterprise organizations” and serving 75 metropolitan markets with about 18,000 buildings connected by its local fiber facilities, *i.e.*, an average of about 240 connected buildings per metropolitan market).

<sup>64</sup> This guidance also responds to the clarifications sought by AT&T and Verizon. See AT&T Letter at 1 (urging the Commission “to make clear that the definition of *Connections* include both facilities that are in-service and facilities that are in-place but not in-service, so as to capture data on potential competition.”); Verizon Letter at 1 (asking for clarification that *Connection* includes connections capable of providing a *Dedicated Service* “and is not limited to paths on which there actually is a *Dedicated Service* being sold”).

<sup>65</sup> See Appendix B, Questions II.A.2-3.

solution offered by TW Telecom.<sup>66</sup> This information will further help us identify the demand for special access service.

25. *Competitive Providers Who Are Cable System Operators.* Outside their Franchise Areas (FAs), cable operators must follow the same reporting guidance on all *Locations* with *Connections*, for the same reasons, as the non-cable *Competitive Providers* described above.<sup>67</sup> However, we require cable system operators to report *Locations* in their FAs with *Connections* they own or lease as an *IRU* differently.<sup>68</sup>

26. Cable system operators within their FAs report *Locations* based on the type of *Connection*. They must report those *Locations* with *Connections* owned or leased as an *IRU* that are connected to a *Node* (i.e., headend) that has been upgraded or was built to provide Metro Ethernet (or its equivalent) service.<sup>69</sup> They must report *Locations* with these *Connections* regardless of the service provided over the *Connection* or whether the *Connection* is idle or in-service. Historically, cable companies deployed facilities widely in their FAs to serve primarily residential customers and other community needs,<sup>70</sup> and have more recently expanded their service offerings to customers that are likely to buy *Dedicated Service*.<sup>71</sup> We are therefore particularly interested in *Connections* that have been

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<sup>66</sup> See Converged Business Network, Level 3, <http://www.level3.com/en/products-and-services/data-and-internet/converged-business-network/> (discussing Level 3's Converged Business Network offering that combines Internet, data and voice services over a single access circuit) (last visited Sept. 9, 2013); Dedicated Internet Access, XO, <http://www.xo.com/services/network/dia/Pages/overview.aspx> (discussing dedicated Internet access) (last visited Sept. 9, 2013); Business Ethernet, TW Telecom, <http://www.twtelecom.com/telecom-solutions/voice-solutions/business-ethernet-services/> (discussing business Ethernet services) (last visited Sept. 10, 2013).

<sup>67</sup> See *Implementation of Sections of the Cable Television Consumer Protection and Competition Act of 1992 Rate Regulation*, MM Docket No. 92-266, First Order on Reconsideration, 29 FCC Rcd 1164, 1180, para. 24 (1993) (“A franchise area is the area a system operator is granted authority to serve in its franchise.”).

<sup>68</sup> Within their FAs, cable system operators will also report *Locations* with *Connections* obtained as a *UNE* to provide a *Dedicated Service* in the same manner as other *Competitive Providers*.

<sup>69</sup> Metro Ethernet is an Ethernet metropolitan area network service offering that involves centrally positioning one or more gigabit Ethernet (GbE) or 10 gigabit Ethernet (10 GbE) switches in a metro area. It offers the advantage of carrying all traffic in native Ethernet format, with no requirement for introducing SDH/SONET, frame relay, ATM or other Physical Layer or Data Link Layer protocols that can increase both complexity and cost, while adding overhead. See *Webster's New World Telecom Dictionary* (2010); see also Ralph Santitoro, Metro Ethernet Forum White Paper, *Metro Ethernet Services – A Technical Overview* (2006), available at [http://metroethernetforum.org/Assets/White\\_Papers/Metro-Ethernet-Services.pdf](http://metroethernetforum.org/Assets/White_Papers/Metro-Ethernet-Services.pdf) (providing a comprehensive technical overview of Ethernet services) (last visited Sept. 9, 2013).

<sup>70</sup> Cable companies typically must obtain a franchise from the local franchising authority to provide cable service in order to operate in that area. In many instances, franchising authorities imposed build-out requirements as a condition to granting the franchise to the cable system operator. As a result, cable system operators are subject to outside factors in decisions to deploy, in contrast to their non-cable *Competitive Providers*. See, e.g., 47 U.S.C. § 541(a)(4)(A) (“In awarding a franchise, the franchising authority shall allow the applicant’s cable system a reasonable period of time to become capable of providing cable service to all households in the franchise area. . . .”); *Comcast Cable Communications*, 23 FCC Rcd 10073, 10075, para. 6 (Media Bur. Pol. Div. 2008) (noting that franchisee is obligated to build-out its service to “‘substantially all residential households’ served by the town’s ‘aerial plant . . . within twelve (12) months’ and ‘to all residential areas of the Service Area, within four (4) years’”).

<sup>71</sup> See Comcast Corp. (Comcast), Press Release, Comcast Introduces Metro Ethernet Services to Address Bandwidth, Application and Reliability Requirements of Mid-Sized Businesses (rel. May 16, 2011) (Comcast May 2011 Press Release), available at <http://business.comcast.com/enterprise/about-us/pressroom/PressReleaseDetails?NewsItemID=24ce4591-e857-40af-8b5e-7ebec7d80fc4&IsPremium=False> (last visited Sept. 9, 2013); Letter from Glenn Reynolds, USTelecom—The Broadband Assoc. (USTelecom), to Marlene H. Dortch, Secretary, FCC, WC Docket No. 05-25, Exhibit – Cable Companies Continue to Grow their Competitive Presence (filed Aug. 21, 2013).



upgraded to business class Metro Ethernet (or its equivalent)—whether or not those *Connections* are in service and regardless of the type of service provided—because it is reasonable to assume that such upgrades were made based on strong expectations as to the likelihood of sufficient demand for *Dedicated Service* and are sources of potential competition.<sup>72</sup>

27. For *Locations* with facilities that are *not* linked to a *Node* capable of providing Metro Ethernet (or its equivalent), cable system operators must report in-service *Connections* that were used during the relevant reporting period to provide a *Dedicated Service* or a service that incorporates a *Dedicated Service* within the offering as part of a managed solution or bundle of services sold to the customer.<sup>73</sup> Cable system operators do not report *Locations* with facilities used to provide a service that is substantially similar to the services provided to residential customers, *e.g.*, one or two line telephone service or best-efforts Internet access and subscription television services.<sup>74</sup> We exclude these facilities because they were most likely built to provide residential-type services instead of high-capacity services to non-residential customers based on the historical deployment of cable systems; their inclusion could thus skew our assessment of demand for special access service.<sup>75</sup> We can still account for the potential competition from these facilities by referencing data provided elsewhere in the collection, *e.g.*, we can refer to the fiber maps filed by cable system operators, the location of *Nodes* upgraded to provide Metro Ethernet (or its equivalent), and the information provided showing those census blocks within the FAs where the cable system operator reports making broadband service available with a bandwidth rate of at least 1.5 Mbps in both directions (upstream/downstream).<sup>76</sup> Accordingly, this clarification will aid the Commission by focusing the collection on *Locations* with *Connections* relevant to our inquiry, thus aiding the analysis, and has the benefit of reducing the reporting burden for cable system operators.

#### b. Guidance on Capable Connections for ILECs

28. In addition to the guidance provided to *Competitive Providers* on the meaning of “capable” for the reporting of *Locations* with *Connections*, we provide *ILECs* with this additional clarification. *ILECs* are not required to report copper loops that were unable to provide a bandwidth connection of at least 1.5 Mbps in both directions (upstream/downstream) “as provisioned” during the relevant reporting periods, *e.g.*, bare copper loops not upgraded with the necessary equipment. These copper loops are not considered *Connections* capable of providing a *Dedicated Service* for the purposes of this data collection. This clarification addresses a concern raised by Verizon on their inability “to distinguish between UNEs that CLECs use to serve mass-market locations and those that they use to serve business locations.”<sup>77</sup>

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<sup>72</sup> See, *e.g.*, Comcast May 2011 Press Release (announcing “Metro Ethernet services as part of an ongoing strategy to expand its portfolio of business services to meet the requirements of larger customers”).

<sup>73</sup> See *supra* para. 24, note 66 (providing examples of a service that could incorporate a *Dedicated Service*).

<sup>74</sup> Examples of a service that is substantially similar to the services provided to residential customers could include the following: Business Internet + Voice, Comcast, <http://business.comcast.com/smb/bundle> (discussing a Comcast Business Class bundled service offering that includes business voice, web hosting, email, and Internet access at monthly rates) (last visited Sept. 9, 2013) or similar offerings from Cox Business Internet, Cox Communications, Inc. (Cox), [http://ww2.cox.com/business/oklahomacity/data/business-internet.cox?campcode=gntile\\_b\\_data\\_internet](http://ww2.cox.com/business/oklahomacity/data/business-internet.cox?campcode=gntile_b_data_internet) (last visited Sept. 9, 2013); Business Internet, Bright House Networks, <http://business.brighthouse.com/products-and-services/data-and-internet/broadband-internet.html> (last visited Sept. 9, 2013); and Optimum: TV, Phone and Internet Services for your Business, Cablevision Systems Corp., <http://www.optimumbusiness.com/> (last visited Sept. 9, 2013).

<sup>75</sup> See *supra* note 70.

<sup>76</sup> See Appendix B, Question II.C.1.

<sup>77</sup> See Letter from Frederick Moacdieh, Verizon, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 05-25, at 1 (filed Oct. 25, 2012).



29. We are collecting data to analyze the special access market to help inform our analysis of the appropriate regulatory treatment of special access services. Special access services subject to dominant carrier regulation largely consist of *DSIs* and *DS3s*, which have a symmetrical bandwidth of about 1.5 Mbps and 44 Mbps, respectively.<sup>78</sup> Therefore, for the collection, we do not intend to collect data from *ILECs* on copper loops that “as provisioned” are unable to provide a bandwidth of at least 1.5 Mbps in both directions.<sup>79</sup>

30. This exclusion will significantly decrease the reporting burden for *ILECs* while not adversely affecting our analysis. Information on each and every copper loop an *ILEC* has with a bandwidth of less than 1.5 Mbps in both directions is unnecessary for the Commission to assess potential competition. We can instead assume that the *ILEC* has deployed facilities of some kind throughout its study area and has at least one transmission link, albeit a bare copper loop, to every *Location* within its study area even when the *ILEC* does not report having a *Location* with a *Connection*. We do recognize, however, that copper loops can be modified to provide higher capacity services and will continue to collect information from *Competitive Providers* on the loops they obtain as *UNEs* and later modify to provide a bandwidth connection of at least 1.5 Mbps in both directions.<sup>80</sup>

31. In addition to excluding certain copper loops, *ILECs* are prohibited from reporting facilities to *Locations* used to provide services substantially similar to the services provided to residential customers, e.g., one or two line telephone service or best-efforts Internet access and subscription television services such as AT&T’s U-verse or Verizon’s FiOS service (even if the facility is technically capable of providing a *Dedicated Service*).<sup>81</sup> This exclusion is again aimed at limiting the data reported to only *Locations* where the *End Users* are demanding services relevant to our inquiry (i.e., buying *Dedicated Services*). In these areas, as with the exclusion for certain copper loops, we can assume that the *ILEC* has a capable facility connecting every *Location* in its study area even when it did not provide a *Dedicated Service* to the *Location* during the relevant reporting period.

## 2. Location Data

32. Several parties are concerned about the *Location* information sought in the data collection, namely the requirement that the *Provider* (1) indicate whether the connected *Location* is a

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<sup>78</sup> The Commission has granted forbearance from dominant carrier regulation of certain packet-based and optical transmission services to the largest *ILECs*. See Petition of the Verizon Telephone Companies for Forbearance under 47 U.S.C. § 160(c) from Title II and Computer Inquiry Rules with Respect to Their Broadband Services, WC Docket No. 04-440 (filed Dec. 20, 2004); Letter from Edward Shakin, Vice President and Associate General Counsel, Verizon, to Marlene H. Dortch, Secretary, FCC, WC Docket. No. 04-440, at 2-3 (filed Feb. 7, 2006); FCC News Release, *Verizon Telephone Companies’ Petition for Forbearance from Title II and Computer Inquiry Rules with Respect to their Broadband Services Is Granted by Operation of Law* (rel. Mar. 20, 2006); *Petition of AT&T Inc. for Forbearance Under 47 U.S.C. § 160(c) from Title II and Computer Inquiry Rules with Respect to Its Broadband Services*, *Petition of BellSouth Corporation for Forbearance Under Section 47 U.S.C. § 160(c) from Title II and Computer Inquiry Rules with Respect to Its Broadband Services*, Memorandum Opinion and Order, 22 FCC Rcd 18705 (2007); *Petition of the Embarq Local Operating Companies for Forbearance Under 47 U.S.C. § 160(c) from Application of Computer Inquiry and Certain Title II Common-Carriage Requirements, et al.*, Memorandum Opinion and Order, 22 FCC Rcd 19478 (2007); *Qwest Petition for Forbearance Under 47 U.S.C. § 160(c) from Title II and Computer Inquiry Rules with Respect to Broadband Services*, Memorandum Opinion and Order, 23 FCC Rcd 12260 (2008).

<sup>79</sup> For this reason, we are revising Questions II.B.2-3 to no longer require *ILECs* to report *Unbundled Copper Loops*. See *infra* Section III.C (discussing changes to questions).

<sup>80</sup> See Appendix B, Questions II.A.3-4 (requiring the reporting of *Locations* with *Connections* obtained as a *UNE*, which includes *Unbundled Copper Loops* used to provide a *Dedicated Service*).

<sup>81</sup> See also *supra* note 74 (providing additional examples of a service that is substantially similar to the services provided to residential customers).

building, cell site, or other man-made structure, *i.e.*, reporting the location type and (2) report the geocode (latitude and longitude) for each *Location*.<sup>82</sup> On location type, Comcast and Cox said “that they do not necessarily know or record the type of structure . . . and that recreating such data (*e.g.*, through site visits or requests to the customer) could be quite a burdensome exercise.”<sup>83</sup> In addition, Alaska Communications Systems (ACS), Cincinnati Bell Inc. (Cincinnati Bell), and members of the American Cable Association (ACA) reported difficulty with determining not only the location type but also the geocode.<sup>84</sup>

33. In response, we clarify in the instructions that if the filer does not know the location type, it can report the type as “unknown.”<sup>85</sup> While we intend to use the location type to further understand the demand segments for *Dedicated Services*, we can utilize information reported elsewhere in the collection for this purpose.<sup>86</sup> Therefore, while this clarification will significantly reduce the reporting burden on *Providers*, it will not adversely affect the Commission’s analysis. As for the location geocode, we understand that *Providers* are more likely to have coordinate information for connected cell sites than for connected buildings. *Providers* do typically have, however, at least the street address for a connected building.<sup>87</sup> We therefore clarify in the instructions that *Providers* can report a location geocode derived from a postal address through use of a geocoding platform.<sup>88</sup> This clarification will significantly reduce the reporting burden by eliminating the need for site visits to obtain coordinate information.

### 3. Mapping Requirements

34. The *Special Access Data Collection Order* required *Competitive Providers* to file maps showing: (1) the fiber routes constituting their network and connecting their networks to *Locations*;<sup>89</sup> and

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<sup>82</sup> While we do not discuss the rationale behind each and every instruction in this Report and Order, the instructions do contain additional clarifications on how to calculate sold bandwidth and the accuracy level for location data. See Appendix A, Instructions at 13-14, 38-39.

<sup>83</sup> See Letter from Steven F. Morris, National Cable and Telecommunications Assoc. (NCTA), to Marlene H. Dortch, Secretary, FCC, WC Docket No. 05-25, at 3 (filed Feb. 28, 2013) (NCTA Feb. 28 Letter).

<sup>84</sup> See ACS, PRA Comments, WC Docket No. 05-25, at 5 (filed Apr. 15, 2013) (ACS PRA Comments) (“ACS does not keep records of the geocode for each location where special access services are deployed, nor does the company maintain records on the location type.”); Cincinnati Bell, PRA Comments, WC Docket No. 05-25, at 4 (filed Apr. 15, 2013) (“Existing records do not contain this information, so a site visit may be required to each location to ascertain the Location type. . . . The cost and burden of complying with the geocoding requirements are excessive and should be eliminated.”); ACA, PRA Comments, WC Docket No. 05-25, at 11-12 (filed Apr. 15, 2013) (“Of the ACA members surveyed, all maintain information about their customers’ addresses, but, with one exception, none had geocode (longitude/latitude) information for these locations.”) (ACA PRA Comments).

<sup>85</sup> See Appendix A, Instructions at Tables II.A.4 and II.B.3.

<sup>86</sup> For example, mobile wireless service providers are required to report the connections to their cell sites and the providers supplying those connections. See Appendix B, Question II.E.2. This will help the Commission evaluate the demand for cell site backhaul.

<sup>87</sup> See ACA PRA Comments at 12; see also Cincinnati Bell PRA Comments at 3 (“[T]he location of individual buildings is easily captured by using service addresses that are readily available.”).

<sup>88</sup> We will allow parties to derive the coordinate fields for the location address from a known geocoding platform such as Bing maps, Google, Yahoo, batchgeo.com, Texas A&M Geoservices or other geocoding solution. See, *e.g.*, Texas A&M Geoservices, <http://geoservices.tamu.edu/Services/Geocode/> (last visited May 2, 2013) (providing a free platform for the conversion of postal addresses into geographic coordinates).

<sup>89</sup> See *Special Access Data Collection Order*, 27 FCC Rcd at 16360, App. A, Question II.A.5. The question originally required the submission of two separate maps – one for the transport network and one just showing the fiber routes to *Locations*. As discussed in Section III.C of this Report and Order, we have revised the question to require only one map. See Appendix B, Question II.A.5.

(2) the *Nodes* used to interconnect with other providers and the year each *Node* went live.<sup>90</sup> The maps showing fiber routes help the Commission identify where *Competitive Providers* can or potentially could provide *Dedicated Service*.<sup>91</sup> The location of the interconnection *Nodes* helps the Commission understand the “non-price factors that may impact where special access providers build facilities or expand their network via UNEs.”<sup>92</sup>

35. Several parties raised concerns about the burden of producing maps and verifying interconnection *Nodes*. Cable companies, for example, stated they do not keep maps at this level of detail in the normal course of business and would have to conduct site visits and create them at considerable expense.<sup>93</sup> NTCA also expressed concern explaining that while its members generally have maps showing “middle-mile” facilities, they do not keep maps with “last mile” facilities.<sup>94</sup>

36. NCTA and ACA alternatively propose that the Commission: (1) allow companies to simply submit whatever network maps they have or “a list or ‘airline’ map showing the network footprint (headend locations and customer locations served by those headends)” and (2) eliminate the *Node* identification requirements.<sup>95</sup> USTelecom opposes this proposal, arguing this alternative will not provide the Commission with the necessary detail “to determine how both actual and potential competition provide competitive discipline in the high-capacity marketplace.”<sup>96</sup> As discussed below, although we do not eliminate the obligations as proposed by NCTA and ACA, we do make certain clarifications to reduce the burdens while ensuring the Commission has sufficient data for its analysis.

37. *Fiber Maps*. The Commission required *Competitive Providers* to submit maps showing their fiber routes, including fiber *Connections* to *Locations*, for an analysis of potential competition.<sup>97</sup> While we understand the burdens of providing these comprehensive maps, the Commission has found that competition for *Dedicated Service* “appears to occur at a very granular level—perhaps as low as the

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<sup>90</sup> The collection defines a *Node* as “an aggregation point, a branch point, or a point of interconnection on a *Provider*’s network, including a point of interconnection to other *Provider* networks. Examples include LEC central offices, remote terminal locations, splice points (including, for example, at manholes), controlled environmental vaults, cable system headends, cable modem termination system (CMTS) locations, and facility hubs.” See Appendix B, Definitions. As further clarified in the instructions, we do not expect filers to provide the “went live” date if it occurred prior to 1995; the filer can instead simply answer “1000.” See Appendix A, Instructions at 16.

<sup>91</sup> See *Special Access Data Collection Order*, 27 FCC Rcd at 16333, para. 35 (“These maps will indicate where competitive providers can provide, or could potentially provide, special access services.”).

<sup>92</sup> See *id.* at 16332, para. 33.

<sup>93</sup> See NCTA Feb. 28 Letter at 3; NCTA, PRA Comments, WC Docket No. 05-25, at 7 (filed Apr. 15, 2013) (NCTA PRA Comments); ACA PRA Comments at 11; Chariton Valley, PRA Comments, WC Docket No. 05-25, at 1 (filed Apr. 15, 2013). One cable company estimated a cost of \$4 million to produce a map for one large city and at least \$50 million for all its FAs. See NCTA Feb. 28 Letter at 3; NCTA PRA Comments at 7.

<sup>94</sup> See Letter from Michael R. Romano, NTCA, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 05-25, at 2 (filed May 13, 2013) (NTCA Letter).

<sup>95</sup> See Letter from Steven F. Morris, NCTA, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 05-25, at 2, Attachment, at 1 (filed Mar. 22, 2013) (NCTA Mar. 22 Letter); ACA PRA Comments at 6.

<sup>96</sup> See Letter from Glenn Reynolds, USTelecom, to Marlene Dortch, Secretary, FCC, WC Docket No. 05-25, at 2 (filed Apr. 11, 2013).

<sup>97</sup> In addition, as part of the *Special Access Data Collection FNPRM*, the Commission is considering whether it can use distances to fiber and demand for evaluating petitions for pricing flexibility. See 27 FCC Rcd at 16351 para. 78 n.173.

building/tower.”<sup>98</sup> The Commission therefore needs to collect information at an equally granular level, *i.e.*, the level of the connected *Location*.

38. The mapping obligation is already limited by focusing solely on fiber routes and not requiring the mapping of other transmission mediums. Relative to copper or coaxial cable, a *Competitive Provider* can easily add additional *Dedicated Services* or other managed services to a fiber line. The presence of fiber down a street is thus a good indicator of a *Competitive Provider*'s ability to serve nearby *Locations*.<sup>99</sup> To further reduce the burdens, we clarify in the instructions that the scale used for shapefile mapping data is 1:24,000, which is the standard used by the U.S. Geological Survey National Map and the same scale used by the Bureau for the study area boundary (SAB) map collection.<sup>100</sup> This standard will give the Commission sufficient data on the streets and paths traversed by fiber while eliminating the need to report the exact location of fiber on the street. We expect that *Competitive Providers* would know the streets and routes where their fiber runs without having to conduct site surveys so this clarification should significantly reduce the reporting burden for *Competitive Providers* while still giving the Commission data on fiber routes to a sufficient level of accuracy for its analysis.<sup>101</sup>

39. We reject the alternative proposed by NCTA and ACA of requiring “whatever network maps” a *Competitive Provider* has or “a list or ‘airline’ map showing a network footprint” for two reasons.<sup>102</sup> First, this approach will produce non-uniform and less granular data and will thus affect the Commission’s analysis. Maps would vary by respondent with some simply showing the boundaries of their network coverage and others providing details on some fiber routes but unlikely to the level of the connected *Location*. Even a “list or ‘airline’ map showing the network footprint” would not necessarily give the Commission the fiber routes to *Locations*, at least not to a sufficient level of accuracy. Second, the variability of the maps would substantially increase the burden on Commission staff. For example, the Commission would have to create a base map from the non-uniform data and offset gaps with information collected elsewhere or through third-party data sets. Even if the Commission could somehow fill any data gaps, the result would not be as detailed, uniform, or accurate as with having *Competitive Providers* submit maps showing their fiber facilities to each *Location*. It would also divert Commission resources from analyzing the data to create data necessary to begin the analysis.

40. *Nodes*. NCTA and ACA have also asked the Commission to eliminate the requirement to include *Nodes* used for interconnecting. One NCTA member said it “cannot reasonably identify every node on the network used to interconnect . . . and the year that each node ‘went live,’” asserting that it “would have to walk portions of the route to check for all splice points and/or interview local personnel” to determine the location of interconnecting *Nodes*.<sup>103</sup> An ACA member stated it would have to review many end user agreements to determine this information, while another member stated that reporting the

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<sup>98</sup> See *Special Access Data Collection Order*, 27 FCC Rcd at 16327-28, para. 22.

<sup>99</sup> The Department of Justice has also used distances to fiber when evaluating the effect of transactions on competition. See *Special Access Data Collection FNPRM*, 27 FCC Rcd at 16351 para. 78 n.173 (citing *AT&T Inc. and BellSouth Corporation Application for Transfer of Control*, WC Docket No. 06-74, Memorandum Opinion and Order, 22 FCC Rcd 5662, 5682, para.42 (2007)).

<sup>100</sup> See *Connect America Fund; High-Cost Universal Service Support*, WC Docket Nos. 10-90, 05-337, Report and Order, 27 FCC Rcd 13528, 13532, para. 14 (Wireline Comp. Bur. 2012); Order on Reconsideration, 28 FCC Rcd 1489 (Wireline Comp. Bur. 2013); Appendix A, Instructions at 15.

<sup>101</sup> See, e.g., NCTA PRA Comments at 7 (“As Cox explains, it maintains fiber maps that show both backbone fiber routes as well as lateral connections.”). We do not intend to penalize filers who undertake reasonable, good faith efforts to identify the routes and paths traversed by fiber. See Order on Reconsideration, 28 FCC Rcd at 1493, para. 13.

<sup>102</sup> See NCTA PRA Comments at 7; ACA PRA Comments at 6.

<sup>103</sup> See NCTA PRA Comments, Exh. A, Decl. of Robert Hattori, Cox, at 5.



“live” date for each interconnecting *Node* is “the most difficult and time-consuming aspect of creating the maps.”<sup>104</sup>

41. Although we retain the requirement to provide fiber maps, we clarify the obligations for identifying interconnection *Nodes* in the instructions to reduce burdens. First, we clarify that *Competitive Providers* can provide information reported to the Central Location Online Entry System (CLONES) database on their interconnection points in lieu of reporting information from their own internal records.<sup>105</sup> *Competitive Providers* electing this option must certify that their CLONES data are current and accurately identify their points of interconnection and the associated “live” dates to the best of their knowledge.<sup>106</sup> Second, we clarify in the instructions that *Node* locations need only be accurate to the nearest  $\pm 0.0005$  decimal degrees. Third, respondents do not have to report the year the *Node* went “live” if it occurred before 1995 and is unknown.<sup>107</sup>

42. These clarifications will not adversely affect the data needed for the Commission’s analysis but will reduce burdens. The Commission intends to gather data on interconnection points to understand whether the decision to deploy in an area is in response to the demand for *Dedicated Service*. Based on the responses received from non-cable *Competitive Providers* to an earlier voluntary data request, we believe the deployment and interconnecting decisions of non-cable *Competitive Providers* are largely driven by the demand for high-capacity, business services.<sup>108</sup> The reporting of interconnection points by these entities is thus valuable to the Commission.<sup>109</sup>

43. The CLONES database is widely used by industry to create, update, and maintain codes to uniquely identify the location of geographic places and certain equipment. It also contains historical data on interconnection points as reported by the service providers. *Competitive Providers* can therefore provide the information reported to CLONES without affecting the analysis provided they certify to the best of their knowledge that the data accurately reflect their interconnecting points and “live” dates.<sup>110</sup>

44. As for the location accuracy level for those *Nodes* identified, the Commission needs to know the neighborhood of the interconnection point. Clarifying the accuracy level for *Nodes* to the nearest  $\pm 0.0005$  decimal degrees accomplishes this. In addition, reporting the year a *Node* went “live” going as far back as 1995 will help the Commission understand decisions to deploy facilities to meet the demand for *Dedicated Service*. After 1995, significant competitive entry and merger activity occurred following the enactment of the Telecommunications Act of 1996.<sup>111</sup> This timeframe will capture that

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<sup>104</sup> ACA PRA Comments at 10.

<sup>105</sup> The CLONES database is managed by Telcordia Technologies, Inc. d/b/a Iconectiv, a wholly owned subsidiary of Ericsson. See Systems and Tools, Iconectiv, <https://codecenter.commonlanguage.com/systems.asp?#clones> (providing information about CLONES) (last visited Sept. 9, 2013).

<sup>106</sup> See Appendix A, Instructions at 14.

<sup>107</sup> See *id.* at 17.

<sup>108</sup> See *Data Requested in Special Access NPRM*, WC Docket No. 05-25, RM-10593, Public Notice, 25 FCC Rcd 15146 (Wireline Comp. Bur. 2010).

<sup>109</sup> In contrast, a cable system operator’s incentives for deploying and interconnecting its facilities, unlike those of non-cable *Competitive Providers*, were historically driven by the demand for residential services. Cf. *infra* note 112. Given these unique incentives, the Bureau considered only requiring cable firms to submit those *Nodes* that had been upgraded to Metro Ethernet (or its equivalent) service. However, given concerns about the Bureau’s delegated authority, we do not deviate from the approach in the Commission’s order. See *Special Access Data Collection Order*, 27 FCC Rcd at 16340, para. 52 and note 112.

<sup>110</sup> See Appendix A, Instructions at 14.

<sup>111</sup> The number of reported Competitive Access Providers/CLECs increased substantially from 20 in 1993 to 109 in 1996 with an annual average growth rate of 76 percent during that timeframe. See *Trends in Telephone Service*, (continued....)



activity along with those headends recently upgraded by cable operators to provide Metro Ethernet (or its equivalent) service.<sup>112</sup> Accordingly, we will not adversely affect the Commission's analysis by allowing respondents to only report "live" dates prior to 1995 if available.

45. These clarifications will ease the reporting burden for *Competitive Providers* while ensuring that the Commission has sufficient data for its analysis. Entities do not always retain historical data on interconnection points, so allowing for the submission of CLONES data and for the reporting of "live" dates prior to 1995 only if available will ease the burden on these respondents. These clarifications will also reduce, or completely eliminate, the need to conduct walkouts or surveys at the street or manhole level.

#### 4. Billing Information

46. The collection contains a section of questions asking for data on the *Dedicated Services* billed to customers by *Competitive Providers* and *ILECs*.<sup>113</sup> The billing section consists of three interrelated questions: (1) reporting monthly billing information, billed at the level of the rate element, but tied to the circuit;<sup>114</sup> (2) identifying adjustment codes; and (3) identifying billing codes.<sup>115</sup> In addition to making minor revisions to the billing questions – discussed in Section III.C below, the instructions contain a detailed breakdown of how to interpret and respond to each required data field for these questions. The instructions address many of the requests for clarification on what is required. For example, some parties interpreted the ILEC-centric diagram of billed circuit elements contained in Question II.A.14 as a mandatory method of assigning billing codes.<sup>116</sup> As clarified in the instructions, there are two options for describing billing codes for circuit elements. A filer can either use the diagram

(Continued from previous page)

FCC, Common Carrier Bur., Industry Analysis Div. at Table 8.1 (July 1998). In addition, from 1995-1999, the number of telecom mergers filed for governmental approval increased almost 50 percent. *Mergers in the Telecomm. Indus.: Hearing before the Senate Comm. on Commerce, Science, and Transp.*, 106th Cong. 2 (1999) (opening statement of John McCain, U.S. Senator from Arizona). Further, between 1996 and 2001, 42 mergers between telecom providers were consummated, 33 of which occurred in 1997 and 1998 alone. See Mark N. Cooper *et al.*, *Successes and Failures of the 1996 Telecommunications Act: Telecom Mergers (1996-2001)*, available at [http://www.civilrights.org/publications/1996\\_telecommunications/telecom-mergers.html](http://www.civilrights.org/publications/1996_telecommunications/telecom-mergers.html) (last visited Sept. 9, 2013).

<sup>112</sup> See *supra* note 71 (listing press releases from cable firms that have expanded their service offerings to customers that are likely to buy *Dedicated Services*). A cable company's decision to upgrade headends to provide Metro Ethernet (or its equivalent) service is relevant to the demand for *Dedicated Services* because these upgrades reflect areas in which the cable system operator anticipated that sufficient demand was likely to exist for *Dedicated Services*. We therefore also clarify in the instructions that cable system operators must separately indicate those *Nodes* that have been upgraded to provide a Metro Ethernet (or its equivalent) service. See Appendix A, Instructions at 15.

<sup>113</sup> The billing data are only for *Dedicated Services* provided using facilities that are owned or leased as an *IRU* and, in the context of a *Competitive Provider*, facilities obtained as a *UNE* to provide a *Dedicated Service*. See Appendix B, Questions II.A.12, II.B.4.

<sup>114</sup> In the data collection questions on billing, the term "circuit element" is used, which is intended to capture billing information at whatever level of granularity billed to customers, *e.g.*, rate elements, circuit elements, billed elements, circuit components, etc.

<sup>115</sup> See Appendix B, Questions II.A.12-14, II.B.4-6. The monthly billing information question, *inter alia*, requires the filer to reference adjustment codes, where applicable, and billing codes.

<sup>116</sup> See NCTA PRA Comments, Exh. A, Hattori Decl. at 8 ("The data request would appear to require Cox to attempt to match Cox's unique billing codes with a long list of rate elements that incumbent local exchange carriers use but Cox does not."); Letter from Thomas Jones, Counsel to tw telecom inc. (TW Telecom), to Marlene H. Dortch, Secretary, FCC, WC Docket No. 05-25, at 1 (filed Jan. 10, 2013) ("[T]he Commission should account for the fact that competitive providers do not bill separately for the same special access rate elements as incumbent LEC providers.") (TW Telecom Letter).

and descriptions provided to describe the billed circuit element or create its own descriptions for the billed elements, *e.g.*, a party could assign a billing code to a circuit element described as “private line end-to-end service.”<sup>117</sup> Parties also questioned whether they can use Uniform Service Order Codes (USOCs) for their unique billing code IDs.<sup>118</sup> The instructions clarify that providers can use any unique billing code, including USOCs.<sup>119</sup> These and other clarifications are provided in the instructions.

## 5. Headquarters Information

47. Question II.A.9 asks *Competitive Providers* to report the locations of their U.S. headquarters and the headquarters of certain affiliates, going as far back as 1995.<sup>120</sup> NCTA questions the need for this information and asks the Commission to eliminate this requirement or limit the years covered to 2010 and 2012.<sup>121</sup>

48. Like the data sought on interconnection points, the purpose of this question is to assess certain non-price factors that may be relevant to where *Competitive Providers* build or expand their network.<sup>122</sup> The question asks for the locations of a *Competitive Provider’s* current and prior U.S. headquarters, going as far back as 1995. In addition, *Competitive Providers* must identify the headquarters of affiliated entities and entities acquired through merger that no longer exist<sup>123</sup> if the affiliated or acquired entity owned (or leased under an *IRU* agreement) *Connections* to five or more *Locations* in a given *MSA* at the time of affiliation/acquisition, going as far back as 1995.<sup>124</sup> We use 1995 as the cutoff because significant competitive entry and merger activity occurred after 1995.<sup>125</sup> The longer period thus helps us understand why a competitor chose to expand its facilities in certain areas over time.

49. For certain *Competitive Providers*, namely cable system operators, the decision of where to deploy *Dedicated Service* facilities is significantly influenced by the FAs awarded to the cable operator, which are often unrelated to the location of its headquarters. For example, the headquarters for Cox, the third largest cable provider in the United States, is located in Atlanta but Cox has no cable network in that metropolitan area.<sup>126</sup> In addition, cable operators have only recently upgraded systems in their FAs to provide *Dedicated Service*. With this in mind, we question the benefits of obtaining information on headquarters going as far back as 1995 from cable companies because while this question is not particularly burdensome, it is unlikely to help us understand why a cable company deployed

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<sup>117</sup> See Appendix A, Instructions at 34, 52-53; Appendix B, Questions II.A.14.c, II.B.6.c.

<sup>118</sup> See Cincinnati Bell PRA Comments at 7.

<sup>119</sup> See Appendix A, Instructions at 34, 52-53.

<sup>120</sup> See Appendix B, Question II.A.9. In addition, as discussed in Section III.C of this Report and Order, we have revised the question to include the reporting of headquarters for acquired entities at the time of acquisition.

<sup>121</sup> See NCTA Mar. 22 Letter, Attach. at 3.

<sup>122</sup> See *Special Access Data Collection Order*, 27 FCC Rcd at 16332, para. 33.

<sup>123</sup> As discussed in Section III.C of this Report and Order, we have revised the question to ask for headquarters location information in those instances when the entity is acquired and merged out of existence – *i.e.*, when the *Competitive Provider* (or its subsidiary) responding to the data request was the surviving entity.

<sup>124</sup> See Appendix B, Question II.A.9 and the Instructions for further information.

<sup>125</sup> See *supra* note 111.

<sup>126</sup> See Our Story, Cox, [http://ww2.cox.com/aboutus/our-story.cox?campcode=gfn\\_r\\_aboutus\\_ourstory](http://ww2.cox.com/aboutus/our-story.cox?campcode=gfn_r_aboutus_ourstory) (last visited Sept. 9, 2013), Atlanta Headquarters, Cox, <http://ww2.cox.com/aboutus/our-story/headquarters.cox> (last visited Sept. 9, 2013).

facilities in an area to provide *Dedicated Service*. We will therefore allow cable operators to respond to this question by indicating “Not Applicable.”<sup>127</sup>

50. The rationale for treating cable system operators differently does not apply, however, to other *Competitive Providers* who do not deploy facilities according to designated FAs.<sup>128</sup> We therefore continue to find value and intend to collect headquarters information from non-cable *Competitive Providers* for the analysis.

## 6. Certain Questions Requiring Narrative Responses from Purchasers

51. The data collection requires *Purchasers* to provide a narrative response to certain questions. For example, Questions II.F.8-10 and 12 ask for information about any problems experienced with terms and conditions, switching of *Providers*, or having to pay *One Month Term Only Rates*.<sup>129</sup> Smith Bagley *et al.* objects to the mandatory submission of this “qualitative” information because it is not quantitative or verifiable and asks for the voluntary submission of responses to these types of questions.<sup>130</sup>

52. Questions II.F.8-10 and 12 give *Purchasers* an opportunity to provide factual details to highlight any problems experienced in their dealings with *Providers* of *Dedicated Service*. The Commission plans to use the information to help identify and document problems previously alleged by *Competitive Providers* in this proceeding. While these questions are not particularly burdensome, and are instead an opportunity, we have clarified in the instructions that if a *Purchaser* does not need, or want, to provide a response, *i.e.*, the *Purchaser* is not experiencing or does not want to highlight any alleged problems, then the *Purchaser* can simply respond stating as much.<sup>131</sup>

### C. Modifications and Amendments to the Data Collection

53. The following is a list of the modifications and amendments to the data collection definitions and questions based on the received feedback and our further internal review.<sup>132</sup> These changes are consistent with the terms of the *Special Access Data Collection Order*.<sup>133</sup>

- *Affiliated Company*. Definition revised to include not only affiliations with *Providers* but also *Purchasers*. This revision will assist the Commission with internally linking information on sales and purchases reported by filers to entities that have common ownership. In addition, we have changed the ownership interest for determining an affiliation from 25 to 10 percent. Use of the lower percentage is consistent with the definition of affiliate used for the Form 499-A “Telecommunications Reporting

<sup>127</sup> See Appendix A, Instructions at 18-19.

<sup>128</sup> See *supra*, para. 23 (discussing incentives for deployment for non-cable *Competitive Providers*).

<sup>129</sup> As discussed in Section III.C of this Report and Order, these identical questions also now appear in Section II.E of the data collection for *Purchasers* who are mobile wireless services providers. See Appendix B, Questions II.E.9-11, 13.

<sup>130</sup> See Smith Bagley PRA Comments at 11-12; NCTA Mar. 22 Letter at 5.

<sup>131</sup> The same clarification is in the instructions for the identical questions directed at *Purchasers* who are mobile wireless service providers, *i.e.*, Questions II.E.9-11, 13. See Appendix A, Instructions at 66-67.

<sup>132</sup> The revised data collection is attached in Appendix B. Many of the clarifications sought by parties that are not reflected in the revised data collection are addressed separately in the instructions included in Appendix A as discussed in Section III.B herein.

<sup>133</sup> See 27 FCC Rcd at 16340, para. 52 (delegating authority to the Bureau to “modify the data collection based on public feedback;...amend the data collection based on feedback;...make corrections to the data collection;... and...take other such actions as are necessary to implement this Report and Order...consistent with the terms of this Report and Order”).

Worksheet,” which is based on the statutory definition of “affiliate” in Section 153(2) of the Communications Act of 1934, as amended.<sup>134</sup>

- *Best Efforts Business Broadband Internet Access Service*. Term modified to clarify that only best efforts services with a minimum advertised bandwidth connection of at least 1.5 Mbps in both directions (upstream/downstream) must be reported.<sup>135</sup> The addition of “advertised bandwidth” also provides a clearer standard for respondents than the prior language that suggested an actual capacity, which could vary depending on case-specific variables such as time of day, traffic congestion, etc.
- *Circuit-Based Dedicated Service (CBDS)*. Term modified to clarify the Commission’s intent of only capturing those categories of time-division multiplexing-based services, such as DS1s and DS3s, which largely remain subject to dominant carrier regulation.<sup>136</sup>
- *Collocation*. Definition deleted because the term is not used in the data collection.
- *Connection*. We modified the definition to eliminate potential confusion over the reference to “end user’s location,” which was a combination of two defined terms, *End User* and *Location*.<sup>137</sup> As modified, the term now drops the modifier “*End User*’s” and just references *Location*, which is already defined as a point where the *End User* is connected. We have also changed subsequent references to end user location in the collection to *Location*. In addition, consistent with our clarification of “capable” *Connections* in the instructions, we have modified the definition to clarify that an *Unbundled Copper Loop* is only considered a *Connection* once modified to provide a *Dedicated Service*.<sup>138</sup>
- *Dedicated Service*. Changed reference in definition from megabytes to megabits. In addition, we clarified that the minimum bandwidth rate of 1.5 Mbps applies in both directions, upstream and downstream.
- *End User*. Revised this term to include not just entities that purchase *Dedicated Service* for their own use and not for resale but also entities that more broadly purchase communications services for their own use and not for resale.
- *Indefeasible Right of Use (IRU)*. The definition for this term previously included a list of elements typically found in IRU agreements, including a substantial upfront fee, a minimum term of ten years and no unreasonable limit on the grantee’s right to use the asset. The definition gave respondents considerable discretion to determine whether a lease is an *IRU* agreement. Sprint is concerned the definition will result in the over

<sup>134</sup> See Instructions to the 2013 Telecommunications Reporting Worksheet (Form 499-A) at 10 (citing 47 U.S.C. § 153(2)), available at [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DOC-319222A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-319222A1.pdf).

<sup>135</sup> See Verizon Letter at 1; see also FCC, Office of Engineering Technology and Consumer and Governmental Affairs Bureau, A Report on Consumer Wireline Broadband Performance in the U.S. – February 2013 (“On average, during peak periods DSL-based services delivered download speeds that were 85 percent of advertised speeds, cable-based services delivered 99 percent of advertised speeds, fiber-to-the-home services delivered 115 percent of advertised speeds, and satellite delivered 137% of advertised speeds.”), available at <http://www.fcc.gov/measuring-broadband-america/2013/February> (last visited Sept. 9, 2013).

<sup>136</sup> See AT&T Letter at 1 (noting a potential issue with the placement of SONET and OCN in the definition of *CBDS*).

<sup>137</sup> See Verizon Letter at 1 (noting the *Connection* definition includes the undefined term “*End User*’s Location” and requesting that the Bureau define the term to avoid confusion).

<sup>138</sup> See *supra* Section III.B.1; Appendix B § Definitions.

inclusion of contracts that are effectively service level agreements but called IRUs by the parties.<sup>139</sup> Conversely, AT&T said the term could be read to exclude IRUs with shorter terms and with upfront payments of less than 25 percent.<sup>140</sup>

The definition is intended to capture facilities where the grantee effectively has an ownership interest in the *Connection* and has the right to use the asset for an extended period of time to provide a competitive service of its choosing. While IRUs of less than ten years in total duration and with minimal upfront payments may indeed exist, for purposes of our analysis of facilities-based competition, we will focus on *IRUs* with a total term of at least ten years where the grantee has a right to access and exclusively use the *Connection* absent unreasonable limits.<sup>141</sup> We have modified the definition as suggested by AT&T to clarify that the duration period of the *IRU* agreement need not equal the remaining economic life of the asset.<sup>142</sup>

- *Packet-Based Dedicated Service (PBDS)*. Modified this definition to capture those types of services for which the Commission has largely granted relief from dominant carrier regulation.<sup>143</sup>
- *Prior Purchase-Based Commitment*. Term revised to include commitments based on a dollar amount of revenues in addition to a percentage of revenues.<sup>144</sup>
- *Revenues*. Deleted second sentence in definition to eliminate confusion over the billed revenue amounts to report.<sup>145</sup>
- *Tariff*. Revised definition to clarify that term broadly includes both *Tariff Plans* and *Contract-Based Tariffs*.
- *Transport Service*. Definition revised to clarify intent of including dedicated transport and special access services other than *End User Channel Terminations*.<sup>146</sup>
- *Question II.A.1: Affiliated Company*. Expanded the types of affiliated entities reported to *Providers* and *Purchasers*, not just *Providers*, to internally track commonly-owned entities and rephrased question to simplify electronic filing, *i.e.*, deleted yes/no response.
- *Questions II.A.3-4: Locations Data for Competitive Providers*. Consistent with our guidance on capable *Connections* in Section III.B.1.a of this Report and Order, we revised these questions to include not only facilities in-use, *i.e.*, provisioned *Connections*

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<sup>139</sup> See Sprint Letter at 1.

<sup>140</sup> See AT&T Letter at 1.

<sup>141</sup> This approach is consistent with the Commission's prior treatment of IRUs. See, e.g., *SBC Communications Inc. and AT&T Corp. Applications for Approval of Transfer of Control*, 20 FCC Rcd 18290, 18305, para. 24 (2005) (noting that the consent decree with the Dept. of Justice, calling for certain divestitures in the form of IRUs with a minimum term of 10 years for loops and transport, should remedy any likely anticompetitive effects on the provisioning and pricing of wholesale special access services).

<sup>142</sup> See AT&T Letter at 1.

<sup>143</sup> See *id.*

<sup>144</sup> See Letter from Eric Branfman, Counsel to Level 3, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 05-25, at 1-2 (filed Jan. 9, 2013) (Level 3 Letter).

<sup>145</sup> See Cincinnati Bell PRA Comments at 7 (noting confusion over billed amounts that are subsequently discounted).

<sup>146</sup> See Sprint Letter at 1.



to *Locations*, but also idle *Connections* to capture data on potential competition.<sup>147</sup> In addition, to match the reported month-to-month billing information, filers will report connected *Locations* during 2010 and 2012 instead of *Locations* as of year-end. The wording of Question II.A.3 is also changed to clarify that *Competitive Providers* need only report *Locations* with *Connections* in total and not separately by the enumerated categories.<sup>148</sup> We also added Question II.A.4.k to obtain the total bandwidth provided over the *Connection* for the respondents' own internal use or the internal use of an *Affiliated Company*. This last piece of information will help us evaluate whether *Competitive Providers* are self-providing service as an alternative to buying *Dedicated Service*.

- *Question II.A.5: Fiber Network Map(s)*. We received inquiries from parties requesting clarification of the mapping question requirements and have revised the question to only require a single map showing the fiber routes of a *Competitive Provider's* network that are owned or leased under an *IRU* agreement.<sup>149</sup>
- *Question II.A.8: Business Rules for Deployment*. Clarified question to remove ambiguities and to help develop competition proxy variables for the Commission's econometric analysis.
- *Question II.A.9: Headquarters*. As mentioned in Section III.B.5 above, question revised to facilitate responses for proxy variables for competition, *i.e.*, filers must now also report the headquarters of entities acquired through merger where the filer or its subsidiary was the surviving entity.
- *Questions II.A.12-14: Billing Information from Competitive Providers*. Based on feedback, we revised these questions so they now refer to circuit element instead of rate element.<sup>150</sup> Question II.A.12 is also amended to require the reporting of the customer's name in addition to the Form 499-A Filer ID, where applicable, or other unique identifier (ID), and Question II.A.13 is amended to require the reporting of a unique ID to link adjustments to a particular *Tariff* or contract. These changes to Questions II.A.12-13 will help the Commission identify and internally track purchases by commonly-owned customers and link billing adjustments to particular plans. Lastly, we added a new Question II.A.12.1 to capture the per unit charge for the circuit element in addition to the total billed amount; modified former Question II.A.12.1 to remove redundant language; and deleted the requirement to report whether the circuit element is owned or leased as an

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<sup>147</sup> See *supra* Section III.B.1.a.

<sup>148</sup> The clarification addresses the concerns of Cox and TW Telecom about differentiating between *Locations* connected by owned facilities and *Locations* connected by leased *IRU* facilities. See NCTA PRA Comments, Exh. A, Hattori Decl. at 4, para. 13 (“The most time-consuming aspect of this specific data collection for Cox, however, is identifying and separately counting *locations* that Cox serves using circuits leased under *IRU* agreements.”); TW Telecom Letter at 1 (“[T]he Commission should not require respondents to report separately special access connections utilizing facilities owned by the provider and facilities obtained via indefeasible rights of use.”). A clarification in the instructions for Question II.A.4 addresses this concern as well by allowing filers to alternatively report the general percentage of *IRU* leasing arrangements with particular lessor types in total.

<sup>149</sup> See also *supra* Section III.B.3 (providing additional clarifications on the information reported in response to this question).

<sup>150</sup> See Level 3 Letter at 3 (noting confusion between information reported in Questions II.A.12 and 14). As further explained in the instructions, Questions II.A.12-14 are interrelated and link billing information to locations identified elsewhere in the collection, adjustment IDs, and billing codes. See also *supra* note 114 (discussing the reference to “circuit element”).

*IRU* in former Question II.A.12.o to address concerns over differentiating between owned and leased facilities.

- *Question II.A.19: Justification for Term and Volume Commitments.* Question amended to include *Tariffs* and agreements in effect with a customer, in addition to those offered.<sup>151</sup>
- *Question II.B.1: Affiliated Company.* As with the parallel question for *Competitive Providers*, we expanded the types of affiliated entities reported to *Providers* and *Purchasers*, not just *Providers*, to assist with the internal tracking of commonly owned entities and modified the phrasing of this question to simplify electronic filing, *i.e.*, deleted the yes/no response.
- *Questions II.B.2-3: Locations Data for ILECs.* We revised these questions to eliminate the reporting of *Connections* sold as an *Unbundled Copper Loop* by the *ILEC*. As explained in Section III.B.1.b of this Report and Order, we do not intend to collect data on copper loops with a bandwidth of less than 1.5 Mbps. If a *Competitive Provider* has obtained an *Unbundled Copper Loop* from the *ILEC* as a *UNE* and modified the loop to provide a *Dedicated Service*, we will get that data directly from the *Competitive Provider*. This change will greatly reduce the reporting burden for *ILECs*.

In addition, like the *Competitive Provider* questions on connected *Locations*, we have revised these questions to require the reporting of *Locations* connected *during* 2010 and 2012 instead of *Locations* as of year-end; this change is necessary to match the reported month-to-month billing information. Question II.B.2, similar to its counterpart question for *Competitive Providers*, is clarified so that *ILECs* report *Locations* in total and not separately by the enumerated categories.<sup>152</sup>

- *Question II.B.4-6: Billing Information from ILECs.* Similar to the questions on billing for *Competitive Providers*, we revised these questions based on feedback to reference circuit element instead of rate element. In addition, we made the following changes: (1) amended Question II.B.4.b to require the reporting of the customer's name to identify and internally track purchases by commonly-owned customers; (2) removed the reference to *Unbundled Copper Loops* in Question II.B.4 because *Locations* connected with *Unbundled Copper Loops* are no longer reported by *ILECs*; (3) revised Question II.B.5.g-h to refer to "contract or *Tariff*" and not just contract; (4) deleted references to accuracy levels in Question II.B.4.h-k;<sup>153</sup> (5) added a new Question II.B.4.t to capture the per unit charge for the circuit element in addition to the total billed amount; (6) modified former Question II.B.4.t to remove redundant language; (7) deleted former Question II.B.4.w because a revenue commitment is included in the definition of *Volume Commitment* referenced in a subsequent part of this question; (8) deleted the requirement to report whether the circuit element is owned or leased as an *IRU* in II.B.4.y;<sup>154</sup> and (9) deleted

<sup>151</sup> See Level 3 Letter at 3 ("[I]f the agreement is in effect at the current time, it has an effect on the market whether or not the Provider is currently offering the arrangement to new customers.").

<sup>152</sup> We also eliminated the reference to *UNEs* sold as it was already included by the reporting of provisioned *Connections* to *Locations* that are owned. The *ILEC* will still indicate the bandwidth sold on the *Connection* to the *Location* as a *UNE* in the form of a *DS1* or *DS3* in response to Question II.B.3.

<sup>153</sup> We will separately address accuracy levels in the instructions consistent with the reporting of *Locations*, *i.e.*, values in decimal degrees to the nearest  $\pm 0.0005$  decimal degrees. This change is in response to the concerns raised by Cincinnati Bell. See Cincinnati Bell PRA Comments at 3.

<sup>154</sup> This particular change addresses concerns raised by parties on the burden of differentiating between owned and leased facilities. See *supra* note 148.

former II.B.4.aa because the burden outweighed the benefit of linking the billing information for a circuit to a particular tariff name and section number.

- *Question II.B.12: All Tariffs.* Deleted “available” from the initial sentence to capture not only available tariffs but also tariffs currently in effect for the purchase of *DS1*, *DS3*, and *PBDS* services; this change enables us to obtain information on all *Tariffs* that are currently used, or could be used, to purchase *Dedicated Service* from *ILECs*. We amended Question II.B.12.g to obtain additional information on the geographic areas covered by the identified plans to help the Commission differentiate between urban and rural areas. Added new Question II.B.12.k-l to indicate whether purchases in areas where pricing flexibility has been granted count towards meeting a *Volume Commitment*. Added new Question II.B.12.n to indicate whether tariffed purchases of *PBDS* count towards meeting a *Volume Commitment*. Revised former Question II.B.12.n (now Question II.B.12.q) to only require the reporting of *Revenues* in total and not separately by additional categories, and deleted former Question II.B.12.o-p because the burden of reporting outweighed the potential benefit of collecting the information. Lastly, we amended former Question II.B.12.r (now Question II.B.12.s) to address concerns raised by Level 3 about plans that effectively contain *Prior Purchase-Based Commitments* without explicitly containing such provisions.<sup>155</sup>
- *Question II.B.13: Non-Tariffed Agreements.* Rephrased language to simplify electronic filing, *i.e.*, eliminated the need for a yes/no response.
- *Question II.C.1-2: Entities Providing Best Efforts Services.* Condensed Questions II.C.1-2 into one question and rephrased so that only covered entities, *i.e.*, those not exempted, must answer. Modified former Question II.C.2.c.ii and d.ii to require reporting for areas where service is offered, instead of where service is provided.<sup>156</sup> This is consistent with how data are reported for the State Broadband Initiative (SBI) program.<sup>157</sup>

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<sup>155</sup> See Level 3 at 1-2.

<sup>156</sup> See Verizon Letter at 2.

<sup>157</sup> See American Recovery and Reinvestment Act of 2009 § 6001(l), 123 Stat. 115, 118, 128 (2009). The data filed as part of the SBI program either includes a list of all addresses at which broadband service is available to end users in the facilities-based provider’s service area or “a list of all census blocks of no greater than two square miles in area in which broadband service is available.” See NTIA, State Broadband Data and Development Program, Notice of Funds Availability, 72 Fed. Reg. 3545, App. F (July 8, 2009) (Technical Appendix); NTIA, State Broadband Data and Development Grant Program, Notice of Funds Availability Clarification, 74 Fed. Reg. 40569, Technical Appendix Clarification (Aug. 12, 2009). A broadband service is considered available “at an address if the provider does, or could, within a typical service interval (7 to 10 business days) without an extraordinary commitment of resources, provision two-way data transmission to and from the Internet with advertised speeds of at least 768 kbps downstream and greater than 200 kbps upstream to end users at that address.” See Technical Appendix. The SBI data also includes information on the available speed tiers (downstream/upstream). *Id.* The SBI program is nearing its scheduled end; sometime in 2014, broadband providers will be required to file data on broadband deployment as part of the Commission’s Form 477 program. However, providers will continue to participate in the SBI program through 2014 and nothing in the transition from SBI to Form 477 should affect this data collection. See *Modernizing the FCC Form 477 Data Program*, WC Docket No. 11-10, Report and Order, FCC 13-87, para. 25 (rel. June 27, 2013).

- *Question II.D.3: Procedures when Changing Transport Providers.* We are deleting this question and will instead rely on information obtained from similar questions directed at *Purchasers* and follow-up as necessary with *Providers* based on those responses.<sup>158</sup>
- *Sections II.E-F: Questions for Purchasers.* To differentiate information from *Purchasers* that are mobile wireless service providers from other *Purchasers*, we have duplicated Questions II.F.2-14 and added them to Section II.E. *Purchasers* that are mobile wireless service providers will now only answer the questions on purchases in Section II.E. All other *Purchasers* will answer the questions in Section II.F.
- *Question II.E.2: Cell Site Locations.* Revised Question II.E.2.g-h to clarify that the total bandwidth is reported.
- *Questions II.F.3-4 (II.E.4-5):* Added subpart asking *Purchasers* to identify the percentage of expenditures made pursuant to purchases under a *Tariff* in 2012 that were subject to a *Term Commitment* of five or more years. This will help us gauge the scope of expenditures tied to longer-term plans.
- *Question II.F.8 (II.E.9): Terms and Conditions Constraints.* As suggested by parties, we clarified this question to give *Purchasers* an opportunity to highlight alleged problems with terms and conditions not otherwise captured by the collection.<sup>159</sup>
- *Question II.F.9 (II.E.10): Changing Transport Providers.* Revised language to clarify intent of obtaining information in those instances where a *Purchaser* buys both *Transport Service* and *End User Channel Terminations* from one *Provider* and then subsequently switches *Transport Providers* while continuing to purchase the “last-mile” facilities from the original *Provider*.<sup>160</sup>
- *Question II.F.10 (II.E.11): Purchases Solely for the Purpose of Meeting a Prior Purchase-Based Commitment.* Modified language to cover purchases that would not have been made but for the commitment instead of purchases not utilized to meet a commitment.<sup>161</sup> We further amended the question to obtain additional details on such purchases where applicable.
- *Question II.F.11 (II.E.12): Switching Providers.* Modified question based on feedback from parties asking about the scope of the question.<sup>162</sup>
- *Question II.F.13 (II.E.14): Tariffs under which you Purchase Service.* Deleted “available” from the initial sentence to capture all *Tariffs* used by the *Purchaser* to obtain *DS1*, *DS3*, and *PBDS* services; made minor improvements to the language in subparts (k.ii), (m.ii), (n.ii), and (o.ii) as to the geographic areas identified and added the reporting of the *Provider’s* name; and separated subpart (m) into two questions – one for purchases in areas where the Commission has granted *Phase I Pricing Flexibility* and the other for *Phase II Pricing Flexibility* areas.
- *Question II.F.14 (II.E.15): Non-Tariffed Agreements.* Rephrased language to simplify electronic filing, *i.e.*, eliminated the need for a yes/no response.

<sup>158</sup> See Appendix B, Questions II.E.10 and II.F.9.

<sup>159</sup> See AT&T Letter at 1; Level 3 Letter at 3.

<sup>160</sup> Clarification addresses issues raised by Sprint. See Sprint Letter at 1.

<sup>161</sup> Level 3 at 3.

<sup>162</sup> See Level 3 at 3; Sprint Letter at 1; TW Telecom Letter at 1.

- *Question II.G.I:* Revised question so that entities providing *Best Efforts Business Internet Access Services* that are exempt from providing data and information in response to the data collection can certify as such and clarified language to cover entities required to report broadband connections to end user locations on the Form 477 for 2012.

#### **D. Other Requests for Clarifications and Changes**

54. We have reviewed all of the requests for changes and clarifications to the data collection and have addressed many of the requests in the revised questions described in Section III.C or in the attached instructions. Clarifications or changes not made as requested were because the benefit of collecting the information outweighed the burden or because the requested clarification or change is inconsistent with the terms of the *Special Access Data Collection Order*, outside the scope of our delegated authority, or because the Commission previously considered and rejected the requested relief.<sup>163</sup>

#### **IV. PROCEDURAL MATTERS**

55. *Deadline for Responding.* Once OMB has approved the data collection, we will publish notice of such approval in the Federal Register and issue a public notice announcing the deadline for responding.

56. *Responding to the Data Collection.* In addition to the attached instructions discussing the data specifications, we will post additional instructions on the submission process on the Commission's website. The Commission will create an electronic interface for the submission of information. Submissions will involve the uploading of documents in response to various questions and interrogatories and the electronic delivery of data. We will provide a data container file for submitting data that will include validation scripts to verify that the filer is providing the data in the appropriate format.<sup>164</sup>

57. *Confidential Information.* The data collection seeks information on facilities, billing, revenue, and expenditure that is considered confidential by businesses. The Bureau will release separately a Protective Order outlining procedures for designating and accessing information deemed confidential and highly confidential.<sup>165</sup>

58. *Paperwork Reduction Act Analysis.* This Report and Order further implements the information collection requirement adopted by the Commission in the *Special Access Data Collection Order*. The Commission is in the process of seeking approval for the collection from OMB pursuant to the PRA, Public Law 104-13. The actions taken in the Report and Order are based on comments received during the initial 60-day PRA comment period, meetings with industry, and our own internal further review to enhance the quality, utility, and clarity of the collection.<sup>166</sup>

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<sup>163</sup> Compare *Special Access Data Collection Order*, 27 FCC Rcd at 16327-28, para. 22 (declining to exempt small special access providers and purchasers from the data collection) with Smith Bagley PRA Comments at 5-6 (seeking a *de minimis* exemption for small purchasers and providers); NTCA PRA Comments at 12 (requesting a *de minimis* exception for providers and purchasers of less than fifty special access connections in a relevant geographic area); see also Level 3 Letter at 2 (asking the FCC to require ILECs to report data on their rate of return on the sale of special access circuits).

<sup>164</sup> Responses must conform to the specifications provided in the templates. We will submit the instructions and data format specifications to OMB as part of the application package seeking PRA approval for the information collection.

<sup>165</sup> See *Wireline Competition Bureau Seeks Comment on Protective Order for Special Access Data Collection*, WC Docket No. 05-25, RM-10593, Public Notice, DA 13-1470 (Wireline Comp. Bur. rel. June 28, 2013).

<sup>166</sup> See 5 C.F.R. § 1320.8(d)(1); *Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested*, 78 Fed. Reg. 9911 (Feb. 12, 2013).



59. *Final Regulatory Flexibility Act.* The Regulatory Flexibility Act of 1980, as amended (RFA) requires that a regulatory flexibility analysis be prepared for rulemaking proceedings, unless the agency certifies that “the rule will not have a significant economic impact on a substantial number of small entities.”<sup>167</sup> The RFA generally defines “small entity” as having the same meaning as the terms “small business,” “small organization,” and “small governmental jurisdiction.”<sup>168</sup> In addition, the term “small business” has the same meaning as the term “small business concern” under the Small Business Act.<sup>169</sup> A small business concern is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration.<sup>170</sup>

60. The *Special Access Data Collection Order* contains a Final Regulatory Flexibility Analysis (FRFA) that can be found at Appendix B of that Order. We incorporate the FRFA contained in the *Special Access Data Collection Order* into this Report and Order. The actions taken in this Report and Order do not create any burdens, benefits, or requirements that were not addressed by the FRFA attached to the *Special Access Data Collection Order*.

61. *Congressional Review Act.* As required by the Congressional Review Act (CRA), the Commission previously sent a copy of the *Special Access Data Collection Order* to Congress and the Government Accountability Office. The Commission will send a copy of this Report and Order to Congress and the Government Accountability Office pursuant to the CRA.<sup>171</sup>

62. *Ex Parte Presentations.* This is a permit-but-disclose proceeding and subject to the requirements of section 1.1206(b) of the rules.<sup>172</sup> Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain a summary of the substance of the presentation and not merely a listing of the subjects discussed. More than a one-sentence or two-sentence description of the views and arguments presented is generally required.<sup>173</sup>

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<sup>167</sup> 5 U.S.C. § 605(b).

<sup>168</sup> 5 U.S.C. § 601(6).

<sup>169</sup> 5 U.S.C. § 601(3) (incorporating by reference the definition of “small business concern” in the Small Business Act, 15 U.S.C. § 632). Pursuant to 5 U.S.C. § 601(3), the statutory definition of a small business applies “unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the Federal Register.”

<sup>170</sup> Small Business Act, 15 U.S.C. § 632.

<sup>171</sup> See 5 U.S.C. § 801(a)(1)(A).

<sup>172</sup> 47 C.F.R. § 1.1206(b).

<sup>173</sup> *Id.*

**V. ORDERING CLAUSES**

63. ACCORDINGLY, IT IS ORDERED pursuant to sections 1, 4(i), 4(j), 5, 201-205, 211, 215, 218, 219, 303(r), 332, 403, and 503 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 154(j), 155, 201, 202, 203, 204, 205, 211, 215, 218, 219, 303(r), 332, 403, 503, and section 706 of the Telecommunications Act of 1996, 47 U.S.C. § 1302, sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91 and 0.291, and the authority delegated to the Bureau in the *Special Access Data Collection Order*, that this Report and Order is ADOPTED.

64. IT IS FURTHER ORDERED that, pursuant to section 1.102(b)(1) of the Commission's rules, 47 C.F.R. § 1.102(b)(1), this Report and Order SHALL BE effective 30 days after publication in the Federal Register.

FEDERAL COMMUNICATIONS COMMISSION

Julie A. Veach  
Chief  
Wireline Competition Bureau

September 2013  
Pending OMB Approval  
3060-XXXX

Estimated Burden Hours Per Response: XX hours

APPENDIX A

INSTRUCTIONS FOR DATA COLLECTION  
FOR SPECIAL ACCESS PROCEEDING  
WC DOCKET NO. 05-25, RM-10593

<u>TABLE OF CONTENTS</u>		Page #
I.	INTRODUCTION .....	1
II.	FILING REQUIREMENTS AND GENERAL INSTRUCTIONS.....	1
	A. Purpose of Data Collection .....	1
	B. Authority for Data Collection .....	1
	C. Who Must Respond to this Data Collection?.....	2
	D. Responding to the Data Collection .....	4
	E. Geographic Scope of Submitted Data and Information .....	5
	F. When to File.....	5
	G. Certification of Filing Accuracy .....	5
	H. Confidentiality .....	5
	I. Retention of Records .....	5
	J. Paperwork Reduction Act Notices.....	6
III.	ADDITIONAL INSTRUCTIONS AND DATA TABLE SPECIFICATIONS.....	6
	EXPLANATORY ATTACHMENT .....	9
	QUESTIONS DIRECTED AT COMPETITIVE PROVIDERS.....	9
	Question II.A.1: Affiliated Company .....	9
	Question II.A.2: Facilities Requiring Additional Information.....	10
	Facilities Information.....	10
	Question II.A.3: Locations Data for Competitive Providers.....	10
	Question II.A.4: Locations Data for Competitive Providers.....	12
	Question II.A.5: Fiber Network Map.....	14
	Question II.A.6: Sampling History of Competitive Connections by Location .....	16
	Question II.A.7: Collocations by Wire Center.....	17
	Question II.A.8: Business Rules for Deployment.....	18
	Question II.A.9: Headquarters .....	18
	Question II.A.10: Marketing Plans .....	20
	Question II.A.11: Information on Requests for Proposals (RFPs).....	21
	Billing Information .....	22
	Question II.A.12-14: Billing Information Overview .....	22
	Question II.A.12: Prices by Circuit Element from Competitive Provider .....	22
	Question II.A.13: Billing Adjustments .....	30

September 2013  
Pending OMB Approval  
3060-XXXX

Estimated Burden Hours Per Response: XX hours

Question II.A.14: Billing Code Descriptions..... 33

Revenues, Terms and Conditions Information ..... 34

Question II.A.15: Sales Revenues for CBDS ..... 34

Question II.A.16: Sales Revenues for PBDS..... 35

Question II.A.17: Percentage of Revenues Generated from Agreement or Tariff  
Containing a Prior Purchase-Based Commitment ..... 35

Question II.A.18: How do your terms and conditions compare with ILEC offerings? ... 35

Question II.A.19: Business Justification for Term and Volume Commitments ..... 35

QUESTIONS DIRECTED AT ILECS ..... 36

Question II.B.1: Affiliated Company..... 36

Facilities Information..... 36

Question II.B.2: ILEC Locations Data for ILECs ..... 36

Question II.B.3: Locations Data for ILECs ..... 38

Billing Information ..... 39

Question II.B.4-6: Billing Information Overview ..... 39

Question II.B.4: Prices by Circuit Element from ILECs ..... 39

Question II.B.5: Billing Adjustments ..... 48

Question II.B.6: Billing Code Descriptions..... 52

Question II.B.7: Wire Centers - CLLI Codes - Regulatory Treatment..... 53

Revenues, Terms and Conditions Information ..... 53

Question II.B.8: Sales Revenues for CBDS..... 53

Question II.B.9: Sales Revenues for PBDS ..... 54

Question II.B.10: Revenues from One Month Term Only Rates..... 54

Question II.B.11: Number of Customers with One Month Term Only Rates ..... 54

Question II.B.12: All Applicable Tariff Plans and Contract-Based Tariffs..... 55

Question II.B.13: Non-Tariffed Agreements..... 57

QUESTIONS DIRECTED AT ENTITIES PROVIDING BEST EFFORTS ..... 58

Question II.C.1: Census Blocks and Price Lists for 2010 and 2012 ..... 58

QUESTIONS DIRECTED AT ALL PROVIDERS ..... 60

Question II.D.1: Short Term and Long-Range Strategies..... 61

Question II.D.2: Location of Recorded Policies ..... 61

QUESTIONS DIRECTED AT PURCHASERS THAT ARE MOBILE WIRELESS  
SERVICE PROVIDERS..... 61

Question II.E.1: Total Number of Cell Sites..... 61

September 2013  
Pending OMB Approval  
3060-XXXX

Estimated Burden Hours Per Response: XX hours

Question II.E.2: Cell Site Locations ..... 61

Expenditures Information ..... 63

Question II.E.3: Total Expenditures on Dedicated Services..... 63

Question II.E.4: Expenditures with ILECs under Tariffs ..... 63

Question II.E.5: Expenditures with Competitive Providers under Tariffs..... 64

Question II.E.6: Expenditures with ILECs and Competitive Providers Pursuant to Non-Tariffs..... 65

Question II.E.7: Expenditures under Tariffs for PBDS ..... 65

Question II.E.8: Expenditures under Non-Tariffs for PBDS ..... 66

Terms and Conditions Information..... 66

Question II.E.9: Terms and Conditions Constraints ..... 66

Question II.E.10: Changing Transport Providers..... 66

Question II.E.11: Purchases Solely for the Purpose of Meeting a Prior Purchase-Based Commitment ..... 66

Question II.E.12: Switching Providers ..... 66

Question II.E.13: Paying One Month Term Only Rates ..... 66

Question II.E.14: Tariffs under which you Purchase Service..... 67

Question II.E.15: Non-Tariffed Agreements ..... 70

QUESTIONS DIRECTED AT OTHER PURCHASERS ..... 71

Question II.F.1: Principal Nature of Business ..... 71

Expenditures Information ..... 71

Question II.F.2: Total Expenditures on Dedicated Services..... 71

Question II.F.3: Expenditures with ILECs under Tariffs..... 71

Question II.F.4: Expenditures with Competitive Providers under Tariffs..... 72

Question II.F.5: Expenditures with ILECs and Competitive Providers Pursuant to Non-Tariffs..... 73

Question II.F.6: Expenditures under Tariffs for PBDS ..... 73

Question II.F.7: Expenditures under Non-Tariffs for PBDS ..... 74

Terms and Conditions Information..... 74

Question II.F.8: Terms and Conditions Constraints ..... 74

Question II.F.9: Changing Transport Providers..... 74

Question II.F.10: Purchases Solely for the Purpose of Meeting a Prior Purchase-Based Commitment ..... 74

Question II.F.11: Switching Providers..... 74

Question II.F.12: Paying One Month Term Only Rates ..... 74

Question II.F.13: Tariffs under which you Purchase Service ..... 75

Question II.F.14: Non-Tariffed Agreements..... 78



September 2013  
Pending OMB Approval  
3060-XXXX  
Estimated Burden Hours Per Response: XX hours

QUESTION DIRECTED AT NON-PROVIDERS, NON-PURCHASERS, AND OTHER  
ENTITIES NOT COVERED BY THE DATA COLLECTION..... 79  
Question II.G.1: Not Required to Submit Data..... 79

September 2013  
Pending OMB Approval  
3060-XXXX  
Estimated Burden Hours Per Response: XX hours

## I. INTRODUCTION

On December 18, 2012, the Commission released an Order calling for the mandatory collection of data, information and documents from entities that provide and purchase special access services in price cap areas.<sup>1</sup> Larger entities providing best efforts business broadband Internet access services are also required to respond to the data collection. With the data, the Commission will conduct a comprehensive analysis of special access markets to determine where relief from special access regulation is appropriate and otherwise update its rules to ensure that they reflect the state of competition today and promote competition. **Italicized terms in these instructions are defined in Section I of the Mandatory Data Collection, which is available on the FCC's website.**<sup>2</sup>

## II. FILING REQUIREMENTS AND GENERAL INSTRUCTIONS

### A. Purpose of Data Collection

This collection will enable the Commission to obtain the data, information, and documents needed to conduct a comprehensive evaluation of competition in the special access market. In conjunction with the market analysis proposed by the Commission in the Further Notice, the data, information, and documents acquired through this collection will aid the Commission in “evaluating whether the pricing flexibility rules result in just and reasonable special access rates and what regulatory changes may be needed.”<sup>3</sup>

### B. Authority for Data Collection

This collection of information stems from the Commission's authority under sections 1, 4(i), 4(j), 5, 201-205, 211, 215, 218, 219, 303(r), 332, 403, and 503 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 154(j), 155, 201, 202, 203, 204, 205, 211, 215, 218, 219, 303(r), 332, 403, 503, and section 706 of the Telecommunications Act of 1996, 47 U.S.C. § 1302.

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<sup>1</sup> See *Special Access for Price Cap Local Exchange Carriers*, WC Docket No. 05-25; *AT&T Corporation Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services*, WC Docket No. 05-25, RM-10593, Report and Order and Further Notice of Proposed Rulemaking, 27 FCC Rcd 16318 (2012) (*Special Access Data Collection Order*). For purposes of these Instructions, our use of the term “data” includes data and information.

<sup>2</sup> See *Special Access for Price Cap Local Exchange Carriers*, WC Docket No. 05-25; *AT&T Corporation Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services*, WC Docket No. 05-25, RM-10593, Order, DA 13-1909, App. B (WCB rel. Sept. 18, 2013) (*Data Collection Implementation Order*).

<sup>3</sup> See *Special Access Data Collection Order*, 27 FCC Rcd at 16341, para. 56.

September 2013  
Pending OMB Approval  
3060-XXXX

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### C. Who Must Respond to this Data Collection?

All *Providers* and *Purchasers* of *Dedicated Service* in areas where the incumbent local exchange carrier (ILEC) is subject to price cap regulation (*i.e.*, price cap areas)<sup>4</sup> must respond to this data collection unless specifically excluded.<sup>5</sup> By *Providers*, we mean any entity subject to the Commission's jurisdiction under the Communications Act of 1934, as amended, that provides *Dedicated Service* in a price cap area or provides a *Connection* that is capable of providing a *Dedicated Service* in a price cap area. By *Purchasers*, we mean any entity subject to the Commission's jurisdiction that purchases *Dedicated Service* in a price cap area. Entities that provide *Best Efforts Business Broadband Internet Access Services* in an area where the ILEC is subject to price cap regulation are also required to respond to this data collection unless they have fewer than 15,000 customers and fewer than 1,500 business broadband customers as of December 18, 2012.<sup>6</sup>

Covered Providers. Types of *Providers* that must respond if they provide a *Dedicated Service* or have *Connections* with the capability of providing a *Dedicated Service* could include, but are not limited to, incumbent local exchange carriers, competitive local exchange carriers, interexchange carriers, cable system operators, fixed wireless service providers (including wireless Internet service providers (WISPs)), terrestrial and satellite mobile wireless service providers, electric utilities, local government entities, certain providers of information services and third party network providers.

To help ensure that our analysis includes all *Providers* that have *Connections* capable of providing a *Dedicated Service*, any entity required to report broadband connections to end user locations on the FCC Form 477 ("Local Telephone Competition and Broadband Reporting") for 2012 must respond to this collection, *i.e.*, required to file the FCC Form 477 on March 1, 2013, to report connections as of December 31, 2012. If a FCC Form 477 filer does not (i) provide a *Dedicated Service* in a price cap area; (ii) provide a *Connection* capable of providing a *Dedicated Service* in a price cap area; or (iii) provide a *Best Efforts Business Broadband Internet Access Service*, then it will only need to certify as such when responding to this data collection.

For example, a carrier providing or purchasing a *Dedicated Service* in an interstate rate-of-return area and that reported broadband connections to end user locations in the Form 477 for Year 2012 would have to

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<sup>4</sup> A map depicting the study areas where an incumbent local exchange carrier (ILEC) subject to price cap regulation is located is available on the FCC's website. See Map: Regulatory Type at the Holding Company Level by Study Area, FCC, <http://www.fcc.gov/maps/regulatory-type-holding-company-level-study-area> (last visited Sept. 9, 2013). The Commission is currently updating this map based on a collection of study area boundaries. If the new study area boundary data are not available to respondents in time for them to take into account in formulating responses to the special access data collection, we will consider reliance on the currently available study area boundary data to be reasonable.

<sup>5</sup> *Special Access Data Collection Order*, 27 FCC Rcd at 16327, para. 20; see also Instructions at 3-4 (discussing "Entities Specifically Excluded from the Data Collection").

<sup>6</sup> *Special Access Data Collection Order*, 27 FCC Rcd at 16327-28, para. 22 n.52 ("For purposes of this exemption, the number of customers and business broadband customers shall be determined as of the date of release of this Report and Order.").

September 2013  
Pending OMB Approval  
3060-XXXX

Estimated Burden Hours Per Response: XX hours

respond to this data collection only to indicate that it is not a *Provider*, *Purchaser*, or entity that provides *Best Efforts Business Broadband Internet Access Services* in a price cap area.

For guidance on determining whether you are a *Provider* with *Connections* “capable” of providing *Dedicated Service*, see the additional instructions provided for identifying reportable *Locations* with *Connections* in “Section III. Additional Instructions and Data Table Specifications,” Question II.A.3 (directed at *Competitive Providers*) and Question II.B.2 (directed at *ILECs*).

Covered Purchasers. Types of *Purchasers* that must respond if they buy a *Dedicated Service* in a price cap area include, but are not limited to, ILECs, competitive local exchange carriers, interexchange carriers (CLECs), cable system operators, wireless providers, satellite service providers, international service providers to and from points in the United States, interconnected and non-interconnected VoIP providers, and certain information service providers such as Internet access providers.

Responses are mandatory for covered *Purchasers* and *Providers* and covered entities providing *Best Efforts Business Broadband Internet Access Service*. Failure to respond to this collection may result in monetary penalties.<sup>7</sup>

Entities Specifically Excluded from the Data Collection. Entities falling into only one or more of the categories listed below are specifically excluded from the collection even if they purchase *Dedicated Service* in a price cap area. These exclusions do not apply, however, to entities that hold licenses, authorizations or registrations under any other Part of the Commission’s rules not listed below, or that provide a *Dedicated Service* or a *Best Efforts Business Broadband Internet Access Service* in a price cap area.<sup>8</sup>

- *End Users* that provide an information service;
- Equipment authorization holders regulated under Parts 2 and 15 of the Commission’s rules;
- Accounting authorization holders in the maritime and maritime mobile-satellite radio services regulated under Part 3 of the Commission’s rules;
- Experimental radio authorization holders regulated under Part 5 of the Commission’s rules;
- Commercial radio operators regulated under Part 13 of the Commission’s rules;
- Antenna structure registration holders regulated under Part 17 of the Commission’s rules;
- Television and radio broadcasters regulated under Part 73 of the Commission’s rules;

<sup>7</sup> 47 U.S.C. § 503(b)(2); 47 C.F.R. § 1.80(b); *Amendment of Section 1.80(b) of the Commission’s Rules, Adjustment of Forfeiture Maxima to Reflect Inflation*, Order, 23 FCC Rcd 9845 (2008).

<sup>8</sup> For example, an entity holding an earth station license issued under Part 25 of the Commission’s rules that also has an experimental license issued under Part 15 (a listed exclusion category), is not excluded from the collection if it purchased *Dedicated Service* in a price cap area during the relevant reporting periods. Likewise, an entity holding an antenna structure registration under Part 17 (a listed exclusion category) is not excluded from the collection if it provided a covered *Best Efforts Business Broadband Internet Access Service* in a price cap area.

September 2013  
Pending OMB Approval  
3060-XXXX

Estimated Burden Hours Per Response: XX hours

- Holders of authorizations issued pursuant to Part 74 of the Commission's rules such as experimental radio, auxiliary, special broadcast and other program distribution service authorizations;
- Maritime service authorization holders regulated under Part 80 of the Commission's rules;
- Aviation service authorization holders regulated under Part 87 of the Commission's rules;
- Private land mobile radio service authorization holders regulated under Part 90 of the Commission's rules except for holders of authorizations under Part 90 for the provision of point-to-point fixed microwave services and authorizations in the Wireless Broadband Services frequency band, 3650-3700 MHz;
- Personal radio service authorization holders regulated under Part 95 of the Commission's rules; and
- Amateur radio service authorization holders regulated under Part 97 of the Commission's rules.

These exclusions only apply to the categorically excluded entity and do not extend to other entities within the same corporate structure or entities that are otherwise affiliated with the excluded entity. For example, if an entity holding a television broadcast authorization is affiliated with a cable company that provides *Dedicated Service*, the affiliated cable company must still respond to the data collection even though the television broadcasting entity is not required to respond. In addition, for clarity, we point out that these categorical exclusions do not include common carriers (wired or wireless), mobile wireless service providers, cable system operators even if they only provide video program services, international service providers, satellite service providers, or entities that hold FCC authorizations for the provision of fixed point-to-point microwave services.

Note that even if you fall within one of these specific exclusion categories but were required to report broadband connections to end users on the Form 477 for 2012, you are still required to respond to this data collection only to indicate that you are not a *Provider*, *Purchaser*, or entity that provides *Best Efforts Business Broadband Internet Access Services* in a price cap area.

#### **D. Responding to the Data Collection**

The Commission will create a secure Special Access Web Portal for the electronic submission of responses.<sup>9</sup> Filers will login using an FCC Registration Number (FRN) and password and download a data container that will include record specifications for compiling data responses and software tools to verify that data is submitted in the appropriate format.<sup>10</sup> Filers will subsequently login using its FRN and password and electronically submit responses to the data collection. The Wireline Competition Bureau

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<sup>9</sup> Alternatively, for submissions containing too much data to reliably upload, respondents can make arrangements with the Bureau for the manual submission of hard drives or other data storage devices containing their responses.

<sup>10</sup> Responses must conform to the specifications provided in the data container. We intend to submit the instructions and record format specifications to OMB as part of the application package seeking approval for the information collection.



September 2013  
Pending OMB Approval  
3060-XXXX

Estimated Burden Hours Per Response: XX hours

(Bureau) will provide additional details on the electronic filing process in advance of the submission deadline.

#### **E. Geographic Scope of Submitted Data and Information**

With limited exceptions, we are requesting data on a nationwide basis for those geographic areas where the ILEC is subject to price cap regulation. However, for administrative ease, respondents can submit data that includes both price cap and non-price cap areas.

#### **F. When to File**

Once the collection is approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act of 1995, the Bureau will issue a public notice announcing when responses are due.

#### **G. Certification of Filing Accuracy**

Each submission must include a completed certification of filing accuracy. The certification must include the name and signature of a company official (*e.g.*, corporate officer, managing partner, or sole proprietor) who certifies that he or she has examined the information contained in the data request submission and that, to the best of his/her knowledge, information, and belief, all statements of fact, data, and information contained in the submission are true and correct. Persons making false statements or misrepresentations to the Commission can be punished by fine or imprisonment under Title 18 of the U.S. Code. A sample certification is contained in the Mandatory Data Collection.<sup>11</sup> **Filers will electronically submit the certification when submitting the Filer Identification Information electronically filed with each submission, see “Section III: Additional Instructions and Data Table Specifications.”**

#### **H. Confidentiality**

Respondents are required to submit data and information on revenues, prices, expenditures, subscribers, and facilities for the collection that is highly sensitive and not routinely made available to the public. In advance of the filing deadline, the Bureau will issue a Protective Order detailing the procedures for requesting confidentiality and accessing confidential and highly confidential data and information.<sup>12</sup>

#### **I. Retention of Records**

Respondents are required to retain, for a period of three years or until the Commission issues a notice relieving respondents of this requirement, any records, data, documents, documentation, or other information prepared, used, or relied upon by the respondents for their responses to this data collection.<sup>13</sup>

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<sup>11</sup> See *Data Collection Implementation Order*, App. B.

<sup>12</sup> See *Wireline Competition Bureau Seeks Comment on Protective Order for Special Access Data Collection*, WC Docket No. 05-25, RM-10593, Public Notice, DA 13-1470 (WCB rel. June 28, 2013).

<sup>13</sup> See *Special Access Data Collection Order*, 27 FCC Rcd at 16340, para. 54.

September 2013  
Pending OMB Approval  
3060-XXXX  
Estimated Burden Hours Per Response: XX hours

## J. Paperwork Reduction Act Notices

This document contains information collection and recordkeeping requirements and will not become effective until approval has been given by the OMB. Covered parties are not required to respond to the information collection and recordkeeping requirements contained herein until a notice of approval has been published in the Federal Register.

The time needed to complete and file responses to the data collection will vary depending on individual circumstances. There is significant variation among *Providers* and *Purchasers* in the number of questions to be answered and the amount of responsive data and information they are required to furnish. We have estimated that each response to this collection of information will take an average of XX hours. This estimate is a national average and does not necessarily represent a “typical” case. Our estimate includes the time to read the instructions, look through existing records, gather and maintain required data, enter the data in the online interface, and submit it electronically. If you have any comments on this estimate, or on how we can improve the collection and reduce the burden it causes you, please write the Federal Communications Commission, Office of Managing Director, AMD-PERM, Washington, DC 20554, Paperwork Reduction Act Project (3060-XXXX). We will also accept your PRA comments via the Internet if you send an email to PRA@fcc.gov.

Please DO NOT SEND COMPLETED DATA COLLECTION RESPONSES TO THIS ADDRESS. You are not required to respond to a collection of information sponsored by the Federal government, and the government may not sponsor this collection, unless it displays a currently valid OMB control number and/or we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-XXXX.

THIS NOTICE IS REQUIRED BY THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. SECTION 3507.

## III. ADDITIONAL INSTRUCTIONS AND DATA TABLE SPECIFICATIONS

To access the FCC website interface to submit responses to this data collection, each filer is required to provide an FRN that is unique to the filer and password, *i.e.*, no two filers can submit responses using the same FRN.<sup>14</sup> No filer can submit more than one response to the data collection questions; subsequent corrective filings are permitted however. When submitting a response, each filer must provide the information identified below and the requisite certification.<sup>15</sup>

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<sup>14</sup> For instructions on how to obtain an FRN, *see* <https://fjallfoss.fcc.gov/coresWeb/publicHome.do>.

<sup>15</sup> Contact [FCC Contact] to discuss the manual submission of your database container file on hard drive(s) if it is excessively large and cannot reasonably be submitted electronically to the FCC using the SSH File Transfer Protocol, *i.e.*, if the file is more than 11 gigabytes in size. The Filer Identification Information and Certification is required even for manual submissions.

September 2013  
 Pending OMB Approval  
 3060-XXXX

Estimated Burden Hours Per Response: XX hours

<b>Filer Identification Information</b>	
Name of Filer	[Text populated from CORES database]
Filer's FCC Registration Number (FRN)	[Integer populated from CORES database]
Name of Contact for Filer	[Text]
Contact Phone Number	[Text]
Contact Address	[Text]
Contact Email Address	[Text]
Counsel of Record Name	[Text]
Counsel of Record Phone Number	[Text]
Counsel of Record Address	[Text]
Counsel of Record Email Address	[Text]
Holding Company FRN	[Integer]
Holding Company Name	[Text populated from CORES database]

<b>Filer Identification Information cont.</b>	
Type of Filer (select all that apply)	<input type="checkbox"/> <i>Competitive Provider</i> Type of <i>Competitive Provider</i> (select all that apply): <ul style="list-style-type: none"> <li><input type="checkbox"/> Cable system operator</li> <li><input type="checkbox"/> CLEC</li> <li><input type="checkbox"/> IXC</li> <li><input type="checkbox"/> Wireless provider</li> <li><input type="checkbox"/> Other</li> </ul>
	<input type="checkbox"/> <i>ILEC</i>
Type of Filer cont. (select all that apply)	<input type="checkbox"/> Entity that provides <i>Best Efforts Business Broadband Internet Access Service</i> to 15,000 or more customers or 1,500 or more business broadband customers in price cap areas
	<input type="checkbox"/> <i>Purchaser</i> Type of <i>Purchaser</i> (select all that apply): <ul style="list-style-type: none"> <li><input type="checkbox"/> Mobile wireless service provider</li> <li><input type="checkbox"/> Other</li> </ul>
	<input type="checkbox"/> None of the above  ( <i>i.e.</i> , you are not a <i>Provider</i> , <i>Purchaser</i> , or an entity that provides <i>Best Efforts Business Broadband Internet Access Service</i> to 15,000 or more customers or 1,500 or more business broadband customers in price cap areas)

September 2013  
 Pending OMB Approval  
 3060-XXXX

Estimated Burden Hours Per Response: XX hours

Counsel of Record. If you are represented by counsel and want to designate such counsel for the service of notices and other documents, then complete the “Counsel of Record” fields in the Filer Identification Information.

Holding Company. Parties can either submit a single response reporting aggregate information at the ultimate parent/holding company level for all subsidiaries, affiliates, and intermediate holding companies or submit separate responses for individual subsidiaries, affiliates, and intermediate holding companies. In addition, list the name and FRN for all companies covered by the submission in the “Explanatory Attachment” and identify the companies whose information is being reported in response to a particular section of the data collection.<sup>16</sup> For example, the responses to Section II.A include information from ABC CLEC Co. and DEF CLEC Co. and the responses to Section II.E include information from ABC Wireless Co.

If filing separate responses, identify the name and FRN of the filer’s ultimate parent/holding company or controlling entity. All reporting affiliates or commonly controlled entities must list the identical ultimate parent/holding company name or controlling entity and FRN so the FCC can internally link the responses to a single ultimate parent/holding company or controlling entity. In addition, the ultimate parent/holding company or controlling entity must separately file a letter in the Commission’s Electronic Comment Filing System (ECFS) in WC Docket No. 05-25 identifying its FRN and the FRN and name of all of its subsidiaries that are separately filing responses to this data collection; send a copy of this letter via email to [FCC contact].

Corrective Resubmissions. If you need to make a corrective resubmission, contact [FCC contact name] to make arrangements. Include with your corrective resubmission an explanation of the nature of the correction, *i.e.*, explaining what information you are correcting and why.

<b>Certification</b>	
I have examined the response and certify that, to the best of my knowledge, all statements of fact, data, and information contained therein are true and correct.	
Signature	
Name	
Title	
Date	
Respondents are reminded that failure to comply with these data reporting requirements may subject them to monetary forfeitures of up to \$150,000 for each violation or each day of a continuing violation, up to a maximum of \$1,500,000 for any single act or failure to act that is a continuing violation. 47 U.S.C. § 503(b)(2); 47 C.F.R. § 1.80(b); <i>Amendment of Section 1.80(b) of the Commission’s Rules, Adjustment of Forfeiture Maxima to Reflect Inflation</i> , Order, 23 FCC Rcd 9845 (2008). False statements or misrepresentations to the Commission may be punishable by fine or imprisonment under Title 18 of the U.S. Code.	

<sup>16</sup> See Instructions at 9.

September 2013  
 Pending OMB Approval  
 3060-XXXX

Estimated Burden Hours Per Response: XX hours

The following is a chart showing the types of filers and the corresponding sections of data collection questions that must be completed by each filer type. Filers falling within multiple categories must respond to all applicable sections. For example, a *Competitive Provider* that purchases *Dedicated Services* must respond to the data collection questions directed at *Competitive Providers* and *Purchasers*.

Type of Filer	Sections of the Data Collection that Must be Completed
<i>Competitive Provider</i>	Sections II.A and II.D if answer to Questions II.A.2 or II.A.2.a is “yes”
<i>ILEC</i>	Sections II.B and II.D
Entity that provides <i>Best Efforts Business Broadband Internet Access Service</i> to 15,000 or more customers or 1,500 or more business broadband customers in price cap areas	Section II.C
<i>Purchaser</i> that is a mobile wireless service provider	Section II.E
<i>Purchaser</i> that is <b>not</b> a mobile wireless service provider	Section II.F
None of the above	Section II.G

EXPLANATORY ATTACHMENT

To the extent you need to explain certain assumptions or procedures taken in collecting and reporting the information requested in this data collection, especially for the responses to the facilities and billing information questions, include a separate document with your submission, in Word or .pdf format, containing *all* of your explanations.<sup>17</sup> You must separately upload the Explanatory Attachment as a Word or .pdf document through the Special Access Web Portal; you will not include this document in the data container.

QUESTIONS DIRECTED AT COMPETITIVE PROVIDERS

*Question II.A.1: Affiliated Company*

If you are an *Affiliated Company*, then you must identify each entity you are affiliated with that provides and/or purchases *Dedicated Service* in Table II.A.1 within the data container. If you are not an *Affiliated Company*, then you must still type “Not Applicable” in the Affiliate\_Name field and “0000000000” in the Name\_FRN field. You will receive an error message upon validation of the data container if you do not put any information into Table II.A.1.

**Table II.A.1**  
**Record Format for *Affiliated Company***

Field Name	Description	Type	Example
Affiliate_ID	Sequential number	Integer	1
Affiliate_Name	Name of entity with which you are affiliated	Text	Local Fiber Incorporated

<sup>17</sup> See, e.g., *Data Collection Implementation Order*, App. B, Questions II.A.4 (asking for information on *Locations*) and II.A.12 (asking for billing information).



September 2013  
 Pending OMB Approval  
 3060-XXXX

Estimated Burden Hours Per Response: XX hours

Name_FRN	Entity's FCC Registration Number (with leading zeros)	Integer	0008402202
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*Question II.A.2: Facilities Requiring Additional Information*

<b>Table II.A.2</b>			
<b>Record Format for Facilities Triggering Need for Additional Information</b>			
<b>Field Name</b>	<b>Description</b>	<b>Type</b>	<b>Example</b>
Connection	Do you own a <i>Connection</i> ; lease a <i>Connection</i> under an <i>IRU</i> agreement; or obtain a <i>Connection</i> as a <i>UNE</i> to provide a <i>Dedicated Service</i> ? (Y=Yes, N=No)	Text	Y
Price_Cap?	Are any of the <i>Connections</i> – that you own; lease as an <i>IRU</i> ; or obtain as a <i>UNE</i> to provide a <i>Dedicated Service</i> – to a <i>Location</i> in a price cap area? (Y=Yes, N=No, NA=Not Applicable)	Text	Y

**Facilities Information**

*Question II.A.3: Locations Data for Competitive Providers*

*Competitive Providers* are required to report the total number of *Locations* to which they had a *Connection* during 2010 and during 2012 where the *Competitive Provider* either: (i) owned the *Connection*; (ii) leased the *Connection* from another entity under an *IRU*; or (iii) obtained the *Connection* as a *UNE* to provide a *Dedicated Service*. The definition of *Connection* is crafted to assist the Commission with sizing the broader market for *Dedicated Services* by including transmission facilities used to provide a *Dedicated Service* and facilities that are “capable” of providing a *Dedicated Service*.

To help *Competitive Providers* identify reportable *Locations*, we provide the following guidance:

- Respondents must only report *Connections* to non-residential *Locations*. A *Location* is where an *End User* is connected, and an *End User* means a business, institutional, or government entity that purchases service for its own purposes, not for resale. Accordingly, residential locations connected by facilities are not reported.
- *Competitive Providers*, except for cable system operators reporting *Locations* within their Franchise Areas (FAs), must report all *Locations* with idle and in-service *Connections* during the relevant reporting period regardless of the type of service provided over the *Connection*.
- If you are a cable system operator and reporting *Locations* within your FA, you must report those *Locations* with *Connections* that were connected to a *Node* (i.e., headend) during the relevant reporting period that was upgraded or built to provide Metro Ethernet (or its equivalent) service regardless of the type of service provided over the *Connection* or whether the *Connection* is idle or in-service.<sup>18</sup> In addition, for *Locations* with *Connections* that were not connected to a *Node*

<sup>18</sup> Metro Ethernet is an Ethernet metropolitan area network service offering that involves centrally positioning one or more gigabit Ethernet (GbE) or 10 gigabit Ethernet (10 GbE) switches in a metro area. It offers the advantage of carrying all traffic in native Ethernet format, with no requirement for introducing SDH/SONET, frame relay, ATM or other Physical Layer or Data Link Layer protocols that can increase both complexity and cost, while adding overhead. See *Webster's New World Telecom Dictionary* (2010); see also Ralph Santituro, Metro Ethernet Forum White Paper, *Metro Ethernet Services – A Technical Overview* (2006), available at (continued....)

September 2013  
 Pending OMB Approval  
 3060-XXXX

Estimated Burden Hours Per Response: XX hours

during the relevant reporting period that is capable of providing Metro Ethernet (or its equivalent), report only in-service *Connections* that were used to provide a *Dedicated Service* or a service that incorporates a *Dedicated Service* within the offering as part of a managed solution or bundle of services sold to the customer;<sup>19</sup> do not report *Connections* that were used to provide a service that is substantially similar to services provided to residential customers, e.g., one or two line telephone service or best-efforts Internet access and subscription television services.<sup>20</sup>

- For *Locations* with *Connections* obtained as a *UNE* to provide a *Dedicated Service* during 2010 and during 2012, all *Competitive Providers* must include those *UNEs* obtained to provide a service that incorporated a *Dedicated Service* within the offering as part of a managed solution or bundle of services sold to the customer.<sup>21</sup>

**Table II.A.3**  
**Record Format for Total *Locations***

Field Name	Description	Type	Example
Year	Indicator of the calendar year of the data	Integer	2010
Locations	Total <i>Locations</i> served during year	Integer	15

Instructions for Table II.A.3, Record Format for Total *Locations* (*Competitive Providers*):

(Continued from previous page) \_\_\_\_\_

[http://metroethernetforum.org/White\\_Papers/metro-ethernet-services.pdf](http://metroethernetforum.org/White_Papers/metro-ethernet-services.pdf) (providing a comprehensive technical overview of Ethernet services) (last visited Sept. 9, 2013).

<sup>19</sup> Examples of services incorporating a *Dedicated Service* could include: the Converged Business Network solution offered by Level 3; High-Speed Dedicated Internet Access from XO or a business Ethernet solution from TW Telecom. See Converged Business Network, Level 3 Communications Inc. (Level 3), <http://www.level3.com/en/products-and-services/data-and-internet/converged-business-network/> (discussing Level 3's Converged Business Network offering that combines Internet, data and voice services over a single access circuit) (last visited Sept. 9, 2013); Dedicated Internet Access, XO Communications, LLC, <http://www.xo.com/services/network/dia/Pages/overview.aspx> (discussing dedicated Internet access) (last visited Sept. 9, 2013); Business Ethernet, tw telecom, Inc., <http://www.twtelecom.com/telecom-solutions/voice-solutions/business-ethernet-services/> (discussing business Ethernet services) (last visited Sept. 9, 2013).

<sup>20</sup> See, e.g., Business Internet + Voice, Comcast Corp. (Comcast), <http://business.comcast.com/smb/bundle> (discussing a Comcast Business Class bundled service offering that includes business voice, web hosting, email, and Internet access at monthly rates) (last visited Sept. 9, 2013); Cox Business Internet, Cox Communications, Inc., [http://ww2.cox.com/business/oklahomacity/data/business-internet.cox?campcode=gntile\\_b\\_data\\_internet](http://ww2.cox.com/business/oklahomacity/data/business-internet.cox?campcode=gntile_b_data_internet) (last visited Sept. 9, 2013); Business Internet, Bright House Networks, <http://business.brighthouse.com/products-and-services/data-and-internet/broadband-internet.html> (last visited Sept. 9, 2013); Optimum: TV, Phone and Internet Services for your Business, Cablevision Systems Corp., <http://www.optimumbusiness.com/> (last visited Sept. 9, 2013).

<sup>21</sup> See *supra* note 19 (providing example of services incorporating a *Dedicated Service*).

September 2013  
Pending OMB Approval  
3060-XXXX

Estimated Burden Hours Per Response: XX hours

- **Locations:** The number of *Locations* is the count of unique *Locations* to which your company had a *Connection* in place during the year entered in Year. The number of *Locations* listed here must equal the number of unique *Locations* enumerated in Question II.A.4 for each year.

*Question II.A.4: Locations Data for Competitive Providers*

The purpose of this question is to obtain additional information on the individual *Locations* with *Connections* that make up the total reported in response to Question II.A.3.

**Table II.A.4**  
**Record Format for Each *Location***

Field Name	Description	Type	Example
Location_ID	Sequential <i>Location</i> number (same Location_ID will also be reported in the II.A.12 question related to billing).	Integer	1
Year	Indicator of the calendar year of the data	Integer	2010
Street_address	Actual situs for the <i>Location</i> (i.e., land where building or cell site is located)	Text	445 Twelfth St SW
City	City of the <i>Location</i>	Text	Washington
State	Two-letter state postal abbreviation of the <i>Location</i>	Text	DC
ZIP	5-digit ZIP code (with leading zeros) of the <i>Location</i>	Text	20554
ZIP4	4-digit add-on code (with leading zeros) of the <i>Location</i>	Text	0000
Lat	Latitude	Float	38.8835
Long	Longitude	Float	-77.0280
Loc_type	The type of <i>Location</i> is a 1=building; 2=other man-made structure; 3=cell site in or on a building; 4=free-standing cell site; 5=cell site on some other man-made structure, e.g., water tower; or 6=unknown.	Integer	1
IRU_Supplier	If <i>Connections</i> to this <i>Location</i> are obtained under an <i>IRU</i> , enter the name of the entity from which the majority of capacity is obtained.	Text	DEF Co.
UNE_Supplier	If <i>Connections</i> to this <i>Location</i> are obtained as a <i>DS1/DS3 UNE</i> , enter the name of the entity from which the <i>UNE</i> is obtained.	Text	DEF Co.
UCL_Supplier	If <i>Connections</i> to this <i>Location</i> are obtained as an <i>Unbundled Copper Loop</i> , enter the name of the entity from which the <i>UCL</i> is obtained.	Text	DEF Co.
Medium	Are any of the <i>Connections</i> to this <i>Location</i> provided over fiber? (Y/N)	Text	Y
Sold_bandwidth_total	Total bandwidth (in Mbps) of <i>Connections</i> provided to the <i>Location</i> as sold.	Float	1.544
Sold_bandwidth_enduser	Total bandwidth (in Mbps) of <i>Connections</i> provided to <i>End Users</i> at the <i>Location</i> as sold.	Float	1.544
Sold_bandwidth_tfw	Total bandwidth (in Mbps) of <i>Connections</i> provided to the <i>Location</i> using terrestrial fixed wireless as sold.	Float	1.544

September 2013  
 Pending OMB Approval  
 3060-XXXX

Estimated Burden Hours Per Response: XX hours

**Table II.A.4**  
**Record Format for Each *Location***

Field Name	Description	Type	Example
Sold_bandwidth_Mobile	Total bandwidth (in Mbps) of <i>Connections</i> to cell sites at the <i>Location</i> as sold.	Float	1.544
Bandwidth_Internal	Total bandwidth used internally.	Float	1.544

Instructions for Table II.A.4, Record Format for Each *Location* (*Competitive Providers*):

- **Location ID:** This is a sequential integer ranging from 1 to the total number of unique *Locations* to which your company had a *Connection* during the year reported. This field is linked to the billing information reported in Question II.A.12 so that you must identify in Table II.A.4 every Location ID referenced in response to the billing information question.
- **Year:** Report the year during which your company had a *Connection* to the *Location*, *i.e.*, 2010 or 2012.
- The data fields used to identify the actual situs address must be space-delimited in standardized Postal Service form. See <http://pe.usps.gov/cpim/ftp/pubs/Pub28/pub28.pdf>.
- **Latitude and Longitude:** You can derive the coordinate fields for the location address from a known geocoding platform like Bing maps, Google, Yahoo, batchgeo.com, Texas A&M Geoservices or other geocoding solution. Enter values in decimal degrees to the nearest  $\pm 0.0005$ , *i.e.*, each coordinate must end in  $\#.###\#0$  or  $\#.###\#5$ . Coordinates must be in the WGS84 or NAD83 geographic coordinate system.
- **IRU Supplier:** Because multiple dedicated communication paths serving one or more *End Users* at the same *Location* must be counted as a single *Connection* (*see* definition of *Connection*), if you lease multiple *IRUs* to this *Location* from different *Providers*, identify the *Provider* that supplies the majority of the capacity you lease per an *IRU*. If only one *Provider* supplies the *IRU(s)*, then identify that *Provider* as the supplier. If you do not know the name of the supplier of your *Connections* via *IRU* agreement(s), and cannot reasonably identify the supplier for each *IRU*, you can alternatively enter “unknown” in this field and indicate in the Explanatory Attachment the total number of *Connections* to *Locations* you obtain as an *IRU* and the general percentage of *IRU* leasing arrangements you have with particular types of suppliers, *e.g.*, 45% of our *IRUs* are with *ILECs*, 55% with *Competitive Providers* or non-*ILECs*.
- **Sold bandwidth fields:** These data fields call for the reporting of total bandwidth sold. Report the downstream or upstream bandwidth of *Dedicated Services* sold across all sold *Connections* of the type requested at the *Location* as of December 31 of the year. Report the upstream or downstream bandwidth for symmetric services. For asymmetric services, report the average of the upstream and downstream bandwidths. For example, for a DS1 record 1.544, for three DS1s record 4.632, while for a 10 Gbit Ethernet service, 10,240, and for a fractional DS1 sold as a 384 Kbps service record 0.375. In the case where a *Connection* is in place but no bandwidth was provided as of December 31 of the year, enter the total bandwidth sold at the last known date during the relevant reporting period. For example, a customer or customers at the *Location* purchased service through October of the year but then terminated the service so that there was no

September 2013  
Pending OMB Approval  
3060-XXXX

Estimated Burden Hours Per Response: XX hours

service sold as of December 31; in that instance, report the total bandwidth sold in October. Exclude services other than *Dedicated Service* provided to the *Location* from your response. In the case where no *Dedicated Service* was sold to the *Location*, enter zero.

- **Bandwidth Internal:** If you are using bandwidth on this *Connection* to the *Location* for your own internal purposes, *i.e.*, self-provisioning service to yourself or an *Affiliated Company*, then report the total bandwidth used internally as of December 31 of the year. Report the upstream or downstream bandwidth for symmetric services. For asymmetric services, report the average of the upstream and downstream bandwidths. For example, for a DS1 record 1.544, for three DS1s record 4.632, while for a 10 Gbit Ethernet service, 10,240, and for a fractional DS1 sold as a 384 Kbps service record 0.375. In the case where a *Connection* is in place but no bandwidth was used internally as of December 31 of the year, enter the total bandwidth used internally at the last known date during the relevant reporting period. In the case where no bandwidth was used for internal use, enter zero.

#### *Question II.A.5: Fiber Network Map*

*Fiber Map.* *Competitive Providers* must provide a map of the fiber routes that constitute their network. Include those fiber “spans” (*i.e.*, lengths of fiber with terminating equipment on both ends) within your network that you (i) own or (ii) lease pursuant an *IRU* agreement. The map must show the fiber routes that constitute your network, including the “middle-mile” transport fiber network and any fiber routes to *Locations*.

You can file either a single map showing your network throughout your service territories in the United States or file separate maps showing the network on a regional/local basis. Filers are not required to include their long haul connections between service territories, *e.g.*, interLATA connections between points of presence (POP) such as the connections between a POP in Los Angeles, California and POP in New York City.

*Nodes.* Identify all *Nodes* on your network that are points of interconnection with the networks of other *Providers* and indicate the year that the *Node* was first used for interconnecting with another *Provider*. Cable system operators must also separately indicate those *Nodes* that are headends that have been upgraded to provide a Metro Ethernet (or its equivalent) service. In lieu of identifying *Nodes* used for interconnection, you can submit to the Commission the interconnection data on file with the Central Location Online Entry System (CLONES) database for your operations.<sup>22</sup> The certification submitted in connection with your submission will attest that the CLONES data are current and accurately depict your network interconnection points and the “live” dates to the best of your knowledge.

Mapping information must be provided as a separate ESRI Shapefile using a line feature class containing the data for each feature as noted below.

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<sup>22</sup> See System and Tools, Iconectiv, <https://codecenter.commonlanguage.com/systems.asp?#clones> (providing information about CLONES) (last visited Sept. 9, 2013).

September 2013  
 Pending OMB Approval  
 3060-XXXX  
 Estimated Burden Hours Per Response: XX hours

**Shapefile Record Format for Fiber Network**

Field Name	Description	Type	Example
Provider	Provider Name	Text	ABC Co.
DBA	“Doing-business-as” name	Text	Superfone, Inc.
FRN	Provider FCC Registration Number (with leading zeros)	Text	0008402202
ID	Sequential record number	Integer	1

Instructions for Shapefile Record Format for Fiber Network Map:

- The shapefile must have an assigned projection w/accompanying .prj file.
- The shapefile must use an unprojected (geographic) WGS84 geographic coordinate system.
- The shapefile must conform to the 1:24,000 U.S. Geological Survey National Map standard.
- The ID field is a sequential integer ranging from 1 to the total number of line features.
- Maps must be accompanied by metadata or a plain text “readme” file that contains a comprehensive explanation of the methodology employed to generate the map layer including any necessary assumptions and an assessment of the accuracy of the finished product.
- The shapefile must be submitted as a WinZip archive with a name containing the company name and FRN (e.g., CompanyName\_12345678\_Fiber.zip).
- Cable system operators must include the FCC-assigned Physical System Identifier (PSID) associated with each system identified.

Node information must be provided as a delimited text file, e.g., .csv, that contains the following information.

**Record Format for Nodes**

Field Name	Description	Type	Example
Provider	Provider Name	Text	ABC Co.
DBA	“Doing-business-as” name	Text	Superfone, Inc.
FRN	Provider FCC Registration Number (with leading zeros)	Text	0008402202
ID	Sequential record number	Integer	1
Lat	Latitude	Float	38.8835
Long	Longitude	Float	-77.0280
Headend	Is this Node a headend that has been upgraded to provide a Metro Ethernet (or its equivalent) service? (Y=Yes; N=No)	Text	N
NodeYear	Date Node went “live” or when headend was upgraded to Metro Ethernet (or its equivalent) service	Integer	1996



September 2013  
Pending OMB Approval  
3060-XXXX

Estimated Burden Hours Per Response: XX hours

Instructions for Record Format for *Nodes*:

- **Latitude and Longitude:** Enter values in decimal degrees to the nearest  $\pm 0.0005$ , *i.e.*, each coordinate must end in *###0* or *###5*. Coordinates must be in the WGS84 or NAD83 geographic coordinate system. The shapefile must be submitted as a WinZip archive with a name containing the company name and FRN (*e.g.*, *CompanyName\_12345678\_Fiber.zip*).
- **NodeYear:** If on or after 1995 the *Node* was first used for interconnecting with another *Provider* or in the case of cable system operators, was upgraded to provide Metro Ethernet (or its equivalent) service, then provide the year. If before 1995, then provide the year or enter 1000 if unknown. We encourage respondents to provide actual dates for as far back as they are able.

**Uploading Documents.** All files and documents responding to this question must be submitted to the FCC through the Special Access Web Portal (in the “Essay Questions – File Upload” section). You will not include this information in the data container.

The web portal contains two areas for uploading documents and files. One is for uploading the “Confidential” version of the document or file where you will indicate information deemed Confidential and redact information that is Highly Confidential based on the Protective Order issued for the data collection. The second area is for uploading the “Highly Confidential” version of the document or file noting both Confidential and Highly Confidential information without any redactions. You must upload at least one document or file in each area or you will receive an error message during the submission process. If the document or file does not contain Confidential or Highly Confidential information, *e.g.*, all information is publicly available, then upload the document or file in each area without the relevant Confidential/Highly Confidential notations or redactions in the case of the Confidential upload area.

*Question II.A.6: Sampling History of Competitive Connections by Location*

Based on your response to Question II.A.4, we will provide you with a list of *Locations* to which your company had a *Connection* in 2012. For each *Location* listed, provide the month and year – in the format set forth in Table II.A.6 – that you first served the *Location* with a *Connection* that you (i) owned; (ii) leased under an *IRU*; or (iii) obtained as a *UNE* to provide *Dedicated Service*.

We will derive the sample list of *Locations* as follows. A random sample will be drawn from the *Locations* entered in Table II.A.4 equal to the maximum of: (i) *p* percent of the *Locations* to which your company had a *Connection* in 2012 rounded up to the nearest integer or (ii) the number two.<sup>23</sup> *Competitive Providers* with one such *Location* will not need to answer this question. The percentage *p* will be selected to ensure that about 1,600 sampling units are drawn; based on a current estimate that *Competitive Providers* serve on their own facilities 200,000 *Locations*, the value of *p* is expected to be on the order of 0.8 percent. This sample size is expected to provide ranges for estimates of proportions of the national population that are with 95% confidence expected to include the true value of the estimated proportion within  $\pm 2.5\%$  of the estimate. For example, if the sample produces an estimate of 50% of the national population, the true value of the proportion would be in the range (47.5%, 52.5%) with 95% confidence. The four served *Locations* nearest each of the sampled served *Locations* will be added to the random sample of served *Locations*, and the resulting list, with duplicates removed, will be given to you.

<sup>23</sup> Forcing a minimum of two sampling units per *Competitive Provider* allows for unambiguous estimates of the stratified sample’s standard deviation.

September 2013  
 Pending OMB Approval  
 3060-XXXX

Estimated Burden Hours Per Response: XX hours

To be clear, you will not include an answer to this question within the data container or otherwise with your initial submission to the data collection. The record format for when you do subsequently respond to this sampling question is provided below:

**Record Format for History of Competitive Connections by Location**

Field Name	Description	Type	Example
...	...The carrier's record ID for a number of locations will be returned...	...	...
First_served	The month and year this <i>Location</i> was first served	Date	12/2009

*Question II.A.7: Collocations by Wire Center*

For each *ILEC* wire center where your company is collocated, provide the information listed below.

**Table II.A.7  
 Record Format for Collocations by Wire Center**

Field Name	Description	Type	Example
ID	Sequential record number	Integer	1
Street_address	Actual situs ( <i>i.e.</i> , land where building is located) address of the collocation site	Text	1025 N Irving Street
City	City of address	Text	Arlington
State	Two-letter state postal abbreviation of address	Text	VA
ZIP	5-digit ZIP code (with leading zeros) of address	Text	22201
ZIP4	4-digit add-on code (with leading zeros) of address	Text	0005
Lat	Latitude	Float	38.8840
Long	Longitude	Float	-77.0965
CLLI	Telcordia-specified eight-character CLLI	Alphanumeric	ARTNVAAR

Instructions for Table II.A.7, Record Format for Collocations by Wire Center:

- Leave cells blank in the case of data that is not applicable for that record.
- The ID field is a sequential integer ranging from 1 to the total number of wire centers.
- Address data fields must be space-delimited in standardized Postal Service form. See <http://pe.usps.gov/cpim/ftp/pubs/Pub28/pub28.pdf>.
- Latitude and Longitude: You can derive the coordinate fields for the location address from a known geocoding platform like Bing maps, Google, Yahoo, batchgeo.com, Texas A&M Geoservices or other geocoding solution. Enter values in decimal degrees to the nearest ±0.0005,

September 2013  
 Pending OMB Approval  
 3060-XXXX

Estimated Burden Hours Per Response: XX hours

*i.e.*, each coordinate must end in #.###0 or #.###5. Coordinates must be in the WGS84 or NAD83 geographic coordinate system.

- For the CLLI code, enter the first eight digits of the CLLI code of the ILEC wire center / end office in which your equipment is collocated.

*Question II.A.8: Business Rules for Deployment*

You must upload a .pdf text searchable (not a picture/image) document responding to this question through the Special Access Web Portal in the “Essay Questions – File Upload” section; you will not include these documents in the data container.

The web portal contains two areas for uploading documents. One is for uploading the “Confidential” version of the document where you will indicate information deemed Confidential and redact information that is Highly Confidential based on the Protective Order issued for the data collection. The second area is for uploading the “Highly Confidential” version of the document noting both Confidential and Highly Confidential information without any redactions. You must upload at least one document in each area or you will receive an error message during the submission process. If the document does not contain Confidential or Highly Confidential information, *e.g.*, all information is publicly available, then upload the document in each area without the relevant Confidential/Highly Confidential notations or redactions in the case of the Confidential upload area.

*Question II.A.9: Headquarters*

*Competitive Providers*, except for cable system operators, must answer this question. Cable operators must still report “Not Applicable” as instructed below to avoid receiving an error message when validating the data container.

This question asks for the location of a *Competitive Provider’s* current and prior U.S. headquarters, going as far back as 1995. In addition, *Competitive Providers* must identify the headquarters of *Affiliated Companies* and entities acquired through merger that no longer exist if the affiliated or acquired entity owned (or leased under an *IRU* agreement) *Connections* to five or more *Locations* in a given *MSA* at the time of affiliation/acquisition, going as far back as 1995.

By “U.S. headquarters,” we mean the principal place where the company’s high level officers direct, control and coordinate the company’s activities.<sup>24</sup> For purposes of this question, we do not consider regional field offices to be the U.S. headquarters for a company.

**Table II.A.9.a-c**  
**Record Format for U.S. Headquarters**

Field Name	Description	Type	Example
Street_address	Situs address of the U.S. headquarters ( <i>i.e.</i> , land were building is located)	Text	1025 N Irving Street

<sup>24</sup> High level officers could include the president, chief executive officer, chief financial officer, vice president, general counsel, etc.

September 2013  
 Pending OMB Approval  
 3060-XXXX

Estimated Burden Hours Per Response: XX hours

**Table II.A.9.a-c**  
**Record Format for U.S. Headquarters**

Field Name	Description	Type	Example
City	City name for U.S. headquarters	Text	Springfield
State	State name for U.S. headquarters	Text	Texas
ZIP	5 digit ZIP code for U.S. headquarters	Text	22201
ZIP4	4-digit add-on code (with leading zeros) of address	Text	0005
Year_Head	Year when U.S. headquarters established	Year	2000

Instructions for Table II.A.9.a-c, Record Format for U.S. Headquarters:

- In the initial row of the table, you will identify your current U.S. headquarters and the year established in the Year\_Head field. Cable system operators must type “Not Applicable” in the Street\_Address field and complete the remaining fields with zeros. You will receive an error message upon validation of the data container if you do not put any information into these data fields.
- In subsequent rows of the table, you will identify your prior U.S. headquarters going as far back as 1995 if different from the location of your current headquarters.

**Table II.A.9.d**  
**Record Format for Headquarters of Acquired Entities**

Field Name	Description	Type	Example
AcqEntity_Name	Name of acquired entity	Text	Local Fiber Incorporated
Street_address	Situs address for the U.S. headquarters of acquired entity at time of merger	Text	1025 N Irving Street
City	City name for U.S. headquarters	Text	Springfield
State	State name for U.S. headquarters	Text	Texas
ZIP	5 digit ZIP code for U.S. headquarters	Text	22201
ZIP4	4-digit add-on code (with leading zeros) of address	Text	0005
Year_Head	Year when entity merged, <i>i.e.</i> , when transaction closed	Year	2000

Instructions for Table II.A.9.d, Record Format for Headquarters of Acquired Entities:

- If you did not acquire an entity during the relevant reporting period or are a cable system operator, then you must still type “Not Applicable” in the AcqEntity\_Name field and complete the remaining fields with zeros. You will receive an error message upon validation of the data container if you do not put any information into these data fields.

September 2013  
 Pending OMB Approval  
 3060-XXXX

Estimated Burden Hours Per Response: XX hours

**Table II.A.9.e-f**  
**Record Format for Headquarters for *Affiliated Companies***

Field Name	Description	Type	Example
AffCompany_Name	Name of <i>Affiliated Company</i>	Text	Local Fiber Incorporated
Year of Affiliation	Year you became affiliated with the <i>Affiliated Company</i>	Year	2007
Street_address	Situs address of the U.S. headquarters for <i>Affiliated Company</i>	Text	1025 N Irving Street
City	City name for U.S. headquarters	Text	Springfield
State	State name for U.S. headquarters	Text	Texas
ZIP	5 digit ZIP code for current U.S. headquarters	Text	22201
ZIP4	4-digit add-on code (with leading zeros) of address	Text	0005
Year_Head	Year when U.S. headquarters of <i>Affiliated Company</i> was established	Year	2000

Instructions for Table II.A.9.e-f, Record Format for Headquarters for *Affiliated Companies*:

- In the initial row of the table, you will identify an *Affiliated Company* and the current U.S. headquarters of the *Affiliated Company*.
- If the *Affiliated Company* had a prior U.S. headquarters – going back to 1995 or the year of affiliation, whichever is earlier, then on the next row identify the same company name in the AffCompany\_Name field and provide information on the prior headquarters. If there is more than one prior headquarters for the *Affiliated Company*, going back to 1995 or the year of affiliation, whichever is earlier, then identify the prior headquarters in the subsequent rows.
- Follow same reporting process for other *Affiliated Companies* in the subsequent rows of the table.
- If you did not become affiliated with an *Affiliated Company* during the relevant reporting period, then you must still type “Not Applicable” in the AffCompany\_Name field and complete the remaining fields with zeros. You will receive an error message upon validation of the data container if you do not put any information into these data fields.

*Question II.A.10: Marketing Plans*

You must upload all Word, Excel, and .pdf documents responding to this question through the Special Access Web Portal in the “Essay Questions – File Upload” section; you will not include these documents in the data container.

The web portal contains two areas for uploading documents. One is for uploading the “Confidential” version of the document where you will indicate information deemed Confidential and redact information that is Highly Confidential based on the Protective Order issued for the data collection. The second area is for uploading the “Highly Confidential” version of the document noting both Confidential and Highly Confidential information without any redactions. You must upload at least one document in each area or you will receive an error message during the submission process. If the document does not contain Confidential or Highly Confidential information, e.g., all information is publicly available, then upload

September 2013  
 Pending OMB Approval  
 3060-XXXX

Estimated Burden Hours Per Response: XX hours

the document in each area without the relevant Confidential/Highly Confidential notations or redactions in the case of the Confidential upload area.

*Question II.A.11: Information on Requests for Proposals (RFPs)*

**Table II.A.11 Part 1  
 Record Format for RFPs**

Field Name	Description	Type	Example
RFP_Type	Number 1-6 as follows: 1= Most recent RFP won for the provision of <i>Dedicated Services</i> 2= Most recent RFP won for the provision of <i>Best Efforts Business Broadband Internet Access Services</i> 3= Most recent RFP won for the provision of other high-capacity data services to business customers 4= Largest RFPs where you unsuccessfully submitted bids in the 2010-2012 timeframe for the provision of <i>Dedicated Services</i> 5= Largest RFPs where you unsuccessfully submitted bids in the 2010-2012 timeframe for the provision of <i>Best Efforts Business Broadband Internet Access Services</i> 6= Largest RFPs where you unsuccessfully submitted bids in the 2010-2012 timeframe for the provision of other high-capacity data services to business customers	Integer	1
RFP_Number	Sequential number 1-5	Integer	1
RFP_Name	Name of RFP	Text	ADA Greenfield
RFP_Description	Describe the RFP, including the date that the RFP was issued	Text	RFP requirements included . . .
RFP_Area_Covered	Identify the geographic areas covered by the RFP	Text	Network required to cover 26 counties in Michigan
RFP_Bid_Details	Details on your bid, including price offered	Text	Offered dedicated service for X amount.
Other_RFP_Details	Detail other competitively relevant information on RFP and/or bid	Text	Our bid offer included cost of leasing facilities in X areas from X where we did not own facilities.

Question II.A.11 Part 2. Question II.A.11 also asks *Competitive Providers* to identify the business rules relied upon to determine whether to submit a bid in response to an RFP. You must upload a .pdf text searchable (not a picture/image) document responding to this part of the question through the Special Access Web Portal in the “Essay Questions – File Upload” section; you will not include this document in the data container.



September 2013  
 Pending OMB Approval  
 3060-XXXX

Estimated Burden Hours Per Response: XX hours

The web portal contains two areas for uploading documents. One is for uploading the “Confidential” version of the document where you will indicate information deemed Confidential and redact information that is Highly Confidential based on the Protective Order issued for the data collection. The second area is for uploading the “Highly Confidential” version of the document noting both Confidential and Highly Confidential information without any redactions. You must upload at least one document in each area or you will receive an error message during the submission process. If the document does not contain Confidential or Highly Confidential information, e.g., all information is publicly available, then upload the document in each area without the relevant Confidential/Highly Confidential notations or redactions in the case of the Confidential upload area.

### Billing Information

#### *Question II.A.12-14: Billing Information Overview*

These questions are interrelated. Question II.A.12 requires the filer to provide billing information for each circuit element billed to its customers. To answer this question, you must reference adjustment and billing codes that are defined by responses to Questions II.A.13 and II.A.14, respectively.

#### *Question II.A.12: Prices by Circuit Element from Competitive Provider*

This question requests billing information for transmission paths that are sold for the provision of a stand-alone *Dedicated Service*. By using the term “transmission paths,” this question is not limited to *Locations* with *Connections*, i.e., “last-mile” facilities, reported in response to question II.A.4 but also includes dedicated interoffice transport facilities. Do not provide billing information for bundled services where the *Dedicated Service* component is not separately priced. Do include sales to *Affiliated Companies*.

Submit information for each circuit element of each circuit for each month from January 1, 2010 through December 31, 2010 and from January 1, 2012 through December 31, 2012. Include a separate entry for each separately-billed element on the circuit. In the case where circuits are billed as a single unit, the data set will contain only one entry per circuit.

**Table II.A.12 Part 1**  
**Record Format for Monthly Billing Data for Circuits by Circuit Element**

Field Name	Description	Type	Example
Closing_Date	Closing date of the monthly billing cycle in mm/dd/yyyy format	Date	06/30/2012
Customer_ID	Unique customer identifier used to link all circuits purchased by a customer over all geographies and time periods. To be linked with customer names and identification numbers in Table II.A.12 Part 2.	Integer	1274
Location_ID	Sequential location number from Question II.A.4.a where applicable; required for circuit elements such as channel terminations that can be associated with a particular <i>Location</i>	Integer	1
Circuit_ID	Circuit identifier common to all circuit elements purchased in common for a particular circuit	Text	HHH555XYZ
Circuit_Type	Type of circuit ( <i>DS1</i> , <i>DS3</i> , <i>DS1-UNE</i> , <i>DS3-UNE</i> , other <i>CBDS</i> (i.e., non- <i>DSn</i> ), or <i>PBDS</i> ).	Text	DS1
DSn_Bandwidth	If a <i>DS1</i> , <i>DS3</i> , <i>DS1-UNE</i> , or <i>DS3-UNE</i> , indicate the one-direction bandwidth of the circuit in Mbps.	Float	1.544

September 2013  
 Pending OMB Approval  
 3060-XXXX

Estimated Burden Hours Per Response: XX hours

**Table II.A.12 Part 1**  
**Record Format for Monthly Billing Data for Circuits by Circuit Element**

Field Name	Description	Type	Example
OtherCBDS_Bandwidth	If a <i>CBDS</i> circuit other than a <i>DSn</i> circuit, indicate the one-direction bandwidth of a symmetric circuit or the average one-direction bandwidth for non-symmetric circuits in Mbps.	Float	4.5
PBDS_Bandwidth	If a <i>PBDS</i> circuit, indicate the one-direction bandwidth of a symmetric circuit or the average one-direction bandwidth of non-symmetric circuits in Mbps.	Float	100
Billing_Code	Billing code ( <i>e.g.</i> , USOC) used to identify the billed circuit element. (This variable will also appear in Question II.A.14 and is used to link the billed circuit elements with their descriptions.)	Text	1YZXD
Quantity	Number of billed units for this circuit element. Do not enter the bandwidth of the circuit in this field.	Float	34
Initial_NRC	Non-recurring charge (in dollars) billed for the first unit of this circuit element	Float	0
Unit_NRC	Non-recurring charge (in dollars) billed for additional units of this circuit element	Float	0
Initial_MRC	Monthly recurring charge (in dollars) for the first unit billed	Float	17.7
Unit_MRC	Monthly recurring charge (in dollars) for additional units billed (if different from the amount billed for the initial unit)	Float	0
Billed	Per unit amount (in dollars) billed for the circuit element including all "in-cycle" discounts and penalties. For circuit elements with multiple billed units ( <i>i.e.</i> , quantity greater than one in II.A.12.g), enter the amount billed for a single unit	Float	507.3
Total_Billed	Total monthly amount (in dollars) billed for all units of the circuit element, including all "in-cycle" discounts and penalties	Float	12453.50
Term	Length of total time of the <i>Term Commitment</i> associated with this circuit (in months). List the total length of the current <i>Term Commitment</i> , not the remaining length of the <i>Term Commitment</i> . A circuit purchased on a month-to-month basis must be coded as 1.	Integer	36
End_Date	If this circuit has an associated <i>Term Commitment</i> , enter the month and year the term expires.	Date	03/2014
Term_Discount_IC	Indicator variable for whether any in-cycle term discounts have been rolled into the amount billed to the customer reported in the Billed field (0 = No in-cycle term discounts included in Billed amount; 1 = In-cycle term discounts included in Billed amount)	Integer	0
Volume_Commitment	Indicator variable showing whether this circuit contributes to a <i>Volume Commitment</i> (Y=Yes, N=No)	Text	N
Vol_Discount_IC	Indicator variable for whether any in-cycle volume discounts have been rolled into the amount billed to the customer reported in the Billed field (0 = No in-cycle volume discounts included in Billed amount; 1 = In-cycle volume discounts included in Billed amount)	Integer	0
Adjustment_ID_1	Unique ID number (from II.A.13) for the first billing adjustment / true-up affecting this circuit element. Leave the field blank if there are no discounts or penalties that occur during the monthly billing cycle affecting this circuit element.	Integer	1

September 2013  
 Pending OMB Approval  
 3060-XXXX

Estimated Burden Hours Per Response: XX hours

**Table II.A.12 Part 1**  
**Record Format for Monthly Billing Data for Circuits by Circuit Element**

Field Name	Description	Type	Example
Adjustment_ID_2	Unique ID number (from II.A.13) for the second billing adjustment / true-up affecting this circuit element, if more than one adjustment was applied to this circuit element. Leave the field blank if there are fewer than two discounts applied to this circuit element in the given billing cycle	Integer	26
...	[Continue to add columns for a total of ten (10) Adjustment_ID columns.]	...	...
Adjustment_ID_10	Unique ID number (from II.A.13) for the tenth billing adjustment/ true-up affecting this circuit element, if more than one adjustment was applied to this circuit element. Leave the field blank if there are fewer than ten discounts applied to this circuit element in the given billing cycle	Integer	15

**Table II.A.12 Part 2**  
**Record Format for Identifying Customers**

Field Name	Description	Type	Example
Customer_ID	Unique customer identifier used to link all circuits purchased by a customer over all geographies and time periods. This field will be used to link the billing information in Table II.A.12 Part 1 with the customer names and identification numbers	Integer	1274
Customer_ID_499	Where applicable, include the six-digit 499A Filer ID of the customer	Integer	822116
Customer_ID_ACNA	Where applicable, include the Access Customer Name Abbreviation (ACNA) of the customer	String	ABC
Customer_ID_OCN	Where applicable, include the Operating Company Number (OCN) of the customer	Integer	1234
Customer_Name	Enter the name of the customer	Text	Verizon Wireless
Provider	Indicator variable denoting whether the circuit is purchased by a <i>Provider</i> (0 = non-Provider; 1 = Provider)	Integer	1

Instructions for Table II.A.12, Parts 1 and 2:<sup>25</sup>

- a. **Closing\_Date**: Enter the date on which the customer was billed. The date must appear in mm/dd/yyyy format. All dates must be in the ranges 01/01/2010 – 12/31/2010 or 01/01/2012 – 12/31/2012. Do not include data on circuits billed outside the appropriate date ranges, even if services were provided within the appropriate date ranges (e.g., service that was provided in December 2010 that was billed in January 2011). Likewise, include data on circuits billed in the appropriate date ranges, even if the service was provided outside of those ranges (e.g., service provided in December 2011 that was billed in January 2012).

<sup>25</sup> Subparts listed herein refer to subparts in Question II.A.12.

September 2013  
Pending OMB Approval  
3060-XXXX

Estimated Burden Hours Per Response: XX hours

- b. The following fields in Parts 1 and 2 of Table II.A.12 are used to identify the customer of the *Dedicated Service*.<sup>26</sup>
- Customer\_ID: Assign a unique identifier to each customer so that all circuits purchased by the customer can be tracked over time and across locations. The identifiers must be entered in integer format. This Customer\_ID will be used to link the circuit billing information (Table II.A.12, Part 1) to the customer names and identification numbers (Table II.A.12, Part 2). In Part 2, provide the customer name, an indicator for whether the customer is a *Provider*, and, where applicable, one of the following identification numbers: 499A filer ID, Access Customer Name Abbreviation (ACNA), or Operating Company Number (OCN). Note, the Customer\_ID variable is required for all observations in both Part 1 and Part 2. However, only one of the three additional identification numbers (499, ACNA, OCN) need be provided, even if multiple identification numbers are available. Each Customer\_ID must appear only once in Part 2, but will likely appear multiple times in Part 1.
  - Customer\_ID\_499: Where applicable, include the 499A Filer ID of the customer in Part 2. The 499A Filer ID does not replace the Customer\_ID variable. Both the Customer\_ID and Customer\_ID\_499 fields are populated for any customer with a 499A Filer ID. If the customer does not have a 499A Filer ID, leave the field blank.
  - Customer\_ID\_ACNA: Where applicable, include the ACNA of the customer in Part 2. The ACNA does not replace the Customer\_ID variable. Both the Customer\_ID and Customer\_ID\_ACNA fields are populated for any customer with an ACNA. If the customer does not have an ACNA, leave the field blank.
  - Customer\_ID\_OCN: Where applicable, include the Operating Company Number (OCN) of the customer in Part 2. The OCN does not replace the Customer\_ID variable. Both the Customer\_ID and Customer\_ID\_OCN fields are populated for any customer with an OCN. If the customer does not have an OCN, leave the field blank.
  - Customer\_Name: Enter the name of the customer in Part 2. The variable must be entered as a string and be no longer than 30 characters in length.
  - Provider: Indicate whether the customer is a *Provider* in Part 2, *i.e.*, a customer that pays a pass through universal service contribution charge. Enter a 1 if the customer is a *Provider* and a 0 otherwise. In some instances, it may be difficult to identify if the customer is a *Provider* using billing information, but can often be inferred by the existence of a 499A Filer ID or by whether USF charges are passed on to the customer in their bill.
- c. Location\_ID: Include the Location ID reported in response to question II.A.4 for each circuit element on the circuit. The Location ID is used to link the billed circuit with the facilities information provided in Question II.A.4. That is, every Location ID referenced in response to Question II.A.12

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<sup>26</sup> See *Data Collection Implementation Order* § III.C (discussing changes to Questions II.A.12-14).

September 2013  
Pending OMB Approval  
3060-XXXX

Estimated Burden Hours Per Response: XX hours

must correspond to a Location ID reported in response to Question II.A.4.<sup>27</sup> Also, for circuits that connect two *Locations*, the Location ID may not be constant within the Circuit ID. For example, the individual circuit elements for a given Circuit ID may include two channel terminations, each terminating at a different *Location*. The Location ID must be populated for every circuit element in the data set that can be tied to a *Location*. Specifically, any termination charge must be linked to a *Location*. If the sold *Dedicated Service* is not to a *Location*, e.g., the sale of dedicated interoffice transport, leave this field blank.

- d. **Circuit ID:** Assign a unique circuit identifier (Circuit ID) to all circuit elements purchased in common for a particular circuit. If the circuit is sold over multiple time periods, the circuit identifier must track the circuit across the multiple months and/or years it appears in the sample. We prefer that you code the Circuit IDs as sequential integers, beginning with the number “1” (similar to the Location ID). However, to the extent you have an established naming convention for your circuits, that convention may be substituted in place of sequential numbering. Code the Circuit ID as a string with a maximum of 15 characters. (Note: Because some filers may choose to use non-numeric characters in their coding, Circuit IDs must be coded as string variables, even if they have been renumbered as sequential integers.)
- e. The following fields identify the type of circuit sold (Circuit Type), and the bandwidth of the circuit. The Circuit Type must be populated for every circuit element in the data set. Only one of the three bandwidth variables needs to be populated for each circuit element, depending on the type of circuit provided.
- **Circuit Type:** Indicate the type of circuit sold from the following categories: *DS1*, *DS3*, *DS1-UNE*, *DS3-UNE*, other *CBDS* circuit (i.e., non-DSn), or *PBDS*. For packages of DS1s and DS3s sold to a location, enter DS1 or DS3, respectively. Do not enter circuit types other than those listed above.
  - **DSn Bandwidth:** If the circuit is a *DS1*, *DS3*, *DS1-UNE*, or *DS3-UNE*, enter the bandwidth of the circuit in Mbps, i.e., enter 1.544 for a *DS1* and enter 44.736 for a *DS3*. In the case where multiple *DSns* are provisioned over a single circuit, enter the total bandwidth. For example, the bandwidth for a circuit with three *DS1s* must be entered as 4.632 (= 3 × 1.544). For non-*DSn* circuits, leave the field blank.
  - **OtherCBDS Bandwidth:** If the circuit is a non-*DSn* *CBDS* circuit, enter the bandwidth of the circuit in Mbps. For symmetric services, the reported bandwidth is the one-way bandwidth of the circuit (i.e., upstream or downstream). For asymmetric services, report the average of the upstream and downstream bandwidths. Round the bandwidth of the circuit to three decimal

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<sup>27</sup> We note that *Competitive Providers* may report more unique Location IDs in response to Question II.A.4 than are referenced in response to Question II.A.12 because *Competitive Providers* report *Locations* with *Connections* that are both idle and in-service. *Competitive Providers* will only report billing information for those *Locations* with in-service *Connections*.

September 2013  
Pending OMB Approval  
3060-XXXX

Estimated Burden Hours Per Response: XX hours

places. For example, if the service guarantees 10 Mbps transmission speeds in one direction and 5 Mbps transmission speeds in the other direction, enter 7.500 in this field. If the circuit is a DSn or *PBDS* circuit, leave this field blank.

- **PBDS\_Bandwidth**: If the circuit is a *PBDS* circuit, enter the bandwidth of the circuit in Mbps. For symmetric services, the reported bandwidth is the one-way bandwidth of the circuit (*i.e.*, upstream or downstream). For asymmetric services, report the average of the upstream and downstream bandwidths. For example, if the service guarantees 150 Mbps transmission speeds in one direction and 50 Mbps transmission speeds in the other direction, enter 100 in this field. Round the bandwidth of the circuit to three decimal places. For non-*PBDS* circuits, leave this field blank.
- f. **Billing\_Code**: The billing code variable (Billing Code) is used to identify the individual components of billed circuits. The Billing Code is used to link the billed circuit elements with the description of those elements in Question II.A.14. Examples of Billing Codes are Uniform Service Order Codes (USOCs). However, you are not required to use USOCs to identify the circuit elements; you can create your own Billing Codes. Similar circuit elements need to have the same Billing Code in order to track similar charges across circuits. To the extent that circuits are billed by individual circuit elements, the elements and billed amounts of the elements must be disaggregated into separate line-items in the table. If circuits are billed at the overall circuit level, only one line per circuit need be populated, and all like circuits may have the same Billing\_Code and Billing Code description.
- g. **Quantity**: Enter the number of billed units for this circuit element. Do not enter the bandwidth of the circuit in this field. For item codes that describe per-mile charges, the Quantity is the number of miles in the circuit that apply for that item code.
- h. **Initial\_NRC**: Insofar as the per unit monthly billed amount (Question II.A.12.1) can be broken into recurring and non-recurring charges, enter the non-recurring charge (in dollars) billed for the first unit of this circuit element on this circuit. Enter the charge to two decimal places and do not include other string characters (*e.g.*, "\$").
- i. **Unit\_NRC**: Insofar as the per unit monthly billed amount (Question II.A.12.1) can be broken into recurring and non-recurring charges, enter the non-recurring charge (in dollars) billed for each additional unit of this circuit element on this circuit. Enter the charge to two decimal places and do not include other string characters (*e.g.*, "\$").
- j. **Initial\_MRC**: Insofar as the per unit monthly billed amount (Question II.A.12.1) can be broken into recurring and non-recurring charges, enter the monthly recurring charge (in dollars) billed for the first unit of this circuit element on this circuit. Enter the charge to two decimal places and do not include other string characters (*e.g.*, "\$").



September 2013  
Pending OMB Approval  
3060-XXXX

Estimated Burden Hours Per Response: XX hours

- k. Unit\_MRC: Insofar as the per unit monthly billed amount (Question II.A.12.l) can be broken into recurring and non-recurring charges, enter the monthly recurring charge (in dollars) billed for each additional unit of this circuit element on this circuit. Enter the charge to two decimal places and do not include other string characters (e.g., "\$").
- l. Billed: Per unit amount (in dollars) billed for the circuit element including all "in-cycle" discounts and penalties. "In-cycle" discounts and penalties are those adjustments that are rolled into the actual amount paid by the customer each month (see the instructions to Question II.A.13 for more information on "in-cycle" vs. "out-of-cycle" billing adjustments). If in-cycle adjustments show up as a separate line-item on the customer's bill, they must be reported as separate line-items in Table II.A.12. Do not include any "out-of-cycle" adjustments as otherwise reported in response to Question II.A.12.p. For circuit elements with multiple billed units (i.e., quantity greater than one in Question II.A.12.g), enter the amount billed for a single unit, such that the product of Quantity and Billed is the total charge on the bill. For example, if the circuit includes two "channel termination" charges that are both billed at the same rate (and have the same Billing\_Code (Question II.A.12.f), Location\_ID, bandwidth, etc.), the quantity (Question II.A.12.g) is equal to 2, and the per unit monthly billed amount (Question II.A.12.l) is equal to the charge for a single channel termination. Alternatively, each channel termination may be recorded separately (i.e., on two separate lines with quantity equal to 1 for each line). The multiplicative product requirement also applies to charges for mileage of the circuit, if the circuit has such a charge. For example, if the circuit is 4 miles in length, the amount entered in Quantity is 4 and the amount entered in the Billed field is the charge per 1 mile. Enter the billed amount to two decimal places, and do not include other string characters (e.g., "\$"). Fractional miles are permitted if the customer was billed for fractional mileage for any given circuit element. However, the amount entered in Billed must be converted to a whole-mile charge. For example, for a half mile circuit, the Quantity is reported as 0.5 on any per-mile circuit element, but the amount in Billed is the 1-mile charge such that the product of Quantity and Billed is equal to the total charge to the customer.
- m. Total\_Billed: Total monthly amount (in dollars) billed for all units of the circuit element including all "in-cycle" discounts and penalties. "In-cycle" discounts and penalties are those adjustments that are rolled into the actual amount paid by the customer each month (see the instructions to Question II.A.13 for more information on "in-cycle" vs. "out-of-cycle" billing adjustments). If in-cycle adjustments show up as a separate line-item on the customer's bill, they must be reported as separate line-items in this table. Do not include any "out-of-cycle" adjustments as otherwise reported in Question II.A.12.p.
- n. The following questions seek to understand the *Term Commitments* under which circuits are purchased.
- Term: Length of total time of the *Term Commitment* associated with this circuit (in months). List the total length of the current *Term Commitment*, not the remaining length of the *Term*

September 2013  
Pending OMB Approval  
3060-XXXX

Estimated Burden Hours Per Response: XX hours

*Commitment*. For example, in reporting circuits for calendar month January 2010, enter 60 for a circuit that was sold in January 2007 under a 5 year commitment, even though only 24 months remain on the current term. For circuits sold on a month-to-month basis, enter 1. We anticipate that this value is identical for all circuit elements sold in common on the circuit. To the extent that the term length varies across different circuit elements, enter the appropriate *Term Commitment* for each individual circuit element.

- **End\_Date**: If the circuit has an associated total term longer than one month, enter the month and year the term expires. In the preceding example, the End\_Date would be coded as 12/2012, sixty months after the five-year term was agreed to in January 2007. Leave the End\_Date field blank for those circuits purchased on a month-to-month basis.
  - **Term\_Discount\_IC**: Indicate whether the per unit monthly billed amount in Question II.A.12.1 includes any in-cycle discounts that have been applied due to a *Term Commitment*. Enter a 1 if the per unit monthly billed amount includes in-cycle term discounts; enter 0 if the per unit monthly billed amount does not include in-cycle term discounts. If the term discounts for this circuit are only given through out-of-cycle adjustments as reported in Question II.A.13, enter 0. If the circuit is not sold under a *Term Commitment*, leave this field blank.
- o. **Volume Commitment**: Indicate whether this circuit was sold under a *Volume Commitment*. Enter 0 if the circuit was not sold under a *Volume Commitment*, and enter 1 if the circuit was sold under a commitment by the *Purchaser* to purchase either a specified number of circuits or to spend a specified *Revenue* amount.
- **Vol\_Discount\_IC**: Indicate whether the per unit monthly billed amount in Question II.A.12.1 includes any in-cycle discounts that have been applied due to a *Volume Commitment*, either in total number of circuits or total amount of expenditures (“spend”). Enter a 1 if the per unit monthly billed amount includes in-cycle volume discounts; enter 0 if the per unit monthly billed amount does not include in-cycle volume discounts. If the volume discounts for this circuit are only given through out-of-cycle adjustments as reported in Question II.A.13, enter 0. If the circuit is not sold under a *Volume Commitment*, leave this field blank.
- p. **Adjustment\_ID\_1; Adjustment\_ID\_2; ... Adjustment\_ID\_10**: For each out-of-cycle billing adjustment applied to the circuit element, provide a unique adjustment ID that is used to link the circuit elements with the dollar value and descriptions of the appropriate adjustments. The table must include 10 columns for each of the ten potential Adjustment\_IDs, regardless of whether all columns are used. For rate elements with fewer than ten out-of-cycle adjustments, leave the excess Adjustment\_ID fields blank. If a circuit element had more than ten out-of-cycle adjustments applied to it, list the Adjustment\_IDs of the ten largest adjustments. For example, if a circuit element receives five distinct adjustments, there must be five Adjustment\_IDs in the first five columns. The remaining Adjustment\_ID columns (i.e., columns 6 through 10) would be left blank. In addition, all adjustments must link back to the adjustment amounts and descriptions provided in response to Question II.A.13. See the instructions for Question II.A.13 for further instructions on adjustments.

September 2013  
 Pending OMB Approval  
 3060-XXXX

Estimated Burden Hours Per Response: XX hours

*Question II.A.13: Billing Adjustments*

For each adjustment or true-up (including credits for meeting or penalties for not meeting contractual obligations) to billed circuit elements, provide the following information below. Provide the adjustment at the lowest level of aggregation available, and if possible, at the level of the individual circuit element. If the adjustment applies to multiple circuit elements and/or circuits, provide the total dollar amount of the billing adjustment, and include an Adjustment\_ID for each circuit element reported in Question II.A.12 that can be used to link the billing adjustment (or true-up) with the appropriate circuit elements.

Note on “in-cycle” vs. “out-of-cycle” billing adjustments: Question II.A.13 is meant to capture all adjustments, penalties, and true-ups that are settled outside of the monthly billing cycle (as opposed to adjustments that are rolled into the price billed to the customer each month). Examples include lump-sum discounts for *Term* and *Volume Commitments*, early termination penalties, rebates for network outages or degraded service quality, waivers of non-recurring charges such as installation fees, etc.

For example, suppose a customer buys a single circuit with a *One Month Term Only Rate* of \$300 per month, but receives a \$100 discount on the *One Month Term Only Rate* each month for committing to a 5-year *Term Commitment*. If the *Provider* of the circuit rolls the discounted amount into the monthly bill, *i.e.*, the customer is billed \$200 every month, then the discount is considered an “in-cycle” adjustment, and the *Provider* need not report it as a separate “out-of-cycle” adjustment in Table II.A.13. The seller would only need to report the \$200 charge in Question II.A.12, along with an indicator showing a *Term Commitment* in Question II.A.12.m. (Alternatively, depending on the billing system, the discount may show up as a separate -\$100 line item in Question II.A.12 along with the \$300 *One Month Term Only Rate*.)

However, if the *Provider* charges the customer the full \$300 for the circuit every month, then returns a \$600 payment to the purchaser every 6 months, the \$600 payment must be recorded in Table II.A.13 as an out-of-cycle adjustment, and the appropriate Adjustment\_ID must appear next to the affected circuit elements in Question II.A.12. Likewise, if the customer is billed at the \$200 discounted rate each month but then decides to terminate the contract early and pay an early termination fee of \$1000, the \$1000 charge is recorded as an out-of-cycle adjustment in Question II.A.13.

**Table II.A.13**  
**Record Format for Billing Adjustment Data Circuits by Circuit**

Field Name	Description	Type	Example
Adjustment_ID	Unique ID number for the billing adjustment or true-up	Integer	1
Contract_ID	Unique ID number for the <i>Tariff</i> or other agreement from which the adjustment originates. Leave the field blank if the adjustment cannot be linked back to a single contract	Integer	33
Date_from	Beginning date of adjustment period (or true-up) in mm/dd/yyyy format	Date	01/01/2012
Date_to	Ending date of adjustment period (or true-up) in mm/dd/yyyy format	Date	06/30/2012
Adjustment_Scope	Code indicating scope of adjustment. Enter 1 if adjustment applies to single circuit element for single circuit, enter 2 if adjustment applies to more than one circuit element on a single circuit, enter 3 if adjustment applies to more than one circuit	Integer	2

September 2013  
 Pending OMB Approval  
 3060-XXXX

Estimated Burden Hours Per Response: XX hours

**Table II.A.13**  
**Record Format for Billing Adjustment Data Circuits by Circuit**

Field Name	Description	Type	Example
	element across multiple circuits, enter 4 if the adjustment is an overall adjustment that applies to every circuit purchased.		
Adjustment	Total dollar amount of billing adjustment (or true-up) for all circuit elements across all circuits covered by the adjustment. Any increase in the amount owed to the vendor (e.g., penalty) is a positive number while any decrease in the amount owed to the vendor (e.g., discount or rebate) is a negative number.	Float	-100
Adj_Term	Indicator variable denoting whether the adjustment/true-up was due to a <i>Term Commitment</i> (Y=Yes, N=No)	Text	N
Adj_Term_Length	If Adj_Term=1, enter the term length in months. If Adj_Term=0, leave blank	Integer	60
Adj_Vol	Indicator variable denoting whether the adjustment/true-up was due to a <i>Volume Commitment</i> (Y=Yes, N=No)	Text	N
Adj_Vol_Circ	If Adj_Vol=1, and the <i>Tariff</i> or other agreement required the purchase of a certain number of circuits, enter the number of circuits specified in the <i>Tariff</i> or other agreement which are necessary to qualify for the adjustment. If Adj_Vol=0, or the adjustment corresponds to a commitment to a given level of expenditures/spend, leave the field blank	Integer	500
Adj_Vol_Rev	If Adj_Vol=1, and the <i>Tariff</i> or other agreement required the purchase of a certain dollar amount of expenditures/spend, enter the dollar value of the expenditure requirement. If Adj_Vol=0 or the adjustment corresponds to a commitment to purchase a certain number of circuits, leave the field blank	Float	20,000
Adjustment_Other	If the adjustment/true-up is for some other reason, give a brief description of the reason for the adjustment	Text	Network Outage

Instructions for Table II.A.13, Record Format for Billing Adjustment Data Circuits by Circuit:

- a. The following questions identify each out-of-cycle billing adjustment with an adjustment ID and the *Tariff* or other agreement from which they originate.
  - **Adjustment\_ID:** Create a unique adjustment ID for each out-of-cycle billing adjustment applied to customer purchases during the relevant timeframe. Although each Adjustment\_ID may correspond to multiple circuit elements in Table II.A.12, each must appear only once in Table II.A.13. Only include adjustments which were charged/remitted to the customer during the 2010 and 2012 reporting periods. For example, do not include adjustments that were charged/remitted in January 2011, even if the adjustment applied to service provided in December 2010. Likewise, report any adjustments charged/remitted in January 2012, even if those adjustments applied to service provided in December 2011.
  - **Contract\_ID:** Assign a unique ID number for the *Tariff* or other agreement from which the adjustment originates. This field is used to group adjustments together by *Tariff* or other agreement. Leave the field blank if the adjustment cannot be linked back to a single contract.

September 2013  
Pending OMB Approval  
3060-XXXX

Estimated Burden Hours Per Response: XX hours

- b. Date\_From: Enter the beginning date of the adjustment period in mm/dd/yyyy format. For example, if the *Tariff* or other agreement specifies a rebate to the customer every three months, enter the beginning date of the three-month period for which the rebate applies, and not the beginning date of the *Tariff* or other agreement from which the adjustment originated. Likewise, do not enter the date on which the adjustment was charged/remitted.
- c. Date\_To: Enter the ending date of the adjustment period in mm/dd/yyyy format. For example, if a *Tariff* or other agreement specifies a rebate be returned to the customer every three months, enter the ending date of the 3-month period for which the rebate applies, and not the ending date of the *Tariff* or other agreement from which the adjustment originated. Likewise, do not enter the date on which the adjustment was charged/remitted.
- d. Adjustment\_Scope: Enter the scope of the adjustment according to the following codes: Enter 1 if the adjustment applies to a single circuit element on a single circuit. Enter 2 if the adjustment applies to more than one element on a single circuit. Enter 3 if the adjustment applies to more than one circuit elements across multiple circuits. Enter 4 if the adjustment is an overall adjustment that applies to every circuit purchased by the customer (as indicated by the *Customer\_ID* in Question II.A.12). Apply the codes as described above, even if the adjustment applies to multiple time periods. For example, if a rebate is given for a single circuit element on a single circuit (as determined by the *Circuit\_ID* in Question II.A.12), assign an *Adjustment\_Scope* of 1, even if the adjustment period (as determined by *Date\_From* and *Date\_To*) extends over multiple months.
- e. Adjustment: Enter the total dollar amount of the billing adjustment for all circuit elements across all circuits and across the entire adjustment period. Any increase in the amount owed to the vendor (e.g., penalty) must be a positive number, while any decrease in the amount owed to the vendor (e.g., discount or rebate) must be a negative number. For example, suppose the *Provider* gave the customer a \$2000 rebate on 10/31/2010, and that this rebate covered 100 circuits purchased during the six-month period from 04/01/2010 to 10/01/2010. In this case, the filer must enter “-2000” in the *Adjustment* field with the appropriate *Date\_From* and *Date\_To* values. In addition, the *Adjustment\_Scope* (see above) must be recorded as 3, and the *Adjustment\_ID* for this specific rebate must be included next to the 100 circuits in the *Adjustment\_ID\_#* fields in Table II.A.12.
- f. These fields describe the type of adjustment applied to the circuit elements.
- Adj\_Term: If the adjustment/true-up can be linked to a rebate given (or penalty charged) on a *Term Commitment*, enter 1. Enter 0 if the adjustment was not due to a *Term Commitment*.
  - Adj\_Term\_Length: If *Adj\_Term* is equal to 1, enter the total term length (not the remaining term length) in months. If *Adj\_Term* is equal to 0, leave the *Adj\_Term\_Length* variable blank.
  - Adj\_Vol: Enter 1 if the adjustment/true-up can be linked to a rebate (or penalty) on a *Volume Commitment*. Enter 0 if the adjustment was not due to a *Volume Commitment*. If the *Volume Commitment* corresponds to a certain number of circuits, enter the number of circuits necessary to qualify for the discount in the *Adj\_Vol\_Circ* field. If the *Volume Commitment* corresponds to a

September 2013  
 Pending OMB Approval  
 3060-XXXX

Estimated Burden Hours Per Response: XX hours

certain level of “spend” or dollar value of services, enter the dollar amount necessary to qualify for the discount in the Adj\_Vol\_Rev field.

- **Adj\_Vol\_Circ:** If Adj\_Vol is equal to 1, and the *Tariff* or other agreement required the purchase of a certain number of circuits to qualify for a discount, enter the number of circuits. If Adj\_Vol is equal to 0 or the *Volume Commitment* was a commitment to a given level of expenditures or “spend,” leave this field blank.
- **Adj\_Vol\_Rev:** If Adj\_Vol is equal to 1 and the *Tariff* or other agreement required the purchase of a certain dollar amount of expenditures (or “spend”) to qualify for a discount, enter the dollar value of the expenditure requirement. If Adj\_Vol is equal to 0 or the *Volume Commitment* was a commitment to purchase a certain number of circuits, leave this field blank.
- **Adjustment\_Other:** If the adjustment/true-up was for some reason other than a *Term* or *Volume Commitment*, give a brief description of the reason in this field. Do not exceed 120 characters in your response. Leave blank if either Adj\_Term or Adj\_Vol is equal to 1. An example of such an adjustment may be a rebate remitted to the purchaser in compensation for an unanticipated network outage or degraded quality of service.

*Question II.A.14: Billing Code Descriptions*

Provide descriptions for each unique billing code referenced in Table II.A.12 Part 1. Enter one record for each unique billing code. Examples of common circuit elements are given in the diagram in Question II.A.14.b. If the billed element cannot be described by the elements listed in the diagram, provide a description of the billed element as indicated in Question II.A.14.c. For example, to the extent you bill circuits as a whole, rather than on an element-by-element basis, provide a description that describes the billed unit, *see* Question II.A.14.c, and assign a single unique billing code.

Table II.A.14 is used to link the descriptions of billing codes with the billed circuit elements reported in Table II.A.12 Part 1 using the Billing\_Code variable in each table. Although each Billing\_Code may appear multiple times in Table II.A.12 Part 1, you can only have one entry for each unique Billing\_Code reported in Table II.A.14. Additionally, every Billing\_Code that appears in Table II.A.12 Part 1 must be identified in Table II.A.14.

<b>Table II.A.14</b>			
<b>Record Format for Descriptions for Circuits by Circuit</b>			
<b>Field Name</b>	<b>Description</b>	<b>Type</b>	<b>Example</b>
Billing_Code	Billing code ( <i>e.g.</i> , USOC) used to identify the billed circuit element. (This variable will also appear in Question II.A.12 and is used to link the billed circuit elements with their descriptions)	Text	IYZXD
Billing_Code_Description	Brief description of circuit element	Text	Channel Mileage
Billing_Code_Desc_Other	The description of the circuit element as it appears on the customer’s bill.	Text	



September 2013  
 Pending OMB Approval  
 3060-XXXX

Estimated Burden Hours Per Response: XX hours

Instructions for Table II.A.14, Record Format for Descriptions for Circuits by Circuit:

- a. **Billing\_Code**: The billing code variable is used to identify the individual components of billed circuits. The billing code is used to link the billed circuit elements in Question II.A.12 with the description of those elements in Question II.A.14. A USOC is an example of billing code. *However, USOC codes are not required to identify the circuit elements; you can create your own billing code.* Enter the billing code as a string variable not to exceed 15 characters in length.
- b. **Billing\_Code\_Description**: Choose the description from the list/diagram in Question II.A.14 that best describes the circuit element. See list of circuit elements in Question II.A.14.b. Make every effort to assign the billed element to one of the categories listed here. If the item billed to the customer does not fit any of these categories, this field may be left blank and the billed element can be described in the field **Billing\_Code\_Desc\_Other**. This may occur, for example, if circuits are billed as a complete package instead of on an element-by-element basis (i.e., all the elements in the circuit are billed together under a single price). In such a case, a single billing code for the circuit elements listed in Question II.A.14.b may not apply; this field may be left blank and the appropriate description of the billed item may be filled out in **Billing\_Code\_Desc\_Other**.
- c. **Billing\_Code\_Desc\_Other**: Enter a longer description of the circuit element. For circuit elements categorized under one of the descriptions in **Billing\_Code\_Description**, this field is optional. If **Billing\_Code\_Description** is left blank, this field is required. Keep descriptions under 150 characters.

**Revenues, Terms and Conditions Information**

*Question II.A.15: Sales Revenues for CBDS*

**Table II.A.15**  
**Record Format for CBDS Revenues**

Field Name	Description	Type	Example
Revenue	Enter the total dollar amount of your <i>Revenues</i> from the sale of <i>CBDS</i> for the reported Year	Float	123,456
Service_Type	Indicate the service type category for which the <i>Revenues</i> are reported. Enter “DS1” for <i>DS1 Revenues</i> , enter “DS3” for <i>DS3 Revenues</i> , and enter “Other” for other <i>CBDS Revenues</i> .	Text	DS3
Customer_Type	Enter 0 if the reported <i>Revenues</i> are for <i>End Users</i> , and enter 1 if the reported <i>Revenues</i> are for <i>Providers</i>	Binary	1
Year	Enter “2010” if the reported <i>Revenues</i> are for the year 2010, and enter “2012” if the reported <i>Revenues</i> are for the year 2012	Integer	2012

September 2013  
Pending OMB Approval  
3060-XXXX

Estimated Burden Hours Per Response: XX hours

*Question II.A.16: Sales Revenues for PBDS*

**Table II.A.16**  
**Record Format for PBDS Revenues**

Field Name	Description	Type	Example
Revenue	Enter the total dollar amount of your <i>Revenues</i> from the sale of <i>PBDS</i> for the reported Year	Float	123,456
Bandwidth	Indicate the bandwidth category for which the <i>Revenues</i> are reported. Enter "A" for bandwidth less than or equal to 1.5 Mbps, enter "B" for bandwidth greater than 1.5 Mbps but less than or equal to 50 Mbps, enter "C" for bandwidth greater than 50 Mbps but less than or equal to 100 Mbps, enter "D" for bandwidth greater than 100 Mbps but less than or equal to 1 Gbps, and enter "E" for bandwidth greater than 1 Gbps	Text	D
Customer_Type	Enter 0 if the reported <i>Revenues</i> are for <i>End Users</i> , and enter 1 if the reported <i>Revenues</i> are for <i>Providers</i>	Binary	1
Year	Enter "2010" if the reported <i>Revenues</i> are for the year 2010, and enter "2012" if the reported <i>Revenues</i> are for the year 2012	Integer	2012

*Question II.A.17: Percentage of Revenues Generated from Agreement or Tariff Containing a Prior Purchase-Based Commitment*

**Table II.A.17**  
**Record Format for Revenues**  
**Generated by Prior Purchase-Based Commitments**

Field Name	Description	Type	Example
Percent_Rev_2012_DS1_PPC	Percentage of <i>Revenue</i> from sales of <i>DS1s</i> in 2012 from agreements or tariffs which contain <i>Prior Purchase-Based Commitments</i>	Percentage	5.0
Percent_Rev_2012_DS3_PPC	Percentage of <i>Revenue</i> from sales of <i>DS3s</i> in 2012 from agreements or tariffs which contain <i>Prior Purchase-Based Commitments</i>	Percentage	5.0
Percent_Rev_2012_PBDS_PPC	Percentage of <i>Revenue</i> from sales of <i>PBDS</i> in 2012 from agreements or tariffs which contain <i>Prior Purchase-Based Commitments</i>	Percentage	5.0

*Question II.A.18: How do your terms and conditions compare with ILEC offerings?*

*Question II.A.19: Business Justification for Term and Volume Commitments*

You must upload a .pdf text searchable (not a picture/image) document responding to Questions II.A.18 and II.A.19 through the Special Access Web Portal in the "Essay Questions – File Upload" section; you will not include these documents in the data container.

The web portal contains two areas for uploading documents for each question. One is for uploading the "Confidential" version of the document where you will indicate information deemed Confidential and redact information that is Highly Confidential based on the Protective Order issued for the data collection. The second area is for uploading the "Highly Confidential" version of the document noting both Confidential and Highly Confidential information without any redactions. You must upload at least one document in each area or you will receive an error message during the submission process. If the document does not contain Confidential or Highly Confidential information, e.g., all information is

September 2013  
 Pending OMB Approval  
 3060-XXXX

Estimated Burden Hours Per Response: XX hours

publicly available, then upload the document in each area without the relevant Confidential/Highly Confidential notations or redactions in the case of the Confidential upload area.

## QUESTIONS DIRECTED AT ILECS

### *Question II.B.1: Affiliated Company*

If you are an *Affiliated Company*, then you must identify each entity you are affiliated with that provides and/or purchases *Dedicated Service* in Table II.B.1 within the data container. If you are not an *Affiliated Company*, then you must still type “Not Applicable” in the *Affiliate\_Name* field and “0000000000” in the *Name\_FRN* field. You will receive an error message upon validation of the data container if you do not put any information into Table II.B.1.

Field Name	Description	Type	Example
<i>Affiliate_ID</i>	Sequential number	Integer	1
<i>Affiliate_Name</i>	Name of entity with which you are affiliated	Text	Local Fiber Incorporated
<i>Name_FRN</i>	Entity’s FCC Registration Number (with leading zeros)	Integer	0008402202

## Facilities Information

### *Question II.B.2: ILEC Locations Data for ILECs*

*ILECs* are required to report the total number of *Locations* to which they provided a *Connection* during 2010 and during 2012 where the *ILEC* either: (i) owned the *Connection*; or (ii) leased the *Connection* from another entity under an *IRU*.<sup>28</sup> The definition of *Connection* is crafted to assist the Commission with sizing the broader market for *Dedicated Services* by including transmission facilities used to provide a *Dedicated Service* and facilities that are “capable” of providing a *Dedicated Service*.

To help *ILECs* identify reportable *Locations*, we provide the following guidance:

- Respondents must only report *Connections* to non-residential *Locations*. A *Location* is where an *End User* is connected, and an *End User* means a business, institutional, or government entity that purchases service for its own purposes, not for resell. Accordingly, residential locations connected by facilities are not reported.
- Copper loops that were unable to provide a bandwidth connection of at least 1.5 Mbps in both directions (upstream/downstream) during the relevant reporting periods “as provisioned” are not

<sup>28</sup> *ILECs* are not required to separately report *Locations* with *Connections* sold as *UNEs*; these *Connections* are instead included in the *Locations* reported with owned *Connections*. See *Data Collection Implementation Order* § III.C.

September 2013  
 Pending OMB Approval  
 3060-XXXX

Estimated Burden Hours Per Response: XX hours

considered *Connections* capable of providing a *Dedicated Service* for the purposes of this data collection and are not reported.

- In addition to reporting *Connections* used to provide a *Dedicated Service*, report *Connections* used to provide a service that incorporates a *Dedicated Service* within the offering as part of a managed solution or bundle of services sold to the customer.<sup>29</sup>
- Do not report *Connections* to *Locations* that were used to provide services during the relevant reporting period that were substantially similar to the services provided to residential customers, e.g., one or two line telephone service or best-efforts Internet access and subscription television services like AT&T's U-verse or Verizon's FiOS service.<sup>30</sup>

**Table II.B.2**  
**Record Format for Total *Locations***

Field Name	Description	Type	Example
Year	Indicator of the calendar year of the data	Integer	2010
Locations	Total <i>Locations</i> served during year	Integer	15

Instructions for Table II.B.2, Record Format for Total *Locations* (*ILECs*):

- Locations: The number of *Locations* is the count of unique *Locations* to which your company provided a *Connection* during the year entered in Year. The number of *Locations* listed here must equal the number of unique *Locations* enumerated in Question II.B.3 for each year.

<sup>29</sup> Examples of services incorporating a *Dedicated Service* could include: AT&T's Managed Internet Access service, Verizon's Private IP service, and Frontier's Ethernet Internet Access service. See <http://www.business.att.com/enterprise/Service/network-services/internet-connectivity/managed-internet-service/> (discussing AT&T's Managed Internet Access service that provides dedicated access to the Internet or a VPN) (last visited June 24, 2013); <http://www.verizonenterprise.com/us/products/networking/private-ip/> (discussing Verizon's Private IP service which provides a managed VPN / intranet) (last visited June 24, 2013); <http://www.frontier.com/enterprise/internet/internet-services/ethernet> (discussing Frontier's Ethernet Internet Access service which provides dedicated access to the Internet) (last visited June 24, 2013).

<sup>30</sup> See AT&T, [http://www.att.com/u-verse/shop/index.jsp#fbid=axqyY\\_KT2cT](http://www.att.com/u-verse/shop/index.jsp#fbid=axqyY_KT2cT) (last visited Mar. 20, 2013); Verizon, <http://www.verizonfios.com/> (last visited Mar. 20, 2013).

September 2013  
Pending OMB Approval  
3060-XXXX

Estimated Burden Hours Per Response: XX hours

*Question II.B.3: Locations Data for ILECs*

The purpose of this question is to obtain additional information on the individual *Locations* with *Connections* that make up the total reported in response to Question II.B.2.

**Table II.B.3**  
**Record Format for Each Location**

Field Name	Description	Type	Example
Location_ID	Sequential <i>Location</i> number	Integer	1
Year	Indicator of the calendar year of the data	Integer	2010
Street_address	Actual situs for the <i>Location</i> ( <i>i.e.</i> , land where building or cell site is located)	Text	445 Twelfth St SW
City	City of the <i>Location</i>	Text	Washington
State	Two-letter state postal abbreviation of the <i>Location</i>	Text	DC
ZIP	5-digit ZIP code (with leading zeros) of the <i>Location</i>	Text	20554
ZIP4	4-digit add-on code (with leading zeros) of the <i>Location</i>	Text	0000
Lat	Latitude	Float	38.8835
Long	Longitude	Float	-77.0280
Loc_type	The type of <i>Location</i> served is a 1=building; 2=other man-made structure; 3=cell site in or on a building; 4=free-standing cell site; 5=cell site on some other man-made structure, <i>e.g.</i> , water tower; or 6=unknown.	Integer	1
Medium	Are any of the <i>Connections</i> to this <i>Location</i> provided over fiber? (Y/N)	Text	N
Sold_bandwidth_total	Total bandwidth (in Mbps) of <i>Connections</i> provided to the <i>Location</i> as sold.	Float	1.544
Sold_bandwidth_UNE	For those <i>Connections</i> sold as <i>UNE-DSIs</i> or <i>UNE-DS3s</i> , total bandwidth (in Mbps) of the <i>Connections</i> provided to the <i>Location</i> as sold.	Float	1.544
Sold_bandwidth_enduser	Total bandwidth (in Mbps) of <i>Connections</i> provided to <i>End Users</i> at the <i>Location</i> as sold.	Float	1.544
Sold_bandwidth_tfw	Total bandwidth (in Mbps) of <i>Connections</i> provided to the <i>Location</i> using terrestrial fixed wireless as sold.	Float	1.544
Sold_bandwidth_Mobile	Total bandwidth (in Mbps) of <i>Connections</i> to cell sites at the <i>Location</i> as sold.	Float	1.544

Instructions for Table II.B.3, Record Format for Each *Location* (*ILECs*):

- **Location\_ID:** This is a sequential integer ranging from 1 to the total number of unique *Locations* to which your company provided a *Connection* during the year reported. This field is linked to the billing information reported in Question II.B.4 so that you must identify in Table II.B.3 every Location ID referenced in response to the billing information question.

September 2013  
Pending OMB Approval  
3060-XXXX

Estimated Burden Hours Per Response: XX hours

- **Year:** Report the year during which your company provided a *Connection* to the *Location*, *i.e.*, 2010 or 2012.
- The data fields used to identify the actual situs address must be space-delimited in standardized Postal Service form. See <http://pe.usps.gov/cpim/ftp/pubs/Pub28/pub28.pdf>.
- **Latitude and Longitude:** You can derive the coordinate fields for the location address from a known geocoding platform like Bing maps, Google, Yahoo, batchgeo.com, Texas A&M Geoservices, or other geocoding solution. Enter values in decimal degrees to the nearest  $\pm 0.0005$ , *i.e.*, each coordinate must end in  $\#.####0$  or  $\#.####5$ . Coordinates must be in the WGS84 or NAD83 geographic coordinate system.
- **Sold bandwidth fields:** These data fields call for the reporting of total bandwidth sold. Report the downstream or upstream bandwidth of *Dedicated Services* sold across all sold *Connections* of the type requested at the *Location* as of December 31 of the year. Report the upstream or downstream bandwidth for symmetric services. For asymmetric services, report the average of the upstream and downstream bandwidths. For example, for a DS1 record 1.544, for three DS1s record 4.632, while for a 10 Gbit Ethernet service, 10,240, and for a fractional DS1 sold as a 384 Kbps service record 0.375. In the case where a *Connection* is in place but no bandwidth was provided as of December 31 of the year, enter the total bandwidth sold at the last known date during the relevant reporting period. For example, a customer or customers at the *Location* purchased service through October of the year but then terminated the service so that there was no service sold as of December 31; in that instance, report the total bandwidth sold in October. Exclude services other than *Dedicated Service* provided to the *Location* from your response. In the case where no *Dedicated Service* was sold to the *Location*, enter zero.

## Billing Information

### *Question II.B.4-6: Billing Information Overview*

These questions are interrelated. Question II.B.4 requires the filer to provide billing information for each circuit element billed to its customers. To answer this question, you must reference adjustment and billing codes that are defined by responses to Questions II.B.5 and II.B.6, respectively.

### *Question II.B.4: Prices by Circuit Element from ILECs*

This question requests billing information for transmission paths that are sold for the provision of a stand-alone *Dedicated Service*. By using the term “transmission paths,” this question is not limited to *Locations* with *Connections*, *i.e.*, “last-mile” facilities, reported in response to Question II.B.3 but also includes dedicated interoffice transport facilities. Do not, however, include the sale of interLATA POP-to-POP services or billing information for bundled services where the *Dedicated Service* component is not separately priced. Do include sales to *Affiliated Companies*.

Submit information for each circuit element of each circuit for each month from January 1, 2010 through December 31, 2010 and from January 1, 2012 through December 31, 2012. Include a separate entry for each separately-billed element on the circuit. In the case where the circuits are billed as a single unit, the data set will contain only one entry per circuit.



September 2013  
 Pending OMB Approval  
 3060-XXXX

Estimated Burden Hours Per Response: XX hours

**Table II.B.4 Part 1**  
**Record Format for Monthly Billing Data for Circuits by Circuit and Rate Element**

Field Name	Description	Type	Example
Closing_Date	Closing date of the monthly billing cycle in mm/dd/yyyy format	Date	06/30/2012
Customer_ID	Unique customer identifier used to link all circuits purchased by a customer over all geographies and time periods. To be linked with customer names and identification numbers in Table II.B.4 Part 2.	Integer	1274
Location_ID	Sequential location number from Question II.B.3.a. where applicable. Required for circuit elements such as channel terminations that can be associated with a particular <i>Location</i> .	Integer	1
Circuit_ID	Circuit identifier common to all circuit elements purchased in common for a particular circuit.	Text	HHH555XYZ
Circuit_Type	Type of circuit ( <i>DS1</i> , <i>DS3</i> , <i>DS1-UNE</i> , <i>DS3-UNE</i> , other <i>CBDS</i> (i.e., non- <i>DSn</i> ), or <i>PBDS</i> ).	Text	DS1
DSn_Bandwidth	If a <i>DS1</i> , <i>DS3</i> , <i>DS1-UNE</i> , or <i>DS3-UNE</i> , indicate the one-direction bandwidth of the circuit in Mbps.	Float	1.544
OtherCBDS_Bandwidth	If a <i>CBDS</i> circuit other than a <i>DSn</i> circuit, indicate the one-direction bandwidth of a symmetric circuit or the average one-direction bandwidth of a non-symmetric circuit in Mbps	Float	7.5
PBDS_Bandwidth	If a <i>PBDS</i> circuit, indicate the one-direction bandwidth of a non-symmetric circuit or the average one-direction bandwidth of a non-symmetric circuit in Mbps.	Float	75
MRP1	Serving wire center / mileage rating point CLLI for one end of the circuit	Text	CHCGILCL
MRP2	Serving wire center / mileage rating point CLLI for the other end of the circuit	Text	JOLTILJO
MRP1_Lat	Latitude of MRP1	Float	38.8835
MRP1_Long	Longitude of MRP1	Float	-77.0280
MRP2_Lat	Latitude of MRP2	Float	38.8835
MRP2_Long	Longitude of MRP2	Float	-77.0280
MRP_Type	End of the circuit (1=MRP1 or 2=MRP2) associated with this circuit element. Enter 0 if the circuit element cannot be attributed to either MRP or the circuit element can be attributed to both ends of the MRP. All channel terminations must be attributed to one of the two MRPs	Integer	0
Billing_Code	Billing code (e.g., USOC) used to identify the billed circuit element. (This variable will also appear in Question II.B.6 and is used to link the billed circuit elements with their descriptions)	Text	1YZXD
Zone	Density pricing zone for the circuit element. See 47 C.F.R. § 69.123 (If not applicable, leave field blank)	Integer	4
Quantity	Number of billed units for this circuit element. Do not enter the bandwidth of the circuit in this field.	Float	34
Initial_NRC	Non-recurring charge (in dollars) billed for the first unit of this circuit element	Float	0
Unit_NRC	Non-recurring charge (in dollars) billed for additional units of this circuit element	Float	0
Initial_MRC	Monthly recurring charge (in dollars) for the first unit billed	Float	17.7

September 2013  
 Pending OMB Approval  
 3060-XXXX

Estimated Burden Hours Per Response: XX hours

**Table II.B.4 Part 1**  
**Record Format for Monthly Billing Data for Circuits by Circuit and Rate Element**

Field Name	Description	Type	Example
Unit_MRC	Monthly recurring charge (in dollars) for additional units billed (if different from the amount billed for the initial unit)	Float	0
Billed	Per unit monthly amount (in dollars) billed for the circuit element including all "in-cycle" discounts and penalties. For circuit elements with multiple billed units ( <i>i.e.</i> , quantity greater than one in II.B.4.o), enter the amount billed for a single unit	Float	507.3
Total_Billed	Total monthly amount (in dollars) billed for all units of the circuit element, including all "in-cycle" discounts and penalties	Float	12453.50
Term	Length of total time of the <i>Term Commitment</i> associated with this circuit (in months). List the total length of the current <i>Term Commitment</i> , not the remaining length of the <i>Term Commitment</i> . A circuit purchased on a month-to-month basis is coded as 1.	Integer	36
End_Date	If this circuit has an associated <i>Term Commitment</i> , enter the month and year the term expires	Date	03/2014
Term_Discount_IC	Indicator variable for whether any in-cycle term discounts have been rolled into the amount billed to the customer reported in the Billed field (0 = No in-cycle term discounts included in Billed amount; 1 = In-cycle term discounts included in Billed amount)	Integer	0
Volume_Commitment	Indicator variable showing whether this circuit contributes to a <i>Volume Commitment</i> (Y=Yes, N=No)	Text	N
Vol_Discount_IC	Indicator variable for whether any in-cycle volume discounts have been rolled into the amount billed to the customer reported in the Billed field (0 = No in-cycle volume discounts included in Billed amount; 1 = In-cycle volume discounts included in Billed amount)	Integer	0
Offer	Indicator variable showing whether this circuit was purchased out of a <i>Contract-Based Tariff</i> (Y=Yes, N=No)	Text	N
Adjustment_ID_1	Unique ID number (from II.B.5.a) of the first billing adjustment/true-up affecting this circuit element. Leave field blank if there are no discounts or penalties that occur during the monthly billing cycle affecting this circuit element	Integer	6
Adjustment_ID_2	Unique ID number (from II.B.5.a) of the second billing adjustment/true-up affecting this circuit element, if multiple adjustments were applied to this rate element. Leave the field blank if there are fewer than two discounts applied to this circuit element in the given billing cycle	Integer	14
...	[Continue to add columns for a total of ten (10) Adjustment_ID columns.]	...	...
Adjustment_ID_10	Unique ID number (from II.B.5.a) of the tenth billing adjustment/true-up affecting this circuit element, if multiple adjustments were applied to this rate element. Leave the field blank if there are fewer than ten discounts applied to this circuit element in the given billing cycle	Integer	63

September 2013  
 Pending OMB Approval  
 3060-XXXX

Estimated Burden Hours Per Response: XX hours

**Table II.B.4 Part 2**  
**Record Format for Identifying Customers**

Field Name	Description	Type	Example
Customer_ID	Unique customer identifier used to link all circuits purchased by a customer over all geographies and time periods. This field will be used to link the billing information in Table II.B.4 Part 1 with the customer names and identification numbers	Integer	1274
Customer_ID_499	Where applicable, include the six-digit 499A Filer ID of the customer	Integer	822116
Customer_ID_ACNA	Where applicable, include the Access Customer Name Abbreviation (ACNA) of the customer	Text	ABC
Customer_ID_OCN	Where applicable, include the Operating Company Number (OCN) of the customer	Integer	1234
Customer_Name	Enter the name of the customer	Text	Verizon Wireless
Provider	Indicator variable denoting whether the circuit is purchased by a <i>Provider</i> (0 = non-Provider; 1 = Provider)	Integer	1

Instructions for Table II.B.4, Parts 1 and 2:<sup>31</sup>

- a. **Closing Date:** Enter the date on which the customer was billed. The date must appear in mm/dd/yyyy format. All dates must be in the ranges 01/01/2010 – 12/31/2010 or 01/01/2012 – 12/31/2012. Do not include data on circuits billed outside the appropriate date ranges, even if services were provided within the appropriate date ranges (*e.g.*, service that was provided in December 2010 that was billed in January 2011). Likewise, include data on circuits billed in the appropriate date ranges, even if the service was provided outside of those ranges (*e.g.*, service provided in December 2011 that was billed in January 2012).
- b. The following fields in Parts 1 and 2 of Table II.B.4 are used to identify the customer of the *Dedicated Service*.<sup>32</sup>
  - **Customer\_ID:** Assign a unique identifier to each customer so that all circuits purchased by the customer can be tracked over time and across locations. The identifiers must be entered in integer format. This Customer\_ID will be used to link the circuit billing information (Table II.B.4 Part 1) to the customer names and identification numbers (Table II.B.4 Part 2). In Part 2, provide the customer name, an indicator for whether the customer is a *Provider*, and, where applicable, one of the following identification numbers: 499A filer ID, Access Customer Name Abbreviation (ACNA), or Operating Company Number (OCN). Note, the Customer\_ID variable is required for all observations in both Part 1 and Part 2. However, only one of the three additional identification numbers (499, ACNA, OCN) need be provided, even if multiple

<sup>31</sup> Subparts listed herein refer to subparts in Question II.B.4.

<sup>32</sup> See *Data Collection Implementation Order* § III.C (discussing changes to Questions II.B.4-6).

September 2013  
Pending OMB Approval  
3060-XXXX

Estimated Burden Hours Per Response: XX hours

- identification numbers are available. Each Customer\_ID must appear only once in Part 2, but will likely appear multiple times in Part 1.
- Customer\_ID\_499: Where applicable, include the 499A Filer ID of the customer. The 499A Filer ID does not replace the Customer\_ID variable. Both the Customer\_ID and Customer\_ID\_499 fields are populated for any customer with a 499A Filer ID. If the customer does not have a 499A Filer ID, leave the field blank.
  - Customer\_ID\_ACNA: Where applicable, include the Access Company Name Abbreviation (ACNA) of the customer in Part 2. The ACNA does not replace the Customer\_ID variable. Both the Customer\_ID and Customer\_ID\_ACNA fields are populated for any customer with an ACNA. If the customer does not have an ACNA, leave the field blank.
  - Customer\_ID\_OCN: Where applicable, include the Operating Company Number (OCN) of the customer in Part 2. The OCN does not replace the Customer\_ID variable. Both the Customer\_ID and Customer\_ID\_OCN fields are populated for any customer with an OCN. If the customer does not have an OCN, leave the field blank.
  - Customer\_Name: Enter the name of the customer in Part 2 of Question II.B.4. The variable must be entered as a string and be no longer than 30 characters in length.
  - Provider: Indicate whether the customer is a *Provider* in Part 2. Enter a 1 if the customer is a *Provider* and a 0 otherwise. In some instances, it may be difficult to identify if the customer is a *Provider* using billing information, but can often be inferred by the existence of a 499A Filer ID or by whether USF charges are passed on to the customer in their bill.
- c. Location\_ID: Include the Location ID for each circuit element on the circuit. The Location ID is used to link the billed circuit with the facilities information reported in Question II.B.3. That is, every unique Location ID referenced in Question II.B.4 must match to a Location ID reported in II.B.3. Also, for circuits that connect two *Locations*, the Location ID may not be constant within the Circuit ID. For example, the individual circuit elements for a given Circuit ID may include two channel terminations, each terminating at a different *Location*. The Location ID must be populated for every circuit element in the data set. Specifically, any termination charge must be linked to a *Location*. If the sold *Dedicated Service* is not to a *Location*, e.g., the sale of dedicated interoffice transport, leave this field blank.
- d. Circuit\_ID: Assign a unique circuit identifier (Circuit ID) to all circuit elements purchased in common for a particular circuit. If the circuit is sold over multiple time periods, the circuit identifier must track the circuit across the multiple months and/or years it appears in the sample. We prefer that you code the Circuit IDs as sequential integers, beginning with the number “1” (similar to the Location ID). However, to the extent you have an established naming convention for your circuits, that convention may be substituted in place of sequential numbering. Code the Circuit ID as a string with a maximum of 15 characters. (Note: Because some filers may choose to use non-numeric characters in their coding, Circuit IDs must be coded as string variables, even if they have been renumbered as sequential integers.)

September 2013  
Pending OMB Approval  
3060-XXXX

Estimated Burden Hours Per Response: XX hours

- e. The following fields identify the type of circuit sold (Circuit Type), and the bandwidth of the circuit. The Circuit Type must be populated for every circuit element in the data set. Only one of the three bandwidth variables needs to be populated for each circuit element, depending on the type of circuit provided.
- Circuit Type: Indicate the type of circuit sold from the following categories: *DS1*, *DS3*, *DS1-UNE*, *DS3-UNE*, other *CBDS* circuit (*i.e.*, non-*DSn*), or *PBDS*. For packages of *DS1*s and *DS3*s sold to a *Location*, enter *DS1* or *DS3*, respectively. Do not enter circuit types other than those listed above.
  - DSn Bandwidth: If the circuit is a *DS1*, *DS3*, *DS1-UNE*, or *DS3-UNE*, enter the bandwidth of the circuit in Mbps, *i.e.*, enter 1.544 for a *DS1* and enter 44.736 for a *DS3*. In the case where multiple *DSn*s are provisioned over a single circuit, enter the total bandwidth. For example, the bandwidth for a circuit with three *DS1*s must be entered as 4.632 (= 3 × 1.544). For non-*DSn* circuits, leave the field blank.
  - OtherCBDS Bandwidth: If the circuit is a non-*DSn CBDS* circuit, enter the bandwidth of the circuit in Mbps. For symmetric services, the reported bandwidth is the one-way bandwidth of the circuit (*i.e.*, upstream or downstream). For asymmetric services, report the average of the upstream and downstream bandwidths. Round the bandwidth of the circuit to three decimal places. For example, if the service guarantees 10 Mbps transmission speeds in one direction and 5 Mbps transmission speeds in the other direction, enter 7.500 in this field. If the circuit is a *DSn* or *PBDS* circuit, leave this field blank.
  - PBDS Bandwidth: If the circuit is a *PBDS* circuit, enter the bandwidth of the circuit in Mbps. For symmetric services, the reported bandwidth is the one-way bandwidth of the circuit (*i.e.*, upstream or downstream). For asymmetric services, report the average of the upstream and downstream bandwidths. For example, if the service guarantees 150 Mbps transmission speeds in one direction and 50 Mbps transmission speeds in the other direction, enter 100 in this field. Round the bandwidth of the circuit to three decimal places. For non-*PBDS* circuits, leave this field blank.
- f. MRP1: Enter the 8-character CLLI for the serving wire center or mileage rating point (MRP) on one end of the circuit.
- g. MRP2: Enter the 8-character CLLI for the serving wire center or MRP on the other end of the circuit.
- h. MRP1\_Lat: Enter the latitude coordinate of MRP1 to the nearest ±0.0005, *i.e.*, each coordinate must end in #.####0 or #.####5. Coordinates must be in the WGS84 or NAD83 geographic coordinate system.
- i. MRP1\_Long: Enter the longitude coordinate of MRP1 to the nearest ±0.0005, *i.e.*, each coordinate must end in #.####0 or #.####5. Coordinates must be in the WGS84 or NAD83 geographic coordinate system.

September 2013  
Pending OMB Approval  
3060-XXXX

Estimated Burden Hours Per Response: XX hours

- j. MRP2\_Lat: Enter the latitude coordinate of MRP2 to the nearest  $\pm 0.0005$ , *i.e.*, each coordinate must end in #####0 or #####5. Coordinates must be in the WGS84 or NAD83 geographic coordinate system.
- k. MRP2\_Long: Enter the longitude coordinate of MRP2 to the nearest  $\pm 0.0005$ , *i.e.*, each coordinate must end in #####0 or #####5. Coordinates must be in the WGS84 or NAD83 geographic coordinate system.
- l. MRP\_Type: If the billed circuit element can be associated with a specific wire center/mileage rating point, indicate whether the wire center/mileage rating point is MRP1 or MRP2 above. Enter a 1 if the circuit element is associated with MRP1 and enter 2 if the circuit element is associated with MRP2. If the circuit element cannot be attributed to a single wire center, or if the circuit element can be associated with both wire centers, enter 0 in the MRP\_Type field. For example, a channel termination from a customer location to MRP1 is coded as 1 in this field. An interconnection charge between your network and the network of another carrier at MRP2 is coded as 2. A transport mileage charge between MRP1 and MRP2 must be coded as a zero (unless that mileage is able to be attributed to either MRP1 or MRP2). All charges for channel terminations need to be attributed to one of the MRPs.
- m. Billing\_Code: The billing code variable (Billing Code) is used to identify the individual components of billed circuits. The Billing Code is used to link the billed circuit elements with the description of those elements in Question II.B.6. An example of a Billing Code is a USOC. However, you are not required to use a USOC to identify the circuit elements; you can create your own Billing Codes. Similar circuit elements need to have the same Billing Code in order to track similar charges across circuits. To the extent that circuits are billed to customers by individual circuit elements, the elements (along with the billed amounts for those elements) must be disaggregated into separate line-items in Table II.B.4. If circuits are billed at the overall circuit level, only one line per circuit need be populated, and all like circuits may have the same Billing\_Code and Billing Code description.
- n. Zone: Enter the density pricing zone for this circuit element. *See* 47 C.F.R. § 69.123 (density pricing zones for special access and switched transport). If you enter a density pricing zone, then explain the density breakpoints between each zone for your applicable study area(s) in your Explanatory Attachment,<sup>33</sup> *e.g.*, pricing zone one contains offices having at least 500 equivalent DS1 channels, pricing zone two contains offices having at least 100, but no more than 499, equivalent DS1 channels, etc. If the density pricing zone is not applicable for a particular circuit element or group of circuit elements, leave the field blank.

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<sup>33</sup> *See* Instructions at 9.



September 2013  
Pending OMB Approval  
3060-XXXX

Estimated Burden Hours Per Response: XX hours

- o. Quantity: Enter the number of billed units for this circuit element. Do not enter the bandwidth of the circuit in this field. For item codes that describe per-mile charges, the Quantity is the number of miles in the circuit that apply for that item code.
- p. Initial\_NRC: Insofar as the per unit monthly billed amount (Question II.B.4.t) can be broken into recurring and non-recurring charges, enter the non-recurring charge (in dollars) billed for the first unit of this circuit element on this circuit. Enter the charge to two decimal places and do not include other string characters (e.g., "\$").
- q. Unit\_NRC: Insofar as the per unit monthly billed amount (Question II.B.4.t) can be broken into recurring and non-recurring charges, enter the non-recurring charge (in dollars) billed for each additional unit of this circuit element on this circuit. Enter the charge to two decimal places and do not include other string characters (e.g., "\$").
- r. Initial\_MRC: Insofar as the per unit monthly billed amount (Question II.B.4.t) can be broken into recurring and non-recurring charges, enter the monthly recurring charge (in dollars) billed for the first unit of this circuit element on this circuit. Enter the charge to two decimal places and do not include other string characters (e.g., "\$").
- s. Unit\_MRC: Insofar as the per unit monthly billed amount (Question II.B.4.t) can be broken into recurring and non-recurring charges, enter the monthly recurring charge (in dollars) billed for each additional unit of this circuit element on this circuit. Enter the charge to two decimal places and do not include other string characters (e.g., "\$").
- t. Billed: Per unit monthly amount (in dollars) billed for the circuit element including all "in-cycle" discounts and penalties. "In-cycle" discounts and penalties are those adjustments that are rolled into the actual amount paid by the customer each month (see the instructions to Question II.B.5 for more information on "in-cycle" vs. "out-of-cycle" billing adjustments). If in-cycle adjustments show up as a separate line-item on the customer's bill, they must be reported as separate line-items in Table II.B.4. Do not include any "out-of-cycle" adjustments as otherwise reported in response to Question II.B.4.y. For circuit elements with multiple billed units (i.e., quantity greater than one in Question II.B.4.o), enter the amount billed for a single unit, such that the product of Quantity and Billed is the total charge on the bill. For example, if the circuit includes two "channel termination" charges that are both billed at the same rate (and have the same Billing\_Code (Question II.B.4.m), Location\_ID, bandwidth, etc.), the quantity (Question II.B.4.o) is equal to 2, and the per unit monthly billed amount (Question II.B.4.t) must equal the charge for a single channel termination. Alternatively, each channel termination may be recorded separately (i.e., on two separate lines with quantity equal to 1 for each line). The multiplicative product requirement also applies to charges for mileage of the circuit, if the circuit has such a charge. For example, if the circuit is 4 miles in length, the amount entered in Quantity is 4 and the amount entered in the Billed field is the charge per 1 mile. Enter the billed amount to two decimal places, and do not include other string characters (e.g., "\$"). Fractional

September 2013  
Pending OMB Approval  
3060-XXXX

Estimated Burden Hours Per Response: XX hours

miles are permitted if the customer was billed for fractional mileage for any given circuit element. However, the amount entered in the Billed field must be converted to a whole-mile charge. For example, for a half mile circuit, the Quantity is reported as 0.5 on any per-mile circuit element, but the amount in Billed is the 1-mile charge such that the product of Quantity and Billed is equal to the total charge to the customer.

- u. **Total Billed:** Total monthly amount (in dollars) billed for all units of the circuit element including all “in-cycle” discounts and penalties. “In-cycle” discounts and penalties are those adjustments that are rolled into the actual amount paid by the customer each month (*see* the instructions to Question II.B.5 for more information on “in-cycle” vs. “out-of-cycle” billing adjustments). If in-cycle adjustments show up as a separate line-item on the customer’s bill, they must be reported as separate line-items in this table. Do not include any “out-of-cycle” adjustments as otherwise reported in Question II.B.4.y.
- v. The following questions seek to understand the *Term Commitments* under which circuits are purchased.
- **Term:** Length of total time of the *Term Commitment* associated with this circuit (in months). List the total length of the current *Term Commitment*, not the remaining length of the *Term Commitment*. For example, in reporting circuits for calendar month January 2010, enter 60 for a circuit that was sold in January 2007 under a 5 year commitment, even though only 24 months remain on the current term. For circuits sold on a month-to-month basis, enter 1. We anticipate that this value is identical for all circuit elements sold in common on the circuit. To the extent that the term length varies across different circuit elements, enter the appropriate term commitment for each individual circuit element.
  - **End Date:** If the circuit has an associated total term longer than one month, enter the month and year the term expires. In the preceding example, the End Date would be coded as 12/2012, sixty months after the five-year term was agreed to in January 2007. Leave the End Date field blank for those circuits purchased on a month-to-month basis.
  - **Term Discount IC:** Indicate whether the per unit monthly billed amount in Question II.B.4.t includes any in-cycle discounts that have been applied due to a *Term Commitment*. Enter a 1 if the per unit monthly billed amount includes in-cycle term discounts; enter 0 if the per unit monthly billed amount does not include in-cycle term discounts. If the term discounts for this circuit are only given through out-of-cycle adjustments as reported in Question II.B.5, enter 0. If the circuit is not sold under a *Term Commitment*, leave this field blank.
- w. **Volume Commitment:** Indicate whether this circuit was sold under a *Volume Commitment*. Enter 0 if the circuit was not sold under a *Volume Commitment*, and enter 1 if the circuit was sold under a commitment by the customer to purchase either a specified number of circuits or to spend a specified *Revenue* amount.
- **Vol Discount IC:** Indicate whether the per unit monthly billed amount in Question II.B.4.t includes any in-cycle discounts that have been applied due to a *Volume Commitment*, either in

September 2013  
Pending OMB Approval  
3060-XXXX

Estimated Burden Hours Per Response: XX hours

total number of circuits or total amount of expenditures (“spend”). Enter a 1 if the per unit monthly billed amount includes in-cycle volume discounts; enter 0 if the per unit monthly billed amount does not include in-cycle volume discounts. If the volume discounts for this circuit are only given through out-of-cycle adjustments as reported in Question II.B.5, enter 0. If the circuit is not sold under a *Volume Commitment*, leave this field blank.

- x. Offer: Indicate whether the circuit was purchased under a *Contract-Based Tariff*. Enter 1 if the circuit was purchased under a *Contract-Based Tariff* and enter 0 if it was not.
- y. Adjustment\_ID\_1; Adjustment\_ID\_2; ...Adjustment\_ID\_10: For each out-of-cycle billing adjustment applied to the circuit element, provide a unique adjustment ID that is used to link the circuit elements with the dollar value and descriptions of the appropriate adjustments. The table must include 10 columns for each of the ten potential Adjustment\_IDs, regardless of whether all columns are used. For rate elements with fewer than ten out-of-cycle adjustments, leave the excess Adjustment\_ID fields blank. If a circuit element had more than ten out-of-cycle adjustments applied to it, list the Adjustment\_IDs of the ten largest adjustments. For example, if a circuit element receives five distinct adjustments, there must be five Adjustment\_IDs in the first five columns. The remaining Adjustment\_ID columns (i.e., columns 6 through 10) would be left blank. In addition, all adjustments must link back to the adjustment amounts and descriptions provided in response to Question II.B.5. See the instructions for Question II.B.5 for further instructions on adjustments.

#### *Question II.B.5: Billing Adjustments*

For each adjustment or true-up (including credits for meeting or penalties for not meeting contractual obligations) to billed circuit elements, provide the following information below. Provide the adjustment at the lowest level of aggregation available, and if possible, at the level of the individual circuit element. If the adjustment applies to multiple circuit elements and/or circuits, provide the total dollar amount of the billing adjustment, and include an Adjustment\_ID for each circuit element reported in Question II.B.4 that can be used to link the billing adjustment (or true-up) with the appropriate circuit elements.

Note on “in-cycle” vs. “out-of-cycle” billing adjustments: Question II.B.5 is meant to capture all adjustments, penalties, and true-ups that are settled outside of the monthly billing cycle (as opposed to adjustments that are rolled into the price billed to the customer each month). Examples include lump-sum discounts for *Term* and *Volume Commitments*, early termination penalties, rebates for network outages or degraded service quality, waivers of non-recurring charges such as installation fees, etc.

For example, suppose a customer buys a single circuit with a *One Month Term Only Rate* of \$300 per month, but receives a \$100 discount on the *One Month Term Only Rate* each month for committing to a 5-year *Term Commitment*. If the *Provider* of the circuit rolls the discounted amount into the monthly bill, i.e., the customer is billed \$200 every month, then the discount is considered an “in-cycle” adjustment, and the *Provider* need not report it as a separate “out-of-cycle” adjustment in Table II.B.5. The seller would only need to report the \$200 charge in Question II.B.4, along with an indicator showing a *Term Commitment* in Question II.B.4.u. (Alternatively, depending on the billing system, the discount may

September 2013  
 Pending OMB Approval  
 3060-XXXX

Estimated Burden Hours Per Response: XX hours

show up as a separate -\$100 line item in Question II.B.4 along with the \$300 *One Month Term Only Rate*.)

However, if the *Provider* charges the customer the full \$300 for the circuit every month, then returns a \$600 payment to the purchaser every 6 months, the \$600 payment must be recorded in Table II.B.5 as an out-of-cycle adjustment, and the appropriate Adjustment\_ID must appear next to the affected circuit elements in Question II.B.4. Likewise, if the customer is billed at the \$200 discounted rate each month but then decides to terminate the contract early and pay an early termination fee of \$1000, the \$1000 charge must be recorded as an out-of-cycle adjustment in Question II.B.5.

**Table II.B.5**  
**Record Format for Billing Adjustment Data Circuits by Circuit**

Field Name	Description	Type	Example
Adjustment_ID	Unique ID number for the billing adjustment or true-up	Integer	1
Contract_ID	Unique ID number for the <i>Tariff</i> or other agreement from which the adjustment originates. Leave the field blank if the adjustment cannot be linked back to a single contract	Integer	33
Date_from	Beginning date of adjustment period (or true-up) in mm/dd/yyyy format	Date	01/01/2012
Date_to	Ending date of adjustment period (or true-up) in mm/dd/yyyy format	Date	06/30/2012
Adjustment_Scope	Code indicating scope of adjustment. Enter 1 if adjustment applies to single circuit element for single circuit, enter 2 if adjustment applies to more than one circuit element on a single circuit, enter 3 if adjustment applies to more than one circuit element across multiple circuits, enter 4 if the adjustment is an overall adjustment that applies to every circuit purchased.	Integer	2
Adjustment	Total dollar amount of billing adjustment (or true-up) for all circuit elements across all circuits covered by the adjustment. Any increase in the amount owed to the vendor (e.g., penalty) is a positive number while any decrease in the amount owed to the vendor (e.g., discount or rebate) is a negative number.	Float	-100
Adj_Term	Indicator variable denoting whether the adjustment/true-up was due to a <i>Term Commitment</i> (Y=Yes, N=No)	Text	Y
Adj_Term_Length	If Adj_Term=1, enter the term length in months. If Adj_Term=0, leave blank	Integer	60
Adj_Vol	Indicator variable denoting whether the adjustment/true-up was due to a <i>Volume Commitment</i> (Y=Yes, N=No)	Text	Y
Adj_Vol_Circ	If Adj_Vol=1, and the <i>Tariff</i> or other agreement required the purchase of a certain number of circuits, enter the number of circuits specified in the <i>Tariff</i> or other agreement which are necessary to qualify for the adjustment. If Adj_Vol=0, or the adjustment corresponds to a commitment to a given level of expenditures/spend, leave blank	Integer	500
Adj_Vol_Rev	If Adj_Vol=1, and the <i>Tariff</i> or other agreement required the purchase of a certain dollar amount of expenditures/spend, enter the dollar value of the expenditure requirement. If Adj_Vol=0 or	Float	20,000

September 2013  
 Pending OMB Approval  
 3060-XXXX

Estimated Burden Hours Per Response: XX hours

**Table II.B.5**  
**Record Format for Billing Adjustment Data Circuits by Circuit**

Field Name	Description	Type	Example
Adjustment_Other	the adjustment corresponds to a commitment to purchase a certain number of circuits, leave the field blank If the adjustment/true-up is for some other reason, give a brief description of the reason for the adjustment	Text	Network Outage

Instructions for Table II.B.5, Record Format for Billing Adjustment Data Circuits by Circuit:

- a. The following questions identify each out-of-cycle billing adjustment with an adjustment ID and the *Tariff* or other agreement from which they originate.
  - Adjustment\_ID: Create a unique adjustment ID for each out-of-cycle billing adjustment applied to customer purchases during the relevant timeframe. Although each Adjustment\_ID may correspond to multiple circuit elements in Table II.B.4, each must appear only once in Table II.B.5. Only include adjustments which were charged/remitted to the customer during the 2010 and 2012 reporting periods. For example, do not include adjustments that were charged/remitted in January 2011, even if the adjustment applied to service provided in December 2010. Likewise, report any adjustments charged/remitted in January 2012, even if those adjustments applied to service provided in December 2011.
  - Contract\_ID: Assign a unique ID number for the *Tariff* or other agreement from which the adjustment originates. This field is used to group adjustments together by the *Tariff* or other agreement. Leave the field blank if the adjustment cannot be linked back to a single *Tariff* or other agreement.
- b. Date\_From: Enter the beginning date of the adjustment period in mm/dd/yyyy format. For example, if a *Tariff* or other agreement specifies a rebate be returned to the customer every three months, enter the beginning date of the three-month period for which the rebate applies, and not the beginning date of the *Tariff* or other agreement from which the adjustment originated. Likewise, do not enter the date on which the adjustment was charged/remitted.
- c. Date\_To: Enter the ending date of the adjustment period in mm/dd/yyyy format. For example, if a *Tariff* or other agreement specifies a rebate to the customer every three months, enter the ending date of the 3-month period for which the rebate applies, and not the ending date of the *Tariff* or other agreement from which the adjustment originated. Likewise, do not enter the date on which the adjustment was charged/remitted.
- d. Adjustment\_Scope: Enter the scope of the adjustment according to the following codes: Enter 1 if the adjustment applies to a single circuit element on a single circuit. Enter 2 if the adjustment applies to more than one element on a single circuit. Enter 3 if the adjustment applies to one or more circuit elements across multiple circuits. Enter 4 if the adjustment is an overall adjustment that applies to every circuit purchased by the customer (as indicated by the Customer\_ID in Question II.B.3). Apply

September 2013  
Pending OMB Approval  
3060-XXXX

Estimated Burden Hours Per Response: XX hours

the codes as described above, even if the adjustment applies to multiple time periods. For example, if a rebate is given for a single circuit element on a single circuit (as determined by the Circuit\_ID in Question II.B.3), assign an Adjustment\_Scope of 1, even if the adjustment period (as determined by Date\_From and Date\_To) extends over multiple months.

- e. **Adjustment:** Enter the total dollar amount of the billing adjustment for all circuit elements across all circuits and across the entire adjustment period. Any increase in the amount owed to the vendor (e.g., penalty) is a positive number, while any decrease in the amount owed to the vendor (e.g., discount or rebate) is a negative number. For example, suppose the *Provider* gave a customer a \$2000 rebate on 10/31/2010, and that this rebate covered 100 circuits purchased during the six-month period from 04/01/2010 to 10/01/2010. In this case, the filer must enter “-2000” in the Adjustment field with the appropriate Date\_From and Date\_To values. In addition, the Adjustment\_Scope (see above) is recorded as 3, and the Adjustment\_ID for this specific rebate is included next to the 100 circuits in the Adjustment\_ID\_# fields in Table II.B.4.
- f. These fields describe the type of adjustment applied to the circuit elements.
- **Adj\_Term:** If the adjustment/true-up can be linked to a rebate given (or penalty charged) on a *Term Commitment*, enter 1. Enter 0 if the adjustment was not due to a *Term Commitment*.
  - **Adj\_Term\_Length:** If Adj\_Term is equal to 1, enter the total term length (not the remaining term length) in months. If Adj\_Term is equal to 0, leave the Adj\_Term\_Length variable blank.
  - **Adj\_Vol:** Enter 1 if the adjustment/true-up can be linked to a rebate (or penalty) on a *Volume Commitment*. Enter 0 if the adjustment was not due to a *Volume Commitment*. If the *Volume Commitment* corresponds to a certain number of circuits, enter the number of circuits necessary to qualify for the discount in the Adj\_Vol\_Circ field. If the *Volume Commitment* corresponds to a certain level of “spend” or dollar value of services, enter the dollar amount necessary to qualify for the discount in the Adj\_Vol\_Rev field.
  - **Adj\_Vol\_Circ:** If Adj\_Vol is equal to 1, and the *Tariff* or other agreement required the purchase of a certain number of circuits to qualify for a discount, enter the number of circuits. If Adj\_Vol is equal to 0 or the *Volume Commitment* was a commitment to a given level of expenditures or “spend”, leave this field blank.
  - **Adj\_Vol\_Rev:** If Adj\_Vol is equal to 1 and the *Tariff* or other agreement required the purchase of a certain dollar amount of expenditures (or “spend”) to qualify for a discount, enter the dollar value of the expenditure requirement. If Adj\_Vol is equal to 0 or the *Volume Commitment* was a commitment to purchase a certain number of circuits, leave this field blank.
  - **Adjustment\_Other:** If the adjustment/true-up was for some reason other than a *Term* or *Volume Commitment*, give a brief description of the reason in this field. Do not exceed 120 characters in your response. Leave blank if either Adj\_Term or Adj\_Vol is equal to 1. An example of such an adjustment may be a rebate remitted to the customer in compensation for an unanticipated network outage or degraded quality of service.



September 2013  
 Pending OMB Approval  
 3060-XXXX

Estimated Burden Hours Per Response: XX hours

*Question II.B.6: Billing Code Descriptions*

Provide descriptions for each unique billing code referenced in Table II.B.4 Part 1. Enter one record for each unique billing code. Examples of common circuit elements are given in the diagram in Question II.B.6.b. If the billed element cannot be described by the elements listed in the diagram, provide a description of the billed element. To the extent you bill circuits as a whole, rather than on an element-by-element basis, describe the billed unit, *see* Question II.B.6.c, and assign a single unique ID.

Table II.B.6 is used to link the descriptions of billing codes with the billed circuit elements reported in Table II.B.4 Part 1 using the Billing\_Code variable in each table. Although each Billing\_Code may appear multiple times in Table II.B.4 Part 1, you can only have one entry for each unique Billing\_Code reported in Table II.B.6. Additionally, every Billing\_Code that appears in Table II.B.4 Part 1 must be identified in Table II.B.6.

<b>Table II.B.6</b>			
<b>Record Format for Descriptions for Circuits by Circuit</b>			
Field Name	Description	Type	Example
Billing_Code	Billing code (e.g., USOC) used to identify the billed circuit element. (This variable will also appear in Question II.B.4 and is used to link the billed circuit elements with their descriptions)	Text	1YZXD
Billing_Code_Description	Brief description of circuit element	Text	Channel Mileage
Billing_Code_Desc_Other	The description of the circuit element as it appears on the customer's bill.	Text	

Instructions for Table II.B.6, Record Format for Descriptions for Circuits by Circuit:

- a. **Billing\_Code:** The billing code variable is used to identify the individual components of billed circuits. The billing code is used to link the billed circuit elements in question II.B.4 with the description of those elements in Question II.B.6. A USOC is an example of billing code. *However, USOC codes are not required to identify the circuit elements; you can create your own billing code.* Enter the billing code as a string variable not to exceed 15 characters in length.
- b. **Billing\_Code\_Description:** Choose the description from the list/diagram in Question II.B.6 that best describes the circuit element. *See* list of circuit elements in Question II.B.6.b. Make every effort to assign the billed element to one of the categories listed here. If the item billed to the customer does not fit any of these categories, this field may be left blank and the billed element can be described in the field Billing\_Code\_Desc\_Other. This may occur, for example, if circuits are billed as a complete package instead of on an element-by-element basis (*i.e.*, all the elements in the circuit are billed together under a single price). In such a case, a single billing code for the circuit elements listed in Question II.B.6.b may not apply; this field may be left blank and the appropriate description of the billed item may be filled out in Billing\_Code\_Desc\_Other.

September 2013  
Pending OMB Approval  
3060-XXXX

Estimated Burden Hours Per Response: XX hours

Billing\_Code\_Desc\_Other: Enter a longer description of the circuit element. For circuit elements categorized under one of the descriptions in Billing\_Code\_Description, this field is optional. If Billing\_Code\_Description is left blank, this field is required. Keep descriptions under 150 characters.

*Question II.B.7: Wire Centers - CLLI Codes - Regulatory Treatment*

**Table II.B.7**  
**Record Format for Wire Centers**

Field Name	Description	Type	Example
CLLI	Telcordia-specified eight-character CLLI of the ILEC wire center / exchange area with collocation(s)	Text	WASHDCSW
Street_address	Actual situs for the wire center ( <i>i.e.</i> , land where wire center is located)	Text	445 Twelfth St SW
City	City of the wire center	Text	Washington
State	Two-letter state postal abbreviation of the wire center	Text	DC
ZIP	5-digit ZIP code (with leading zeros) of the wire center	Text	20554
ZIP4	4-digit add-on code (with leading zeros) of the wire center	Text	0000
Lat	Latitude	Float	38.8835
Long	Longitude	Float	-77.0280

- Latitude and Longitude: You can derive the coordinate fields for the location address from a known geocoding platform like Bing maps, Google, Yahoo, batchgeo.com, Texas A&M Geoservices, or other geocoding solution. Enter values in decimal degrees to the nearest  $\pm 0.0005$ , *i.e.*, each coordinate must end in *#.###0* or *#.###5*. Coordinates must be in the WGS84 or NAD83 geographic coordinate system.

**Revenues, Terms and Conditions Information**

*Question II.B.8: Sales Revenues for CBDS*

**Table II.B.8**  
**Record Format for CBDS Revenues**

Field Name	Description	Type	Example
Revenue	Enter the total dollar amount of your <i>Revenues</i> from the sale of <i>CBDS</i> for the reported Year	Float	123,456
Service_Type	Indicate the service type category for which the <i>Revenues</i> are reported. Enter "DS1" for <i>DS1 Revenues</i> , enter "DS3" for <i>DS3 Revenues</i> , and enter "Other" for other <i>CBDS Revenues</i>	Text	DS3
Customer_Type	Enter 0 if the reported <i>Revenues</i> are for <i>End Users</i> , and enter 1 if the reported <i>Revenues</i> are for <i>Competitive Providers</i>	Binary	1
Year	Enter "2010" if the reported <i>Revenues</i> are for the year 2010, and enter "2012" if the reported <i>Revenues</i> are for the	Integer	2012

September 2013  
Pending OMB Approval  
3060-XXXX

Estimated Burden Hours Per Response: XX hours

**Table II.B.8**  
**Record Format for CBDS Revenues**

Field Name	Description	Type	Example
	year 2012		

*Question II.B.9: Sales Revenues for PBDS*

**Table II.B.9**  
**Record Format for PBDS Revenues**

Field Name	Description	Type	Example
Revenue	Enter the total dollar amount of your <i>Revenues</i> from the sale of <i>PBDS</i> for the reported Year	Float	123,456
Bandwidth	Indicate the bandwidth category for which the <i>Revenues</i> are reported. Enter "A" for bandwidth less than or equal to 1.5 Mbps, enter "B" for bandwidth greater than 1.5 Mbps but less than or equal to 50 Mbps, enter "C" for bandwidth greater than 50 Mbps but less than or equal to 100 Mbps, enter "D" for bandwidth greater than 100 Mbps but less than or equal to 1 Gbps, and enter "E" for bandwidth greater than 1 Gbps	Text	D
Customer_Type	Enter 0 if the reported <i>Revenues</i> are for <i>End Users</i> , and enter 1 if the reported <i>Revenues</i> are for <i>Competitive Providers</i>	Binary	1
Year	Enter "2010" if the reported <i>Revenues</i> are for the year 2010, and enter "2012" if the reported <i>Revenues</i> are for the year 2012	Integer	2012

*Question II.B.10: Revenues from One Month Term Only Rates*

**Table II.B.10**  
**Record Format Revenues from One Month Term Only Rates**

Field Name	Description	Type	Example
Revenues	Enter the total dollar amount of your <i>Revenues</i> from <i>One Month Term Only Rates</i> charged for the reported Year	Float	123,456
Service_Type	Indicate the service type category for which the <i>Revenues</i> are reported. Enter "DS1" for <i>DS1 Revenues</i> , enter "DS3" for <i>DS3 Revenues</i> , and enter "PBDS" for <i>PBDS Revenues</i>	Text	PBDS
Customer_Type	Enter 0 if the reported <i>Revenues</i> are for <i>End Users</i> , and enter 1 if the reported <i>Revenues</i> are for <i>Competitive Providers</i>	Binary	1
Year	Enter "2010" if the reported <i>Revenues</i> are for the year 2010 and enter "2012" if the reported <i>Revenues</i> are for the year 2012	Integer	2012

*Question II.B.11: Number of Customers with One Month Term Only Rates*

**Table II.B.11**  
**Record Format for Customers with One Month Term Only Rates**

Field Name	Description	Type	Example
OMT_CustCount	Number of <i>One Month Term Only Rate</i> customers for <i>DSIs</i> , <i>DS3s</i> , and <i>PBDS</i> as of Dec. 31, 2012	Integer	54,321
Service_Type	Indicate the service type category for which the <i>Revenues</i> are reported. Enter "DS1" for <i>DS1 Revenues</i> , enter "DS3" for <i>DS3 Revenues</i> , and enter "PBDS" for <i>PBDS Revenues</i>	Text	DS1

September 2013  
Pending OMB Approval  
3060-XXXX

Estimated Burden Hours Per Response: XX hours

**Table II.B.11**  
**Record Format for Customers with *One Month Term Only Rates***

Field Name	Description	Type	Example
Customer_Type	Enter 0 if the reported <i>Revenues</i> are for <i>End Users</i> , and enter 1 if the reported <i>Revenues</i> are for <i>Competitive Providers</i>	Binary	1

*Question II.B.12: All Applicable Tariff Plans and Contract-Based Tariffs*

**Table II.B.12**  
**Record Format for Applicable Tariff Plans and Contract-Based Tariffs**

Field Name	Description	Type	Example
Tar_Plan	Plan is a <i>Tariff Plan</i> (Y=Yes, N=No)	Text	Y
CBT_Plan	Plan is a <i>Contract-Based Tariff</i> (Y=Yes, N=No)	Text	N
Plan_Name	Name of plan	Text	Green Tariff
Tar_Sec	<i>Tariff</i> Section and Number	Text	ABC Co. FCC No. 2 § 7.90
Term_Com	Does plan contain a <i>Term Commitment?</i> (Y=Yes, N=No)	Text	Y
Vol_Com	Does plan contain a <i>Volume Commitment?</i> (Y=Yes, N=No)	Text	Y
Non_Rate_Benefit	Does plan contain a <i>Non-Rate Benefit</i> option? (Y=Yes, N=No)	Text	Y
Non_Rate_Benefit_Exp	If plan contains a <i>Non-Rate Benefit</i> option, explain the <i>Non-Rate Benefits</i> .	Text	Plan allows for circuit portability . . .
Plan_DS1	Does plan apply to purchase of <i>DS1s?</i> (Y=Yes, N=No)	Text	Y
Plan_DS3	Does plan apply to purchase of <i>DS3s?</i> (Y=Yes, N=No)	Text	Y
Plan_PBDS	Does plan apply to purchase of <i>PBDS?</i> (Y=Yes, N=No)	Text	Y
Plan_Other	Does plan apply to purchase of other services? (Y=Yes, N=No)	Text	Y
Plan_Geo_Nat	Is the plan available across your entire nationwide service area? Enter "Y" if the plan is available across your entire service area, including both within and outside of <i>MSAs</i> , and enter "N" if it is only available in a subset of your service area.	Text	N
Plan_Geo_MSA	If the plan is not available across your entire nationwide service area ( <i>i.e.</i> , Plan_Geo_Nat = "N"), indicate whether the plan is available in at least one <i>MSA</i> . Enter "Y" if the plan is available in at least one <i>MSA</i> , and enter "N" if it is only available in non- <i>MSA</i> areas. If Plan_Geo_Nat = "Y", the value for Plan_Geo_MSA must be "Y"	Text	Y
Plan_Geo_nonMSA	If the plan is not available across your entire nationwide service area ( <i>i.e.</i> , Plan_Geo_Nat = "N"), indicate whether the plan is available in at least one non- <i>MSA</i> area. Enter "Y" if the plan is available in at least one non- <i>MSA</i> , and enter "N" if it is only available in <i>MSAs</i> . If Plan_Geo_Nat = "Y", the value for Plan_Geo_nonMSA must be "Y"	Text	N
PPB_Com	To receive a discount or <i>Non-Rate Benefit</i> under this plan, must the customer make a <i>Prior Purchase-Based Commitment?</i>	Text	N

September 2013  
Pending OMB Approval  
3060-XXXX

Estimated Burden Hours Per Response: XX hours

**Table II.B.12**  
**Record Format for Applicable Tariff Plans and Contract-Based Tariffs**

Field Name	Description	Type	Example
	(Y=Yes, N=No)		
OOR_Apply	Do purchases of <i>DS1</i> or <i>DS3</i> services in areas outside of your price cap study area(s) count towards meeting any <i>Volume Commitment</i> to receive a discount or <i>Non-Rate Benefit</i> under this plan? (Y=Yes, N=No, NA=Not Applicable)	Text	N
OOR_PC_Apply	Do <i>DS1</i> or <i>DS3</i> purchases in areas where you are subject to price cap regulation and where pricing flexibility has not been granted count towards meeting any <i>Volume Commitment</i> to receive a discount or <i>Non-Rate Benefit</i> under this plan? (Y=Yes, N=No, NA=Not Applicable)	Text	N
PH1_Apply	Do <i>DS1</i> or <i>DS3</i> purchases in areas where you have been granted <i>Phase I Pricing Flexibility</i> count towards meeting any <i>Volume Commitment</i> to receive a discount or <i>Non-Rate Benefit</i> under this plan? (Y=Yes, N=No, NA=Not Applicable)	Text	N
PH2_Apply	Do <i>DS1</i> or <i>DS3</i> purchases in areas where you have been granted <i>Phase II Pricing Flexibility</i> count towards meeting any <i>Volume Commitment</i> to receive a discount or <i>Non-Rate Benefit</i> under this plan? (Y=Yes, N=No, NA=Not Applicable)	Text	N
PBDS1_Apply	Do non-tariffed <i>PBDS</i> purchases by the customer count towards meeting any <i>Volume Commitment</i> to receive a discount or <i>Non-Rate Benefit</i> under this plan? (Y=Yes, N=No, NA=Not Applicable)	Text	N
PBDS2_Apply	Do tariffed <i>PBDS</i> purchases by the customer count towards meeting any <i>Volume Commitment</i> to receive a discount or <i>Non-Rate Benefit</i> under this plan? (Y=Yes, N=No, NA=Not Applicable)	Text	N
Other_Apply	Do purchases by the customer for services other than <i>DS1s</i> , <i>DS3s</i> , and <i>PBDS</i> count towards meeting any <i>Volume Commitment</i> to receive a discount or <i>Non-Rate Benefit</i> under this plan? (Y=Yes, N=No, NA=Not Applicable)	Text	N
UNE_Cond	Is the discount or <i>Non-Rate Benefit</i> available under this plan conditioned on the customer limiting its purchase of <i>UNEs</i> , e.g., customer must keep its purchase of <i>UNEs</i> below a certain percentage of the customer's total spend? (Y=Yes, N=No)	Text	N
Rev_Tot_2010	Total <i>Revenue</i> from the provision of <i>Dedicated Services</i> under this plan for 2010	Float	123,456
Rev_Tot_2012	Total <i>Revenue</i> from the provision of <i>Dedicated Services</i> under this plan for 2012	Float	123,456
Biz_Rational	What is the business justification for any <i>Term</i> or <i>Volume Commitments</i> associated with this plan?	Text	We have ...
Tot_CustCount_2012	Total number of customers subscribed to this plan as of Dec. 31, 2012	Integer	434
DS1_CustCount_2012	Number of customers purchasing <i>DS1s</i> under this plan as of Dec. 31, 2012	Integer	434
DS3_CustCount_2012	Number of customers purchasing <i>DS3s</i> under this plan as of Dec. 31, 2012	Integer	434
PBDS_CustCount2012	Number of customers purchasing <i>PBDS</i> under this plan as of Dec. 31, 2012	Integer	434
DS1_CustCount_2012_CP	Number of customers that were <i>Competitive Providers</i> purchasing <i>DS1s</i> under this plan as of Dec. 31, 2012	Integer	434
DS3_CustCount_2012_CP	Number of customers that were <i>Competitive Providers</i> purchasing <i>DS3s</i> under this plan as of Dec. 31, 2012	Integer	434

September 2013  
Pending OMB Approval  
3060-XXXX

Estimated Burden Hours Per Response: XX hours

**Table II.B.12**  
**Record Format for Applicable Tariff Plans and Contract-Based Tariffs**

Field Name	Description	Type	Example
PBDS_CustCount_2012_CP	Number of customers that were <i>Competitive Providers</i> purchasing <i>PBDS</i> under this plan as of Dec. 31, 2012	Integer	434
DS1_CustCount_2012_EUsers	Number of customers that were <i>End Users</i> purchasing <i>DS1s</i> under this plan as of Dec. 31, 2012	Integer	434
DS3_CustCount_2012_EUsers	Number of customers that were <i>End Users</i> purchasing <i>DS3s</i> under this plan as of Dec. 31, 2012	Integer	434
PBDS_CustCount_2012_EUsers	Number of customers that were <i>End Users</i> purchasing <i>PBDS</i> under this plan as of Dec. 31, 2012	Integer	434
CustCount_5orfewer	Were five or fewer customers, in total, subscribed to this plan as of Dec. 31, 2012? (Y=Yes, N=No)	Text	Y
CustCount_New	If Yes, indicate the number of subscribers to this plan that were new customers (as opposed to an existing or prior customer) at the time they to subscribed this plan.	Integer	3
CustCount_Exist	For those subscribers to this plan that were existing or prior customers at the time they committed to purchasing services under this plan, explain how the purchase commitment made under this plan compares to the customer's previous purchase commitment. For example, indicate what percentage of the previous purchase commitment, the new purchase commitment equals.	Text	The new commitment amounts to 50% of what the customer committed to previously.
Customer_Fail	Of those customers subscribed as of December 31, 2012, how many in 2012 failed to meet any <i>Volume Commitment</i> or <i>Term Commitment</i> required to retain a discount or <i>Non-Rate Benefit</i> they originally agreed to when entering into this plan?	Integer	30

*Question II.B.13: Non-Tariffed Agreements*

If you have a non-tariffed agreement covered by Question II.B.13, then you must identify each agreement in Table II.B.13 within the data container. If you do not have an agreement covered by Question II.B.13, then type "Not Applicable" in the Agreement field. You will receive an error message upon validation of the data container if you do not put any information into Table II.B.13.

**Table II.B.13**  
**Record Format for Non-Tariffed Agreements**

Field Name	Description	Type	Example
Unique_ID	Sequential number	Integer	1
Agreement	Name of non-tariffed agreement	Text	PBDS Agreement with Local Fiber Incorporated
Parties	Parties to the agreement	Text	ILEC Company and Local Fiber Inc.
Effective_Date	The beginning date of the time period covered by the agreement	Date	1/15/10
End_Date	The ending date of the time period covered by the agreement	Date	12/31/12
Summary	Summary of relevant provisions	Text	Requires the purchase of . . .



September 2013  
 Pending OMB Approval  
 3060-XXXX

Estimated Burden Hours Per Response: XX hours

**QUESTIONS DIRECTED AT ENTITIES PROVIDING BEST EFFORTS**

*Question II.C.1: Census Blocks and Price Lists for 2010 and 2012*

You must separately upload all documents (e.g., Word, Excel, .pdf) responding to this question through the Special Access Web Portal; do not include these documents in the data container.

If the State Broadband Initiative (SBI) data previously submitted accurately and completely identifies the areas in which you offered *Best Efforts Business Broadband Internet Access Services* as of December 31, 2010 and as of December 31, 2012, then provide the requisite certification and identify the FRN(s) for the entities that reported the information as part of the SBI program.

If not, then identify, on a granular level (ideally, at the census block level), the geographic areas in which *Best Efforts Business Broadband Internet Access Service* was offered as of December 31, 2010 and as of December 31, 2012. If the data are not submitted at the census block level, identify the geography at which they are submitted, e.g., ZIP code, MSA, county, etc.

Separate from the SBI data, you must submit a price list for the *Best Efforts Business Broadband Internet Access Services* that you offer within your footprint as of December 31, 2010 and as of December 31, 2012. To the extent that prices vary across your service area, identify the nature of such variation, e.g., variations by region or speed tier.

The Special Access Web Portal contains two areas for uploading documents for this question. One is for uploading the “Confidential” versions of the documents where you will indicate information deemed Confidential and redact information that is Highly Confidential based on the Protective Order issued for the data collection. The second area is for uploading the “Highly Confidential” versions of the documents noting both Confidential and Highly Confidential information without any redactions. You must upload at least one document in each area or you will receive an error message during the submission process. If the document does not contain Confidential or Highly Confidential information, e.g., all information is publicly available, then upload the document in each area without the relevant Confidential/Highly Confidential notations or redactions in the case of the Confidential upload area.

Below is a suggested template for formatting records in response to this question. You are not required to format your information in this manner.

<b>Suggested Record Format Template for Responding to Question II.C.1.c-d Part 1</b>			
<b><i>Best Efforts Business Broadband Internet Access Services</i></b>			
<b>Field Name</b>	<b>Description</b>	<b>Type</b>	<b>Example</b>
DBA Name	Name of the entity customers could contact to purchase service in this block with the characteristics below.	Text	Cable Town
Census_Block	As defined by US Census Bureau; 15 digit FIPS code	Text	060290057001136
Transtech	Category of technology for the provision of Internet access service (see Codes below)	Integer	41

September 2013  
 Pending OMB Approval  
 3060-XXXX

Estimated Burden Hours Per Response: XX hours

**Suggested Record Format Template for Responding to Question II.C.1.c-d Part 1**  
*Best Efforts Business Broadband Internet Access Services*

Field Name	Description	Type	Example
Maxaddown	Maximum advertised download speed in Mbps available in the census block	Float	9
Maxaddup	Maximum advertised upload speed in Mbps offered with the above maximum advertised downstream speed	Float	0.768
Year	Year: 2010 or 2012	Date	2010

- **Census\_Block** – Each census block must be identified using the 2010 block identifier from the 2010 TIGER/Line Block State-based Shapefile or Block County-based Shapefile. The block identifier is a concatenation of Census 2010 state FIPS code, Census 2010 county FIPS code, Census 2010 census tract code and Census 2010 tabulation block number. Please see the 2010 TIGER/Line Shapefiles Technical Documentation, Chapter 5, Part 5.2 at <http://www.census.gov/geo/maps-data/data/pdfs/tiger/tgrshp2010/TGRSHP10SF1CH5.pdf> for more information.
- Any variation in **Census\_Block**, **DBA Name**, or technology of transmission (**Transtech**) necessitates the creation of a new record. For example, if a respondent indicates that broadband service is available in a particular census block via two technologies, then the data must contain two records for that census block. Records must be unique by **Block**, **DBA Name**, and **Transtech**.
- **Transtech** – For reporting in the **Transtech** data field, report the technology used by the portion of the connection that would terminate at the end-user location. If different technologies could be used in the two directions of information transfer (“downstream” and “upstream”), report the connection in the technology category for the downstream direction. The **Transtech** field must be entered as an integer based on the following reference.

Technology of Transmission Codes	
Code	Description
10	Asymmetric xDSL
20	Symmetric xDSL
30	Other Copper Wire
40	Cable Modem - DOCSIS 3.0
41	Cable Modem - Other
50	Optical Carrier/Fiber to the End User
60	Satellite
70	Terrestrial Fixed - Unlicensed
71	Terrestrial Fixed - Licensed
80	Terrestrial Mobile Wireless
90	Electric Power Line
0	Other

September 2013  
Pending OMB Approval  
3060-XXXX

Estimated Burden Hours Per Response: XX hours

**Suggested Record Format Template for Responding to Question II.C.1.c-d Part 2**  
***Best Efforts Business Broadband Internet Access Services***

Field Name	Description	Type	Example
County_ID	5-digit FIPS code for the state and county or equivalent entity.	Text	01121
Sum_Bandwidth	Indicate the sum bandwidth category for which you are reporting prices offered in this range. Enter "A" for sum bandwidth equal to or greater than 3 Mbps but less than or equal to 6 Mbps, enter "B" for bandwidth greater than 6 Mbps but less than or equal to 20 Mbps, enter "C" for bandwidth greater than 20 Mbps but less than or equal to 50 Mbps, enter "D" for bandwidth greater than 50 Mbps but less than or equal to 200 Mbps, and enter "E" for bandwidth greater than 200 Mbps	Text	A
Min_Price_Range	Enter the minimum price offered for the available <i>Best Efforts Business Broadband Internet Access Services</i> in the reported bandwidth tier	Float	9.99
Max_Price_Range	Enter the maximum price offered for the available <i>Best Efforts Business Broadband Internet Access Services</i> in the reported bandwidth tier	Float	29.99
Price_Territory	Indicate geographic territory where you offered the reported price range, e.g., nationwide, certain regions, certain states, etc.	Text	Nationwide
Year	Enter "2010" if the reported price range is for the year 2010 and enter "2012" if the reported price range is for the year 2012	Integer	2012

- **County\_ID** – Each county or equivalent entity must be identified using the 2010 county identifier from the 2010 TIGER/Line County and Equivalent Entity Shapefile. The county identifier is a concatenation of Census 2010 state FIPS code and the Census 2010 county FIPS code. *See* 2010 TIGER/Line Shapefiles Technical Documentation, Chapter 5, Part 5.7 at <http://www.census.gov/geo/maps-data/data/pdfs/tiger/tgrshp2010/TGRSHP10SF1CH5.pdf> for more information.
- **Sum\_Bandwidth** – To calculate the Sum\_Bandwidth, add the advertised downstream and upstream bandwidth for the *Best Efforts Business Broadband Internet Access Service* offered. At a minimum, the *Best Efforts Business Broadband Internet Access Service* offered and reported must have a bandwidth connection of at least 1.5 Mbps in both directions (upstream/downstream).
- **Min\_Price\_Range** – Determine the minimum price offered by looking at the prices for all available *Best Efforts Business Broadband Internet Access Services* you offer within the reported Sum\_Bandwidth range and selecting the lowest price offered across those services.
- **Max\_Price\_Range** – Determine the maximum price offered by looking at the prices for all available *Best Efforts Business Broadband Internet Access Services* you offer within the reported Sum\_Bandwidth range and selecting the highest price offered across those services.

**QUESTIONS DIRECTED AT ALL PROVIDERS**

If the filer has both *ILEC* and *Competitive Provider* operations, identify the applicable operating unit when responding to these questions. For example, if discussing promotional and advertising strategies, indicate whether the strategies pertain to your *ILEC* or *Competitive Provider* operations or both.

September 2013  
 Pending OMB Approval  
 3060-XXXX

Estimated Burden Hours Per Response: XX hours

*Question II.D.1: Short Term and Long-Range Strategies*

*Question II.D.2: Location of Recorded Policies*

You must upload a .pdf text searchable (not a picture/image) document responding to these questions through the Special Access Web Portal in the “Essay Questions – File Upload” section; you will not include these documents in the data container.

The web portal contains two areas for uploading documents for each question. One is for uploading the “Confidential” version of the document where you will indicate information deemed Confidential and redact information that is Highly Confidential based on the Protective Order issued for the data collection. The second area is for uploading the “Highly Confidential” version of the document noting both Confidential and Highly Confidential information without any redactions. You must upload at least one document in each area or you will receive an error message during the submission process. If the document does not contain Confidential or Highly Confidential information, e.g., all information is publicly available, then upload the document in each area without the relevant Confidential/Highly Confidential notations or redactions in the case of the Confidential upload area.

**QUESTIONS DIRECTED AT PURCHASERS THAT ARE MOBILE WIRELESS SERVICE PROVIDERS**

Facilities-based mobile wireless service providers purchasing *Dedicated Service* in price cap areas are required to answer these questions.

*Question II.E.1: Total Number of Cell Sites*

<b>Table II.E.1 Record Format for Total Cell Sites</b>			
<b>Field Name</b>	<b>Description</b>	<b>Type</b>	<b>Example</b>
Provider_Name	Name of mobile wireless service provider	Text	Local Fiber Incorporated
Total_Number	Total number of cell sites on network	Float	100

*Question II.E.2: Cell Site Locations*

Provide, for each cell site on your network, the following information:

<b>Table II.E.2 Record Format for Cell Sites by Location</b>			
<b>Field Name</b>	<b>Description</b>	<b>Type</b>	<b>Example</b>
Location_ID	Sequential location number	Integer	1
Year	Indicator of the calendar year of the data	Integer	2010
Street_address	Actual situs for the cell site ( <i>i.e.</i> , land where cell site is located) if the cell site is located in or on a building	Text	445 Twelfth St SW

September 2013  
Pending OMB Approval  
3060-XXXX

Estimated Burden Hours Per Response: XX hours

**Table II.E.2**  
**Record Format for Cell Sites by Location**

Field Name	Description	Type	Example
Other_address	If cell site does not have a street address, provide description of location	Text	500 yards N of I35 and SR270 intersection
City	City of the cell site	Text	Washington
State	Two-letter state postal abbreviation of the cell site	Text	DC
ZIP	5-digit ZIP code (with leading zeros) of the cell site	Text	20554
ZIP4	4-digit add-on code (with leading zeros) of the cell site	Text	0000
Lat	Latitude	Float	38.8835
Long	Longitude	Float	-77.0280
CLLI	Telcordia-specified eight-character CLLI of the ILEC wire center that serves the cell site	Alphanumeric	WASHDCSW
Loc_type	Indicate whether cell site is 1=in or on a building; 2=on other man-made structure, e.g., water tower; 3=a free-standing cell site	Integer	1
CBDS_Bandwidth	If a <i>DS1</i> , <i>DS3</i> , <i>DS1-UNE</i> , or <i>DS3-UNE</i> , indicate the one-direction bandwidth of the circuit in Mbps.	Float	1.544
PBDS_Bandwidth	If the cell site is served by a <i>PBDS</i> , indicate the bandwidth of the circuit(s) in Mbps.	Float	10.000
FW_Bandwidth	If the cell site is served by a wireless <i>Connection</i> , indicate the bandwidth of the circuit(s) in Mbps.	Float	0
Provider	The name of the <i>Provider(s)</i> that supplies your <i>Connection</i> to the cell site.	Text	Verizon, XO
Self_prov_bw	If you self-provide a <i>Connection</i> to the cell site, indicate the provisioned bandwidth of the circuit in Mbps.	Float	0

Instructions for Cell Sites Record Format:

1. Leave cells blank in the case of data that is not applicable for that record.
2. The Location\_ID field is a sequential integer ranging from 1 to the total number of locations. Records containing information about *Connections* to the same *Location* must be assigned the same Location\_ID.
3. Address data fields must be space-delimited in standardized Postal Service form. See <http://pe.usps.gov/cpim/ftp/pubs/Pub28/pub28.pdf>.
4. Latitude and Longitude: You can derive the coordinate fields for the location address from a known geocoding platform like Bing maps, Google, Yahoo, batchgeo.com, Texas A&M Geoservices or other geocoding solution. Enter values in decimal degrees to the nearest  $\pm 0.0005$ , i.e., each coordinate must end in  $\#.####0$  or  $\#.####5$ . Coordinates must be in the WGS84 or NAD83 geographic coordinate system.
5. For the CLLI code, enter the first eight digits of the CLLI code of the ILEC wire center serving the location.

September 2013  
 Pending OMB Approval  
 3060-XXXX

Estimated Burden Hours Per Response: XX hours

**Expenditures Information**

*Question II.E.3: Total Expenditures on Dedicated Services*

<b>Table II.E.3</b>			
<b>Record Format for Expenditures on Dedicated Service</b>			
Field Name	Description	Type	Example
Expenditures	Enter the dollar value of expenditures on <i>Dedicated Service</i>	Float	4321.00
Service_Type	Indicate the service type category for which the expenditures are reported. Enter "CBDS" for <i>CBDS</i> expenditures and enter "PBDS" for <i>PBDS</i> expenditures	Text	CBDS
Provider_Type	Enter 0 if the reported expenditures are for purchases from <i>ILECs</i> and enter 1 if the reported expenditures are for purchases from <i>Competitive Providers</i>	Binary	0
Year	Enter "2010" if the reported expenditures are for the year 2010 and enter "2012" if the reported expenditures are for the year 2012	Integer	2012

Note: If there were no expenditures for a particular category or year, then report 0.

*Question II.E.4: Expenditures with ILECs under Tariffs*

<b>Table II.E.4</b>			
<b>Record Format for Expenditures with ILECs Pursuant to a Tariff</b>			
Field Name	Description	Type	Example
Expenditures	Enter the dollar value of expenditures on <i>Dedicated Service</i> for the corresponding categorical breakdown	Float	5364821
Year	Enter "2010" if the reported expenditures are for the year 2010 and enter "2012" if the reported expenditures are for the year 2012	Integer	2012
Service_Type	Indicate the service type category for which the expenditures are reported. Enter "DS1" for <i>DS1</i> expenditures, enter "DS3" for <i>DS3</i> expenditures, and enter "PBDS" for <i>PBDS</i> expenditures	Text	DS3
Agreement_Type	Enter the code for the appropriate contract type indicated in the question. The codes must be a letter from "a" to "h". See instructions below the table for more information on the codes for Agreement_Type	Text	c
Avg_Discount_PPBC	If the Agreement_Type is coded as "f" or "h", enter the average discount (in percentage terms) off the <i>One Month Term Only Rate</i> incorporated in the expenditures purchased under <i>Tariff Plans</i> (for code "f") or <i>Contract-Based Tariffs</i> (for code "h") that contained a <i>Prior Purchase-Based Commitment</i> . See the example in the question on how to calculate the average discount. If Agreement_Type is not coded as "f" or "h", leave the field blank	Float	25
SorMore	If the Year field is 2012, what percentage of your expenditures was subject to a <i>Term Commitment</i> of five or more years?	Integer	45

Note: If there were no expenditures for a particular category or year, then report 0.

Use the following codes for the Agreement\_Type variable. Enter "a" for expenditures on ALL purchases; enter "b" for expenditures on purchases at *One Month Term Only Rates*; enter "c" for expenditures



September 2013  
 Pending OMB Approval  
 3060-XXXX

Estimated Burden Hours Per Response: XX hours

purchased under *Tariff Plans*; enter “d” for expenditures purchased under *Contract-Based Tariffs*; enter “e” for expenditures purchased under *Tariff Plans* that contained a *Term Commitment* but not a *Volume Commitment*; enter “f” for expenditures purchased under *Tariff Plans* that contained a *Prior Purchase-Based Commitment*; enter “g” for expenditures purchased under *Contract-Based Tariffs* that contained a *Term Commitment* but not a *Volume Commitment*; and enter “h” for expenditures purchased under *Contract-Based Tariffs* that contained a *Prior Purchase-Based Commitment*.

5orMore: Provide the percentage of your expenditures in 2012 that were subject to a *Term Commitment* of five or more years. If the Year field reported is 2010, then leave this field blank.

*Question II.E.5: Expenditures with Competitive Providers under Tariffs*

**Table II.E.5**  
**Record Format for Expenditures with *Competitive Providers* Pursuant to a *Tariff***

Field Name	Description	Type	Example
Expenditures	Enter the dollar value of expenditures on <i>Dedicated Service</i> for the corresponding categorical breakdown	Float	5364821
Year	Enter “2010” if the reported expenditures are for the year 2010 and enter “2012” if the reported expenditures are for the year 2012	Integer	2012
Service_Type	Indicate the service type category for which the expenditures are reported. Enter “DS1” for <i>DS1</i> expenditures, enter “DS3” for <i>DS3</i> expenditures, and enter “PBDS” for <i>PBDS</i> expenditures	Text	DS3
Agreement_Type	Enter the code for the appropriate contract type indicated in the question. The codes must be a letter from “a” to “d”. See instructions below the table for more information on the codes for Agreement_Type	Text	c
Avg_Discount_PPBC	If the Agreement_Type is coded as “d”, enter the average discount (in percentage terms) off the <i>One Month Term Only Rate</i> incorporated in the expenditures purchased under <i>Tariffs</i> that contained a <i>Prior Purchase-Based Commitment</i> . See the example in the question on how to calculate the average discount. If Agreement_Type is not coded as “d”, leave the field blank	Float	25
5orMore	If the Year field is 2012, what percentage of your expenditures was subject to a <i>Term Commitment</i> of five or more years?	Integer	45

Note: If there were no expenditures for a particular category or year, then report 0.

Use the following codes for the Agreement\_Type variable. Enter “a” for expenditures on ALL purchases; enter “b” for expenditures on purchases at *One Month Term Only Rates*; enter “c” for expenditures purchased under *Tariffs* that contained a *Term Commitment* but not a *Volume Commitment*; enter “d” for expenditures purchased under *Tariffs* that contained a *Prior Purchase-Based Commitment*.

5orMore: Provide the percentage of your expenditures in 2012 that were subject to a *Term Commitment* of five or more years. If the Year field reported is 2010, then leave this field blank.

September 2013  
Pending OMB Approval  
3060-XXXX

Estimated Burden Hours Per Response: XX hours

*Question II.E.6: Expenditures with ILECs and Competitive Providers Pursuant to Non-Tariffs*

**Table II.E.6**  
**Record Format for Expenditures with ILECs and Competitive Providers**  
**Pursuant to Non-Tariffed Agreement**

Field Name	Description	Type	Example
Expenditures	Enter the dollar value of expenditures on Dedicated Service for the corresponding categorical breakdown	Float	5364821
Year	Enter "2010" if the reported expenditures are for the year 2010 and enter "2012" if the reported expenditures are for the year 2012	Integer	2012
Provider_Type	Enter 0 if the reported expenditures are for purchases from ILECs and enter 1 if the reported expenditures are for purchases from <i>Competitive Providers</i>	Binary	0
Service_Type	Indicate the service type category for which the expenditures are reported. Enter "DS1" for <i>DS1</i> expenditures, enter "DS3" for <i>DS3</i> expenditures, and enter "PBDS" for <i>PBDS</i> expenditures	Text	DS3
Agreement_Type	Enter the code for the appropriate contract type indicated in the question. The codes must be a letter from "a" to "d". See instructions below the table for more information on the codes for Agreement_Type	Text	c
Avg_Discount_PPBC	If the Agreement_Type is coded as "d", enter the average discount (in percentage terms) off the non-discounted rate incorporated in the expenditures purchased under non-tariffed agreements that contained a <i>Prior Purchase-Based Commitment</i> . See the example in the question on how to calculate the average discount. If Agreement_Type is not coded as "d", leave the field blank	Float	25

Note: If there were no expenditures for a particular category or year, then report 0.

Use the following codes for the Agreement\_Type variable. Enter "a" for expenditures on ALL purchases; enter "b" for expenditures purchased at non-discounted rates; enter "c" for expenditures purchased under a non-tariffed agreement that contained a *Term Commitment* but not a *Volume Commitment*; enter "d" for expenditures purchased under a non-tariffed agreement that contained a *Prior Purchase-Based Commitment*.

*Question II.E.7: Expenditures under Tariffs for PBDS*

**Table II.E.7**  
**Record Format for Expenditures on PBDS Purchased**  
**Pursuant to a Tariff by Bandwidth Category**

Field Name	Description	Type	Example
Expenditures	Enter the dollar value of expenditures on <i>Tariffed PBDS</i> service	Float	4,321.00
Provider_Type	Enter 0 if the reported expenditures are for purchases from ILECs and enter 1 if the reported expenditures are for purchases from <i>Competitive Providers</i>	Binary	0
Bandwidth	Indicate the bandwidth category for which the expenditures are reported. Enter "A" for bandwidth less than or equal to 1.5 Mbps, enter "B" for bandwidth greater than 1.5 Mbps but less than or equal to 50 Mbps, enter "C" for bandwidth greater than 50 Mbps	Text	B

September 2013  
 Pending OMB Approval  
 3060-XXXX

Estimated Burden Hours Per Response: XX hours

**Table II.E.7**  
**Record Format for Expenditures on PBDS Purchased Pursuant to a Tariff by Bandwidth Category**

Field Name	Description	Type	Example
Year	but less than or equal to 100 Mbps, enter "D" for bandwidth greater than 100 Mbps but less than or equal to 1 Gbps, and enter "E" for bandwidth greater than 1 Gbps Enter "2010" if the reported expenditures are for the year 2010 and enter "2012" if the reported expenditures are for the year 2012	Integer	2012

*Question II.E.8: Expenditures under Non-Tariffs for PBDS*

**Table II.E.8**  
**Record Format for Expenditures on PBDS Pursuant to Non-Tariff Agreement**

Field Name	Description	Type	Example
Expenditures	Enter the dollar value of expenditures on non-Tariffed PBDS service	Float	4,321.00
Provider_Type	Enter 0 if the reported expenditures are for purchases from ILECs and enter 1 if the reported expenditures are for purchases from Competitive Providers	Binary	0
Bandwidth	Indicate the bandwidth category for which the expenditures are reported. Enter "A" for bandwidth less than or equal to 1.5 Mbps, enter "B" for bandwidth greater than 1.5 Mbps but less than or equal to 50 Mbps, enter "C" for bandwidth greater than 50 Mbps but less than or equal to 100 Mbps, enter "D" for bandwidth greater than 100 Mbps but less than or equal to 1 Gbps, and enter "E" for bandwidth greater than 1 Gbps	Text	B
Year	Enter "2010" if the reported expenditures are for the year 2010 and enter "2012" if the reported expenditures are for the year 2012	Integer	2012

### Terms and Conditions Information

*Question II.E.9: Terms and Conditions Constraints*

*Question II.E.10: Changing Transport Providers*

*Question II.E.11: Purchases Solely for the Purpose of Meeting a Prior Purchase-Based Commitment*

*Question II.E.12: Switching Providers*

*Question II.E.13: Paying One Month Term Only Rates*

You must upload a .pdf text searchable (not a picture/image) document responding to these questions through the Special Access Web Portal in the "Essay Questions – File Upload" section; you will not include these documents in the data container.

The web portal contains two areas for uploading documents for each question. One is for uploading the "Confidential" version of the document where you will indicate information deemed Confidential and redact information that is Highly Confidential based on the Protective Order issued for the data collection. The second area is for uploading the "Highly Confidential" version of the document noting both Confidential and Highly Confidential information without any redactions. You must upload at least one

September 2013  
Pending OMB Approval  
3060-XXXX

Estimated Burden Hours Per Response: XX hours

document in each area or you will receive an error message during the submission process. If the document does not contain Confidential or Highly Confidential information, *e.g.*, all information is publicly available, then upload the document in each area without the relevant Confidential/Highly Confidential notations or redactions in the case of the Confidential upload area.

Additional Note for Questions II.E.9-11. These questions are intended to give you an opportunity to discuss any alleged concerns that you are having with terms and conditions associated with the purchase of *Dedicated Services* or with changing *Providers*. If you do not need, or want, to provide a response, *e.g.*, you do not have any alleged concerns with terms and conditions, then you can simply respond stating as such.

Additional Note for Question II.E.12. The purpose of this question is to assess the frequency of switching *Providers* for *End-User Channel Terminations* at as granular a geographic level as possible. Respondents may define their own geographic areas. Given the level of detail required in other parts of the data collection, respondents need only provide switching history in five geographic areas of their choice or more. Respondents may provide switching history for less than five years if they do not keep such information in the regular course of business.

Additional Note for Question II.E.13. The purpose of this question is to understand the economic impact of paying *One Month Term Only Rates* on your business and consumers. Given the level of detail required in other parts of the data collection, respondents may provide information over a shorter timeframe. Alternatively, respondents who do not need or want to provide a response, *e.g.*, you do not have any alleged concerns with paying *One Month Term Only Rates*, then you can simply respond stating as such.

*Question II.E.14: Tariffs under which you Purchase Service*

**Table II.E.14**  
**Record Format for Tariffs under which you Purchase Service**

Field Name	Description	Type	Example
Tar_Plan	Plan is a <i>Tariff Plan</i> (Y=Yes, N=No)	Text	Y
Tariff_Name	Name of <i>Tariff Plan</i>	Text	Regional Volume Discount Plan ABC Company
TP_Provider	The <i>Tariff Plan Provider</i> name	Text	ABC Company
TP_Tariff_Number	The <i>Tariff Plan</i> Name and Section Number	Text	ABC Tariff FCC No. 2 § 7.4.15
CBT_Plan	Plan is a <i>Contract-Based Tariff</i> (Y=Yes, N=No)	Text	N
CBT_Name	Name of <i>Contract-Based Tariff</i> plan	Text	Regional Volume Discount Plan ABC Company
CBT_Provider	The <i>Contract-Based Tariff Provider</i> name	Text	ABC Company
CBT_Tariff_Number	The <i>Contract-Based Tariff</i> Name and Section Number	Text	ABC Tariff FCC No. 2 § 7.4.15
Tariff_Type	Interstate (Inter) or Intrastate (Intra)	Text	Inter
Contains_Term	Contains <i>Term Commitments</i> (Y=Yes, N=No)	Text	Y

September 2013  
Pending OMB Approval  
3060-XXXX

Estimated Burden Hours Per Response: XX hours

**Table II.E.14**  
**Record Format for *Tariffs* under which you Purchase Service**

Field Name	Description	Type	Example
Contains_Vol	Contains <i>Volume Commitments</i> (Y=Yes, N=No)	Text	Y
Contains_NonR	Contains <i>Non-Rate Benefits</i> (Y=Yes, N=No)	Text	N
NonRate	If the plan contains <i>Non-Rate Benefits</i> , identify the <i>Non-Rate Benefits</i> that were relevant to your decision to purchase services under this plan.	Text	Plan allows for circuit portability
Tariff_DS1	Does this plan apply to the purchase of <i>DS1s</i> ? (Y=Yes, N=No)	Text	Y
Tariff_DS3	Does this plan apply to the purchase of <i>DS3s</i> ? (Y=Yes, N=No)	Text	Y
Tariff_PBDS	Does this plan apply to the purchase of <i>PBDS</i> ? (Y=Yes, N=No)	Text	N
Tariff_Other	Does this plan apply to the purchase of other services? (Y=Yes, N=No)	Text	N
Geo_DS1	In what geographic areas do you purchase <i>DS1s</i> under this plan?	Text	California
Geo_DS3	In what geographic areas do you purchase <i>DS3s</i> under this plan?	Text	Texas
Geo_PBDS	In what geographic areas do you purchase <i>PBDS</i> under this plan?	Text	Oklahoma
Geo_Other	In what geographic areas do you purchase other services under this plan?	Text	Kansas
Prior_P	To receive a discount or <i>Non-Rate Benefit</i> under this plan, does your company make a <i>Prior Purchase-Based Commitment</i> ? (Y=Yes, N=No)	Text	Y
Outside_Area	If this is an <i>ILEC</i> plan, do <i>DS1</i> , <i>DS3</i> , or tariffed <i>PBDS</i> purchases your company makes outside the study area(s) of the <i>ILEC</i> count towards meeting any <i>Volume Commitment</i> to receive a discount or <i>Non-Rate Benefit</i> under this plan? (Y=Yes, N=No, NA=Not Applicable)	Text	Y
Outside_Area_Yes	If yes, in what geographic areas outside the study area(s) of the <i>ILEC</i> , do you purchase these <i>DS1s</i> , <i>DS3s</i> , and/or tariffed <i>PBDS</i> ?	Text	Southern California
Outside_Area_Yes_Diff	Of the geographic areas identified, in which of those areas would your company have purchased from a different <i>Provider</i> , if at all, had it not been for the discounts or <i>Non-Rate Benefits</i> received under this plan?	Text	Southern California
Outside_Area_Yes_Provider	Name of <i>Provider(s)</i> in the geographic area identified above you would have purchased from had it not been for the discounts or <i>Non-Rate Benefits</i> received under this plan.	Text	ABC Co.
ILEC_Price_Cap	If this is an <i>ILEC</i> plan, do <i>DS1s</i> , <i>DS3s</i> , and/or tariffed <i>PBDS</i> purchases your company makes from the <i>ILEC</i> in price cap areas where the Commission has not granted the <i>ILEC</i> pricing flexibility count towards meeting any <i>Volume Commitment</i> to receive a discount or <i>Non-Rate Benefit</i> under this plan? (Y=Yes, N=No, NA=Not Applicable)	Text	Y
ILEC_Price_Cap_Vol	If Yes, then identify the price cap areas where you purchase <i>DS1s</i> , <i>DS3s</i> , and/or tariffed <i>PBDS</i> that count towards meeting any <i>Volume Commitment</i> to receive a discount or <i>Non-Rate Benefit</i> under this plan.	Text	Texas
ILEC_Price_Flex1	If this is an <i>ILEC</i> plan, do <i>DS1s</i> , <i>DS3s</i> , and/or tariffed <i>PBDS</i> purchases your company makes from the <i>ILEC</i> in areas where the Commission has granted the <i>ILEC Phase 1 Pricing Flexibility</i> count towards meeting any <i>Volume Commitment</i> to receive a discount or <i>Non-Rate</i>	Text	Y

September 2013  
 Pending OMB Approval  
 3060-XXXX

Estimated Burden Hours Per Response: XX hours

**Table II.E.14**  
**Record Format for *Tariffs* under which you Purchase Service**

Field Name	Description	Type	Example
ILEC_Price_Flex1_Vol	<i>Benefit</i> under this plan? (Y=Yes, N=No, NA=Not Applicable) If Yes, in what geographic areas subject to pricing flexibility do you purchase <i>DS1s</i> , <i>DS3s</i> , and/or tariffed <i>PBDS</i> that count towards meeting any <i>Volume Commitment</i> to receive a discount or <i>Non-Rate Benefit</i> under this plan?	Text	Dallas MSA
ILEC_Price_Flex1_Diff	Of the geographic areas identified, in which of those areas would your company have purchased from a different <i>Provider</i> , if at all, had it not been for the discounts or <i>Non-Rate Benefits</i> received under this plan?	Text	Southern California
ILEC_Price_Flex1_Provider	Name of <i>Provider(s)</i> in the geographic areas identified above you would have purchased from had it not been for the discounts or <i>Non-Rate Benefits</i> received under this plan.	Text	ABC Co.
ILEC_Price_Flex2	If this is an <i>ILEC</i> plan, do <i>DS1s</i> , <i>DS3s</i> , and/or tariffed <i>PBDS</i> purchases your company makes from the <i>ILEC</i> in areas where the Commission has granted the <i>ILEC Phase II Pricing Flexibility</i> count towards meeting any <i>Volume Commitment</i> to receive a discount or <i>Non-Rate Benefit</i> under this plan? (Y=Yes, N=No, NA=Not Applicable)	Text	Y
ILEC_Price_Flex2_Vol	If Yes, in what geographic areas subject to pricing flexibility do you purchase <i>DS1s</i> , <i>DS3s</i> , and/or tariffed <i>PBDS</i> that count towards meeting any <i>Volume Commitment</i> to receive a discount or <i>Non-Rate Benefit</i> under this plan?	Text	Dallas MSA
ILEC_Price_Flex2_Diff	Of the geographic areas identified, in which of those areas would your company have purchased from a different <i>Provider</i> , if at all, had it not been for the discounts or <i>Non-Rate Benefits</i> received under this plan?	Text	Southern California
ILEC_Price_Flex2_Provider	Name of <i>Provider(s)</i> in the geographic areas identified above you would have purchased from had it not been for the discounts or <i>Non-Rate Benefits</i> received under this plan.	Text	ABC Co.
ILEC_PBDS	If an <i>ILEC</i> plan, do non-tariffed <i>PBDS</i> purchases you make from this <i>ILEC</i> count towards meeting any <i>Volume Commitment</i> to receive a discount or <i>Non-Rate Benefit</i> under this plan? (Y=Yes, N=No, NA=Not Applicable)	Text	Y
ILEC_PBDS_Vol	If Yes, in what geographic areas do you purchase non-tariffed <i>PBDS</i> that counts towards meeting any <i>Volume Commitment</i> to receive a discount or <i>Non-Rate Benefit</i> under this plan.	Text	Oklahoma City, OK
ILEC_PBDS_Diff	Of the geographic areas identified, in which of those areas would your company have purchased non-tariffed <i>PBDS</i> from a different <i>Provider</i> , if at all, had it not been for the requirements of the plan?	Text	Oklahoma City, OK
ILEC_PBDS_Provider	Name of <i>Provider(s)</i> in the geographic areas identified above you would have purchased from had it not been for the discounts or <i>Non-Rate Benefits</i> received under this plan.	Text	ABC Co.
ILEC_Other	If this is an <i>ILEC</i> plan, do purchases you make for services other than <i>DS1s</i> , <i>DS3s</i> , and <i>PBDS</i> from this <i>ILEC</i> count towards meeting any <i>Volume Commitment</i> to receive a discount or <i>Non-Rate Benefit</i> under this	Text	Y



September 2013  
Pending OMB Approval  
3060-XXXX

Estimated Burden Hours Per Response: XX hours

**Table II.E.14**  
**Record Format for *Tariffs* under which you Purchase Service**

Field Name	Description	Type	Example
	plan? ((Y=Yes, N=No, NA=Not Applicable)		
ILEC_Other_Service	If Yes, identify the other services purchased that count towards meeting any <i>Volume Commitment</i> to receive a discount or <i>Non-Rate Benefit</i> under this plan.	Text	Cloud computing
ILEC_Other_Geo	If Yes, identify the geographic areas where you purchase these other services that count towards meeting any <i>Volume Commitment</i> to receive a discount or <i>Non-Rate Benefit</i> under this plan.	Text	Little Rock, AR
ILEC_Other_Diff	Of the geographic areas identified, in which of those areas would your company have purchased those other services from a different <i>Provider</i> , had it not been for the requirements of the plan? In your response, indicate whether the <i>Provider</i> that you would have purchased from has <i>Connections</i> serving that geographic area.	Text	Little Rock, AR
ILEC_Other_Provider	Name of <i>Provider(s)</i> in the geographic areas identified above you would have purchased from had it not been for the discounts or <i>Non-Rate Benefits</i> received under this plan.	Text	ABC Co.
Limiting_Purchase	Is the discount or <i>Non-Rate Benefit</i> available under this plan conditioned on the customer limiting its purchase of <i>UNEs</i> , e.g., the customer must keep its purchase of <i>UNEs</i> below a certain percentage of the customer's total spend? If yes, then provide additional details about the condition.	Text	Yes, to obtain the discount our company must . . .

*Question II.E.15: Non-Tariffed Agreements*

If you have a non-tariffed agreement covered by Question II.E.15, then you must identify each agreement in Table II.E.15 within the data container. If you do not have an agreement covered by Question II.E.15, then type "Not Applicable" in the Agreement field. You will receive an error message upon validation of the data container if you do not put any information into Table II.E.15.

**Table II.E.15**  
**Record Format for Non-Tariffed Agreements**

Field Name	Description	Type	Example
Unique_ID	Sequential number	Integer	1
Agreement	Name of non-tariffed agreement	Text	PBDS Agreement with Local Fiber Incorporated
Parties	Parties to the agreement	Text	ILEC Company and Local Fiber Inc.
Effective_Date	The beginning date of the time period covered by the agreement	Date	1/15/10
End_Date	The ending date of the time period covered by the agreement	Date	12/31/12
Summary	Summary of relevant provisions	Text	Requires the purchase of . . .

September 2013  
Pending OMB Approval  
3060-XXXX

Estimated Burden Hours Per Response: XX hours

## QUESTIONS DIRECTED AT OTHER PURCHASERS

### Question II.F.1: Principal Nature of Business

<b>Table II.F.1</b>			
<b>Record Format for Purchaser's Business</b>			
<b>Field Name</b>	<b>Description</b>	<b>Type</b>	<b>Example</b>
Purchaser_Name	Name of <i>Purchaser</i>	Text	Local Fiber Inc.
Biz_Nature	Principal nature of <i>Purchaser's</i> business	Text	CLEC

## Expenditures Information

### Question II.F.2: Total Expenditures on Dedicated Services

<b>Table II.F.2</b>			
<b>Record Format for Expenditures on Dedicated Service</b>			
<b>Field Name</b>	<b>Description</b>	<b>Type</b>	<b>Example</b>
Expenditures	Enter the dollar value of expenditures on <i>Dedicated Service</i>	Float	4321.00
Service_Type	Indicate the service type category for which the expenditures are reported. Enter "CBDS" for <i>CBDS</i> expenditures and enter "PBDS" for <i>PBDS</i> expenditures	Text	CBDS
Provider_Type	Enter 0 if the reported expenditures are for purchases from <i>ILECs</i> and enter 1 if the reported expenditures are for purchases from <i>Competitive Providers</i>	Binary	0
Year	Enter "2010" if the reported expenditures are for the year 2010 and enter "2012" if the reported expenditures are for the year 2012	Integer	2012

Note: If there were no expenditures for a particular category or year, then report 0.

### Question II.F.3: Expenditures with ILECs under Tariffs

<b>Table II.F.3</b>			
<b>Record Format for Expenditures with ILECs Pursuant to a Tariff</b>			
<b>Field Name</b>	<b>Description</b>	<b>Type</b>	<b>Example</b>
Expenditures	Enter the dollar value of expenditures on <i>Dedicated Service</i> for the corresponding categorical breakdown	Float	5364821
Year	Enter "2010" if the reported expenditures are for the year 2010 and enter "2012" if the reported expenditures are for the year 2012	Integer	2012
Service_Type	Indicate the service type category for which the expenditures are reported. Enter "DS1" for <i>DS1</i> expenditures, enter "DS3" for <i>DS3</i> expenditures, and enter "PBDS" for <i>PBDS</i> expenditures	Text	DS3
Agreement_Type	Enter the code for the appropriate contract type indicated in the question. The codes must be a letter from "a" to "h". See instructions below the table for more information on the codes for Agreement_Type	Text	c
Avg_Discount_PPBC	If the Agreement_Type is coded as "f" or "h", enter the average discount (in percentage terms) off the <i>One Month Term Only Rate</i> incorporated in the expenditures purchased under <i>Tariff Plans</i> (for code "f") or <i>Contract-Based Tariffs</i> (for code "h") that contained a	Float	25

September 2013  
 Pending OMB Approval  
 3060-XXXX

Estimated Burden Hours Per Response: XX hours

**Table II.F.3**  
**Record Format for Expenditures with ILECs Pursuant to a Tariff**

Field Name	Description	Type	Example
5orMore	<i>Prior Purchase-Based Commitment.</i> See the example in the question on how to calculate the average discount. If Agreement_Type is not coded as “f” or “h”, leave the field blank If the Year field is 2012, what percentage of your expenditures was subject to a <i>Term Commitment</i> of five or more years?	Integer	45

Note: If there were no expenditures for a particular category or year, then report 0.

Use the following codes for the Agreement\_Type variable. Enter “a” for expenditures on ALL purchases; enter “b” for expenditures on purchases at *One Month Term Only Rates*; enter “c” for expenditures purchased under *Tariff Plans*; enter “d” for expenditures purchased under *Contract-Based Tariffs*; enter “e” for expenditures purchased under *Tariff Plans* that contained a *Term Commitment* but not a *Volume Commitment*; enter “f” for expenditures purchased under *Tariff Plans* that contained a *Prior Purchase-Based Commitment*; enter “g” for expenditures purchased under *Contract-Based Tariffs* that contained a *Term Commitment* but not a *Volume Commitment*; and enter “h” for expenditures purchased under *Contract-Based Tariffs* that contained a *Prior Purchase-Based Commitment*.

5orMore: Provide the percentage of your expenditures in 2012 that were subject to a *Term Commitment* of five or more years. If the Year field reported is 2010, then leave this field blank.

*Question II.F.4: Expenditures with Competitive Providers under Tariffs*

**Table II.F.4**  
**Record Format for Expenditures with Competitive Providers Pursuant to a Tariff**

Field Name	Description	Type	Example
Expenditures	Enter the dollar value of expenditures on <i>Dedicated Service</i> for the corresponding categorical breakdown	Float	5364821
Year	Enter “2010” if the reported expenditures are for the year 2010 and enter “2012” if the reported expenditures are for the year 2012	Integer	2012
Service_Type	Indicate the service type category for which the expenditures are reported. Enter “DS1” for DS1 expenditures, enter “DS3” for DS3 expenditures, and enter “PBDS” for PBDS expenditures	Text	DS3
Agreement_Type	Enter the code for the appropriate contract type indicated in the question. The codes must be a letter from “a” to “d”. See instructions below the table for more information on the codes for Agreement_Type	Text	c
Avg_Discount_PPBC	If the Agreement_Type is coded as “d”, enter the average discount (in percentage terms) off the <i>One Month Term Only Rate</i> incorporated in the expenditures purchased under <i>Tariffs</i> that contained a <i>Prior Purchase-Based Commitment</i> . See the example in the question on how to calculate the average discount. If Agreement_Type is not coded as “d”, leave the field blank	Float	25
5orMore	If the Year field is 2012, what percentage of your expenditures was subject to a <i>Term Commitment</i> of five or more years?	Integer	45

Note: If there were no expenditures for a particular category or year, then report 0.

Use the following codes for the Agreement\_Type variable. Enter “a” for expenditures on ALL purchases;

September 2013  
 Pending OMB Approval  
 3060-XXXX

Estimated Burden Hours Per Response: XX hours

enter “b” for expenditures on purchases at *One Month Term Only Rates*; enter “c” for expenditures purchased under *Tariffs* that contained a *Term Commitment* but not a *Volume Commitment*; enter “d” for expenditures purchased under *Tariffs* that contained a *Prior Purchase-Based Commitment*.

5orMore: Provide the percentage of your expenditures in 2012 that were subject to a *Term Commitment* of five or more years. If the Year field reported is 2010, then leave this field blank.

*Question II.F.5: Expenditures with ILECs and Competitive Providers Pursuant to Non-Tariffs*

**Table II.F.5**  
**Record Format for Expenditures with ILECs and Competitive Providers Pursuant to Non-Tariffed Agreement**

Field Name	Description	Type	Example
Expenditures	Enter the dollar value of expenditures on Dedicated Service for the corresponding categorical breakdown	Float	5364821
Year	Enter “2010” if the reported expenditures are for the year 2010 and enter “2012” if the reported expenditures are for the year 2012	Integer	2012
Provider_Type	Enter 0 if the reported expenditures are for purchases from ILECs and enter 1 if the reported expenditures are for purchases from Competitive Providers	Binary	0
Service_Type	Indicate the service type category for which the expenditures are reported. Enter “DS1” for DS1 expenditures, enter “DS3” for DS3 expenditures, and enter “PBDS” for PBDS expenditures	Text	DS3
Agreement_Type	Enter the code for the appropriate contract type indicated in the question. The codes must be a letter from “a” to “d”. See instructions below the table for more information on the codes for Agreement_Type	Text	c
Avg_Discount_PPBC	If the Agreement_Type is coded as “d”, enter the average discount (in percentage terms) off the non-discounted rate incorporated in the expenditures purchased under non-tariffed agreements that contained a <i>Prior Purchase-Based Commitment</i> . See the example in the question on how to calculate the average discount. If Agreement_Type is not coded as “d”, leave the field blank	Float	25

Note: If there were no expenditures for a particular category or year, then report 0.

Use the following codes for the Agreement\_Type variable. Enter “a” for expenditures on ALL purchases; enter “b” for expenditures purchased at non-discounted rates; enter “c” for expenditures purchased under a non-tariffed agreement that contained a *Term Commitment* but not a *Volume Commitment*; enter “d” for expenditures purchased under a non-tariffed agreement that contained a *Prior Purchase-Based Commitment*.

*Question II.F.6: Expenditures under Tariffs for PBDS*

**Table II.F.6**  
**Record Format for Expenditures on PBDS Purchased Pursuant to a Tariff by Bandwidth Category**

Field Name	Description	Type	Example
Expenditures	Enter the dollar value of expenditures on <i>Tariffed PBDS</i> service	Float	4,321.00
Provider_Type	Enter 0 if the reported expenditures are for purchases from ILECs and enter 1 if the reported expenditures are for purchases from	Binary	0

September 2013  
Pending OMB Approval  
3060-XXXX

Estimated Burden Hours Per Response: XX hours

**Table II.F.6**  
**Record Format for Expenditures on PBDS Purchased Pursuant to a Tariff by Bandwidth Category**

Field Name	Description	Type	Example
<i>Competitive Providers</i>			
Bandwidth	Indicate the bandwidth category for which the expenditures are reported. Enter "A" for bandwidth less than or equal to 1.5 Mbps, enter "B" for bandwidth greater than 1.5 Mbps but less than or equal to 50 Mbps, enter "C" for bandwidth greater than 50 Mbps but less than or equal to 100 Mbps, enter "D" for bandwidth greater than 100 Mbps but less than or equal to 1 Gbps, and enter "E" for bandwidth greater than 1 Gbps	Text	B
Year	Enter "2010" if the reported expenditures are for the year 2010 and enter "2012" if the reported expenditures are for the year 2012	Integer	2012

*Question II.F.7: Expenditures under Non-Tariffs for PBDS*

**Table II.F.7**  
**Record Format for Expenditures on PBDS Pursuant to Non-Tariff Agreement**

Field Name	Description	Type	Example
Expenditures	Enter the dollar value of expenditures on non-Tariffed PBDS service	Float	4,321.00
Provider_Type	Enter 0 if the reported expenditures are for purchases from ILECs and enter 1 if the reported expenditures are for purchases from Competitive Providers	Binary	0
Bandwidth	Indicate the bandwidth category for which the expenditures are reported. Enter "A" for bandwidth less than or equal to 1.5 Mbps, enter "B" for bandwidth greater than 1.5 Mbps but less than or equal to 50 Mbps, enter "C" for bandwidth greater than 50 Mbps but less than or equal to 100 Mbps, enter "D" for bandwidth greater than 100 Mbps but less than or equal to 1 Gbps, and enter "E" for bandwidth greater than 1 Gbps	Text	B
Year	Enter "2010" if the reported expenditures are for the year 2010 and enter "2012" if the reported expenditures are for the year 2012	Integer	2012

**Terms and Conditions Information**

*Question II.F.8: Terms and Conditions Constraints*

*Question II.F.9: Changing Transport Providers*

*Question II.F.10: Purchases Solely for the Purpose of Meeting a Prior Purchase-Based Commitment*

*Question II.F.11: Switching Providers*

*Question II.F.12: Paying One Month Term Only Rates*

You must upload a .pdf text searchable (not a picture/image) document responding to these questions through the Special Access Web Portal in the "Essay Questions – File Upload" section; you will not include these documents in the data container.

The web portal contains two areas for uploading documents for each question. One is for uploading the "Confidential" version of the document where you will indicate information deemed Confidential and redact information that is Highly Confidential based on the Protective Order issued for the data collection. The second area is for uploading the "Highly Confidential" version of the document noting both

September 2013  
 Pending OMB Approval  
 3060-XXXX

Estimated Burden Hours Per Response: XX hours

Confidential and Highly Confidential information without any redactions. You must upload at least one document in each area or you will receive an error message during the submission process. If the document does not contain Confidential or Highly Confidential information, *e.g.*, all information is publicly available, then upload the document in each area without the relevant Confidential/Highly Confidential notations or redactions in the case of the Confidential upload area.

Additional Note for Questions II.F.8-10. These questions are intended to give you an opportunity to discuss any alleged concerns that you are having with terms and conditions associated with the purchase of *Dedicated Services* or with changing *Providers*. If you do not need, or want, to provide a response, *e.g.*, you do not have any alleged concerns with terms and conditions, then you can simply respond stating as such.

Additional Note for Question II.F.11. The purpose of this question is to assess the frequency of switching *Providers* for *End-User Channel Terminations* at as granular a geographic level as possible. Respondents may define their own geographic areas. Given the level of detail required in other parts of the data collection, respondents need only provide switching history in five geographic areas of their choice or more. Respondents may provide switching history for less than five years if they do not keep such information in the regular course of business.

Additional Note for Question II.F.12. The purpose of this question is to understand the economic impact of paying *One Month Term Only Rates* on your business and consumers. Given the level of detail required in other parts of the data collection, respondents may provide information over a shorter timeframe. Alternatively, respondents who do not need or want to provide a response, *e.g.*, you do not have any alleged concerns with the terms and conditions, then you can simply respond stating as such.

*Question II.F.13: Tariffs under which you Purchase Service*

**Table II.F.13**  
**Record Format for *Tariffs* under which you Purchase Service**

Field Name	Description	Type	Example
Tar_Plan	Plan is a <i>Tariff Plan</i> (Y=Yes, N=No)	Text	Y
Tariff_Name	Name of <i>Tariff Plan</i>	Text	Regional Volume Discount Plan ABC Company
TP_Provider	The <i>Tariff Plan Provider</i> name	Text	ABC Company
TP_Tariff_Number	The <i>Tariff Plan</i> Name and Section Number	Text	ABC Tariff FCC No. 2 § 7.4.15
CBT_Plan	Plan is a <i>Contract-Based Tariff</i> (Y=Yes, N=No)	Text	N
CBT_Name	Name of <i>Contract-Based Tariff</i> plan	Text	Regional Volume Discount Plan ABC Company
CBT_Provider	The <i>Contract-Based Tariff Provider</i> name	Text	ABC Company
CBT_Tariff_Number	The <i>Contract-Based Tariff</i> Name and Section Number	Text	ABC Tariff FCC No. 2 § 7.4.15
Tariff_Type	Interstate (Inter) or Intrastate (Intra)	Text	Inter
Contains_Term	Contains <i>Term Commitments</i> (Y=Yes, N=No)	Text	Y



September 2013  
Pending OMB Approval  
3060-XXXX

Estimated Burden Hours Per Response: XX hours

**Table II.F.13**  
**Record Format for *Tariffs* under which you Purchase Service**

Field Name	Description	Type	Example
Contains_Vol	Contains <i>Volume Commitments</i> (Y=Yes, N=No)	Text	Y
Contains_NonR	Contains <i>Non-Rate Benefits</i> (Y=Yes, N=No)	Text	N
NonRate	If the plan contains <i>Non-Rate Benefits</i> , identify the <i>Non-Rate Benefits</i> that were relevant to your decision to purchase services under this plan.	Text	Plan allows for circuit portability
Tariff_DS1	Does this plan apply to the purchase of <i>DS1s</i> ? (Y=Yes, N=No)	Text	Y
Tariff_DS3	Does this plan apply to the purchase of <i>DS3s</i> ? (Y=Yes, N=No)	Text	Y
Tariff_PBDS	Does this plan apply to the purchase of <i>PBDS</i> ? (Y=Yes, N=No)	Text	N
Tariff_Other	Does this plan apply to the purchase of other services? (Y=Yes, N=No)	Text	N
Geo_DS1	In what geographic areas do you purchase <i>DS1s</i> under this plan?	Text	California
Geo_DS3	In what geographic areas do you purchase <i>DS3s</i> under this plan?	Text	Texas
Geo_PBDS	In what geographic areas do you purchase <i>PBDS</i> under this plan?	Text	Oklahoma
Geo_Other	In what geographic areas do you purchase other services under this plan?	Text	Kansas
Prior_P	To receive a discount or <i>Non-Rate Benefit</i> under this plan, does your company make a <i>Prior Purchase-Based Commitment</i> ? (Y=Yes, N=No)	Text	Y
Outside_Area	If this is an <i>ILEC</i> plan, do <i>DS1</i> , <i>DS3</i> , or tariffed <i>PBDS</i> purchases your company makes outside the study area(s) of the <i>ILEC</i> count towards meeting any <i>Volume Commitment</i> to receive a discount or <i>Non-Rate Benefit</i> under this plan? (Y=Yes, N=No, NA=Not Applicable)	Text	Y
Outside_Area_Yes	If yes, in what geographic areas outside the study area(s) of the <i>ILEC</i> , do you purchase these <i>DS1s</i> , <i>DS3s</i> , and/or tariffed <i>PBDS</i> ?	Text	Southern California
Outside_Area_Yes_Diff	Of the geographic areas identified, in which of those areas would your company have purchased from a different <i>Provider</i> , if at all, had it not been for the discounts or <i>Non-Rate Benefits</i> received under this plan?	Text	Southern California
Outside_Area_Yes_Provider	Name of <i>Provider(s)</i> in the geographic area identified above you would have purchased from had it not been for the discounts or <i>Non-Rate Benefits</i> received under this plan.	Text	ABC Co.
ILEC_Price_Cap	If this is an <i>ILEC</i> plan, do <i>DS1s</i> , <i>DS3s</i> , and/or tariffed <i>PBDS</i> purchases your company makes from the <i>ILEC</i> in price cap areas where the Commission has not granted the <i>ILEC</i> pricing flexibility count towards meeting any <i>Volume Commitment</i> to receive a discount or <i>Non-Rate Benefit</i> under this plan? (Y=Yes, N=No, NA=Not Applicable)	Text	Y
ILEC_Price_Cap_Vol	If Yes, then identify the price cap areas where you purchase <i>DS1s</i> , <i>DS3s</i> , and/or tariffed <i>PBDS</i> that count towards meeting any <i>Volume Commitment</i> to receive a discount or <i>Non-Rate Benefit</i> under this plan.	Text	Texas
ILEC_Price_Flex1	If this is an <i>ILEC</i> plan, do <i>DS1s</i> , <i>DS3s</i> , and/or tariffed <i>PBDS</i> purchases your company makes from the <i>ILEC</i> in areas where the Commission has granted the <i>ILEC Phase 1 Pricing Flexibility</i> count towards meeting any <i>Volume Commitment</i> to receive a discount or <i>Non-Rate</i>	Text	Y

September 2013  
Pending OMB Approval  
3060-XXXX

Estimated Burden Hours Per Response: XX hours

**Table II.F.13**  
**Record Format for *Tariffs* under which you Purchase Service**

Field Name	Description	Type	Example
ILEC_Price_Flex1_Vol	<i>Benefit</i> under this plan? (Y=Yes, N=No, NA=Not Applicable) If Yes, in what geographic areas subject to pricing flexibility do you purchase <i>DS1s</i> , <i>DS3s</i> , and/or tariffed <i>PBDS</i> that count towards meeting any <i>Volume Commitment</i> to receive a discount or <i>Non-Rate Benefit</i> under this plan?	Text	Dallas MSA
ILEC_Price_Flex1_Diff	Of the geographic areas identified, in which of those areas would your company have purchased from a different <i>Provider</i> , if at all, had it not been for the discounts or <i>Non-Rate Benefits</i> received under this plan?	Text	Southern California
ILEC_Price_Flex1_Provider	Name of <i>Provider(s)</i> in the geographic areas identified above you would have purchased from had it not been for the discounts or <i>Non-Rate Benefits</i> received under this plan.	Text	ABC Co.
ILEC_Price_Flex2	If this is an <i>ILEC</i> plan, do <i>DS1s</i> , <i>DS3s</i> , and/or tariffed <i>PBDS</i> purchases your company makes from the <i>ILEC</i> in areas where the Commission has granted the <i>ILEC Phase II Pricing Flexibility</i> count towards meeting any <i>Volume Commitment</i> to receive a discount or <i>Non-Rate Benefit</i> under this plan? (Y=Yes, N=No, NA=Not Applicable)	Text	Y
ILEC_Price_Flex2_Vol	If Yes, in what geographic areas subject to pricing flexibility do you purchase <i>DS1s</i> , <i>DS3s</i> , and/or tariffed <i>PBDS</i> that count towards meeting any <i>Volume Commitment</i> to receive a discount or <i>Non-Rate Benefit</i> under this plan?	Text	Dallas MSA
ILEC_Price_Flex2_Diff	Of the geographic areas identified, in which of those areas would your company have purchased from a different <i>Provider</i> , if at all, had it not been for the discounts or <i>Non-Rate Benefits</i> received under this plan?	Text	Southern California
ILEC_Price_Flex2_Provider	Name of <i>Provider(s)</i> in the geographic areas identified above you would have purchased from had it not been for the discounts or <i>Non-Rate Benefits</i> received under this plan.	Text	ABC Co.
ILEC_PBDS	If an <i>ILEC</i> plan, do non-tariffed <i>PBDS</i> purchases you make from this <i>ILEC</i> count towards meeting any <i>Volume Commitment</i> to receive a discount or <i>Non-Rate Benefit</i> under this plan? (Y=Yes, N=No, NA=Not Applicable)	Text	Y
ILEC_PBDS_Vol	If Yes, in what geographic areas do you purchase non-tariffed <i>PBDS</i> that counts towards meeting any <i>Volume Commitment</i> to receive a discount or <i>Non-Rate Benefit</i> under this plan.	Text	Oklahoma City, OK
ILEC_PBDS_Diff	Of the geographic areas identified, in which of those areas would your company have purchased non-tariffed <i>PBDS</i> from a different <i>Provider</i> , if at all, had it not been for the requirements of the plan?	Text	Oklahoma City, OK
ILEC_PBDS_Provider	Name of <i>Provider(s)</i> in the geographic areas identified above you would have purchased from had it not been for the discounts or <i>Non-Rate Benefits</i> received under this plan.	Text	ABC Co.
ILEC_Other	If this is an <i>ILEC</i> plan, do purchases you make for services other than <i>DS1s</i> , <i>DS3s</i> , and <i>PBDS</i> from this <i>ILEC</i> count towards meeting any <i>Volume Commitment</i> to receive a discount or <i>Non-Rate Benefit</i> under this	Text	Y

September 2013  
Pending OMB Approval  
3060-XXXX

Estimated Burden Hours Per Response: XX hours

**Table II.F.13**  
**Record Format for *Tariffs* under which you Purchase Service**

Field Name	Description	Type	Example
	plan? ((Y=Yes, N=No, NA=Not Applicable)		
ILEC_Other_Service	If Yes, identify the other services purchased that count towards meeting any <i>Volume Commitment</i> to receive a discount or <i>Non-Rate Benefit</i> under this plan.	Text	Cloud computing
ILEC_Other_Geo	If Yes, identify the geographic areas where you purchase these other services that count towards meeting any <i>Volume Commitment</i> to receive a discount or <i>Non-Rate Benefit</i> under this plan.	Text	Little Rock, AR
ILEC_Other_Diff	Of the geographic areas identified, in which of those areas would your company have purchased those other services from a different <i>Provider</i> , had it not been for the requirements of the plan? In your response, indicate whether the <i>Provider</i> that you would have purchased from has <i>Connections</i> serving that geographic area.	Text	Little Rock, AR
ILEC_Other_Provider	Name of <i>Provider(s)</i> in the geographic areas identified above you would have purchased from had it not been for the discounts or <i>Non-Rate Benefits</i> received under this plan.	Text	ABC Co.
Limiting_Purchase	Is the discount or <i>Non-Rate Benefit</i> available under this plan conditioned on the customer limiting its purchase of <i>UNEs</i> , e.g., the customer must keep its purchase of <i>UNEs</i> below a certain percentage of the customer's total spend? If yes, then provide additional details about the condition.	Text	Yes, to obtain the discount our company must . . .

*Question II.F.14: Non-Tariffed Agreements*

If you have a non-tariffed agreement covered by Question II.F.14, then you must identify each agreement in Table II.F.14 within the data container. If you do not have an agreement covered by Question II.F.14, then type "Not Applicable" in the Agreement field. You will receive an error message upon validation of the data container if you do not put any information into Table II.F.14.

**Table II.F.14**  
**Record Format for Non-Tariffed Agreements**

Field Name	Description	Type	Example
Unique_ID	Sequential number	Integer	1
Agreement	Name of non-tariffed agreement	Text	PBDS Agreement with Local Fiber Incorporated
Parties	Parties to the agreement	Text	ILEC Company and Local Fiber Inc.
Begin_Date	The beginning date of the time period covered by the agreement	Date	1/15/10
End_Date	The ending date of the time period covered by the agreement	Date	12/31/12
Summary	Summary of relevant provisions	Text	Requires the purchase of . . .

September 2013  
Pending OMB Approval  
3060-XXXX

Estimated Burden Hours Per Response: XX hours

QUESTION DIRECTED AT NON-PROVIDERS, NON-PURCHASERS, AND OTHER ENTITIES  
NOT COVERED BY THE DATA COLLECTION

*Question II.G.1: Not Required to Submit Data*

Entities that reported broadband connections to end users for 2012 in the FCC Form 477 are required to affirmatively indicate whether or not they are a *Provider*, a *Purchaser*, or an entity providing *Best Efforts Business Broadband Internet Access Services* to 15,000 or more customers or 1,500 or more business broadband customers in price cap areas. If you are “none of the above,” then you must electronically submit a certification, stating as such, where indicated in the Special Access Web Portal.

## APPENDIX B

Mandatory Data Collection<sup>1</sup>

## I. DEFINITIONS

The following definitions apply for purposes of this collection only. They are not intended to set or modify precedent outside the context of this collection.

*Affiliated Company* means a company, partnership, corporation, limited liability company, or other business entity that is affiliated with an entity that provides and/or purchases *Dedicated Service*. Two entities are affiliated if one of them, or an entity that controls one of them, directly or indirectly holds a greater than 10 percent ownership interest in, or controls, the other one.

*Best Efforts Business Broadband Internet Access Service* means a best efforts Internet access data service with a minimum advertised bandwidth connection of at least 1.5 megabits per second (Mbps) in both directions (upstream/downstream) that is marketed to enterprise customers (including small, medium, and large businesses). For purposes of this data collection, *Best Efforts Business Broadband Internet Access Services* do not include mobile wireless services, as that term is used in the *16th Annual Mobile Wireless Competition Report*.<sup>2</sup>

*Circuit-Based Dedicated Service (CBDS)* means a *Dedicated Service* that is circuit-based. Examples of *CBDS* include time-division multiplexing-based, *DS1* and *DS3* services.

*Competitive Provider* means a competitive local exchange carrier (CLEC), interexchange carrier, cable operator, wireless provider or any other entity that is subject to the Commission's jurisdiction under the Communications Act of 1934, as amended, and either provides a *Dedicated Service* or provides a *Connection* over which a *Dedicated Service* could be provided. A *Competitive Provider* does not include an *ILEC* operating within its incumbent service territory.

*Connection* means a wired "line" or wireless "channel" that provides a dedicated communication path between a *Location* and the first *Node* on a *Provider's* network. Multiple dedicated communication paths serving one or more *End Users* at the same *Location* should be counted as a single *Connection*. A *Connection* may be a *UNE*, including an *Unbundled Copper Loop* if modified to provide a *Dedicated Service*. A *Connection* must have the capability of being used to provide one or more *Dedicated Services*; however, a *Connection* can be used to provide other services as well. For example, a dedicated communication path that is currently being used to provide a mass market broadband service but has the capability to provide a *Dedicated Service* is considered a *Connection* for the purpose of this data collection.

*Contract-Based Tariff* means a *Tariff*, other than a *Tariff Plan*, that is based on a service contract entered into between a customer and an *ILEC* which has obtained permission to offer contract-based tariff services pursuant to 47 C.F.R. § 69.701 *et seq.* of the Commission's pricing flexibility rules or a comparable tariffed intrastate service contract between a customer and an *ILEC*.

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<sup>1</sup> The instructions included in Appendix A and the accompanying Report and Order (DA 13-1909) provide additional information on how to respond to these questions.

<sup>2</sup> See *Implementation of Section 6002(b) of the Omnibus Budget Reconciliation Act of 1993, Annual Report and Analysis of Competitive Market Conditions with Respect to Mobile Wireless, Including Commercial Mobile Services*, WT Docket No. 11-186, Sixteenth Report, 28 FCC Rcd 3700, 3729-30, paras. 3-5 (2013).

*Dedicated Service* transports data between two or more designated points, e.g., between an *End User's* premises and a point-of-presence, between the central office of a local exchange carrier (LEC) and a point-of-presence, or between two *End User* premises, at a rate of at least 1.5 Mbps in both directions (upstream/downstream) with prescribed performance requirements that include bandwidth-, latency-, or error-rate guarantees or other parameters that define delivery under a *Tariff* or in a service-level agreement. *Dedicated Service* includes, but is not limited to, *CBDS* and *PBDS*. For the purpose of this data collection, *Dedicated Service* does not include “best effort” services, e.g., mass market broadband services such as DSL and cable modem broadband access.

*Disconnection* means the process by which a *Provider*, per a customer request, terminates billing on one or more of a customer's *Dedicated Service* circuits.

*DS1* and *DS3*, except where specified, refer to DS1s and DS3s that are not *UNEs*.<sup>3</sup> *DS1s* and *DS3s* are *Dedicated Services*.

*End User* means a business, institutional, or government entity that purchases a communications service for its own purposes and does not resell such service. A mobile wireless service provider is considered an *End User* when it purchases communications services to make connections within its own network, e.g., backhaul to a cell site.

*End User Channel Termination* means, as defined in 47 C.F.R. § 69.703(a)(2), a dedicated channel connecting a LEC end office and a customer premises, offered for purposes of carrying special access traffic.

*Incumbent Local Exchange Carrier (ILEC)* means, for the purpose of this data collection, a LEC that provides a *Dedicated Service* in study areas where it is subject to price cap regulation under sections 61.41-61.49 of the Commission's rules, 47 C.F.R. §§ 64.41-61.49.

*Indefeasible Right of Use (IRU)* means an indefeasible long-term leasehold interest for a minimum total duration of ten years that gives the grantee the right to access and exclusively use specified strands of fiber or allocated bandwidth to provide a service as determined by the grantee.<sup>4</sup> An *IRU* confers on the grantee substantially all of the risks and rewards of ownership. *IRUs* typically include the following elements: (i) payment of a substantial fee up front to enter into the *IRU* contract;<sup>5</sup> (ii) conveyance of tax obligations commensurate with the risks and rewards of ownership to the grantee (e.g. as opposed to the lesser tax burdens associated with other forms of leases); (iii) terms for payment to the grantor for ancillary services, such as maintenance fees; (iv) all additional rights and interests necessary to enable the *IRU* to be used by the grantee in the manner agreed to; and (v) no unreasonable limit on the right of the

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<sup>3</sup> See 47 U.S.C. § 251; see also 47 C.F.R. §§ 51.5 (defining network element), 51.319 (outlining specific unbundling requirements).

<sup>4</sup> The ten year duration is measured at the time a grantee entered into the *IRU* agreement.

<sup>5</sup> To enter into an *IRU* contract, grantees are usually required to pay the total amount due under the terms of that contract. However, some *IRU* contracts require a smaller initial payment, with installment payments throughout the duration of the contract. At a minimum, a grantee typically pays at least 25 percent of the total amount due under the *IRU* contract upfront (excluding operations and maintenance fees), with commitments to make regularly scheduled installment payments, to qualify as an *IRU*. See Michael J. Lichtenstein & Charles A. Rohe, *The Treatment of IRUs in Bankruptcy Proceedings*, 11 J. Bankr. L. & Prac. 83, 86 (2001).



grantee to use the asset as it wishes (*e.g.*, the grantee shall be permitted to splice into the *IRU* fiber, though such splice points must be mutually agreed upon by grantor and the grantee of the *IRU*).

*Location* means a building, other man-made structure, a cell site on a building, a free-standing cell site, or a cell site on some other man-made structure where the *End User* is connected. A *Node* is not a *Location*. For the purposes of this data collection, cell sites are to be treated as *Locations* and not as *Nodes*.

*Metropolitan Statistical Area (MSA)* is a geographic area as defined by 47 C.F.R. §§ 22.909(a), 69.703(b).

*Node* is an aggregation point, a branch point, or a point of interconnection on a *Provider's* network, including a point of interconnection to other *Provider* networks. Examples include LEC central offices, remote terminal locations, splice points (including, for example, at manholes), controlled environmental vaults, cable system headends, cable modem termination system (CMTS) locations, and facility hubs.

*Non-MSA* is the portion of an *ILEC's* study area that falls outside the boundaries of an *MSA*.<sup>6</sup>

*Non-Rate Benefit* means a benefit to the customer other than a discount on the *One Month Term Only Rate*, *e.g.*, a credit towards penalties or non-recurring charges or the ability to move circuits without incurring a penalty.

*One Month Term Only Rate* means, for purposes of this data collection, the non-discounted monthly recurring tariffed rate for *DS1*, *DS3* and/or *PBDS* services.

*Packet-Based Dedicated Service (PBDS)* means a *Dedicated Service* that is packet-based. Examples of *PBDS* include Multi-Protocol Label Switched (MPLS) services; permanent virtual circuits, virtual private lines and similar services; ATM and Frame Relay service; (Gigabit) Ethernet Services and Metro Ethernet Virtual Connections; and Virtual Private Networks (VPN). *PBDS* includes those categories of packet-based and optical transmission services for which the Commission has granted forbearance relief from dominant carrier regulation.<sup>7</sup>

*Phase I Pricing Flexibility* means regulatory relief for the pricing of *End User Channel Terminations* pursuant to 47 C.F.R. §§ 69.711(b), 69.727(a) of the Commission's rules.

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<sup>6</sup> See 47 C.F.R. § 69.707(b).

<sup>7</sup> See Petition of the Verizon Telephone Companies for Forbearance under 47 U.S.C. § 160(c) from Title II and Computer Inquiry Rules with Respect to Their Broadband Services, WC Docket No. 04-440 (filed Dec. 20, 2004); Letter from Edward Shakin, Vice President and Associate General Counsel, Verizon, to Marlene H. Dortch, Secretary, FCC, WC Docket. No. 04-440, at 2-3 (filed Feb. 7, 2006); FCC News Release, *Verizon Telephone Companies' Petition for Forbearance from Title II and Computer Inquiry Rules with Respect to their Broadband Services Is Granted by Operation of Law* (rel. Mar. 20, 2006); *Petition of AT&T Inc. for Forbearance Under 47 U.S.C. § 160(c) from Title II and Computer Inquiry Rules with Respect to Its Broadband Services*, *Petition of BellSouth Corporation for Forbearance Under Section 47 U.S.C. § 160(c) from Title II and Computer Inquiry Rules with Respect to Its Broadband Services*, Memorandum Opinion and Order, 22 FCC Rcd 18705 (2007); *Petition of the Embarq Local Operating Companies for Forbearance Under 47 U.S.C. § 160(c) from Application of Computer Inquiry and Certain Title II Common-Carriage Requirements, et al.*, Memorandum Opinion and Order, 22 FCC Rcd 19478 (2007); *Qwest Petition for Forbearance Under 47 U.S.C. § 160(c) from Title II and Computer Inquiry Rules with Respect to Broadband Services*, Memorandum Opinion and Order, 23 FCC Rcd 12260 (2008).

*Phase II Pricing Flexibility* means regulatory relief for the pricing of *End User Channel Terminations* pursuant to 47 C.F.R. §§ 69.711(c), 69.727(b) of the Commission's rules.

*Prior Purchase-Based Commitment* means a type of *Volume Commitment* where the commitment is based on either:

- (i) a certain percentage or number of the customer's purchased in-service circuits or lines as measured at the time of making the *Volume Commitment* or measured during a period of time prior to making the *Volume Commitment*, e.g., based on the customer's billing records for the current month or prior month(s); or
- (ii) a certain percentage or dollar amount of *Revenues* generated by the customer's purchases as measured at the time of making the *Volume Commitment* or during a period of time prior to making the *Volume Commitment*.

*Providers* collectively refers to both *ILECs* and *Competitive Providers*.

*Purchasers* means *Competitive Providers* and *End Users* that are subject to the Commission's jurisdiction under the Communications Act of 1934, as amended, and purchase *Dedicated Service*.

*Revenues* means intrastate and interstate billed amounts without any allowance for uncollectibles, commissions or settlements.

*Tariff* means an intrastate or interstate schedule of rates and regulations filed by common carriers. This term includes both *Tariff Plans* and *Contract-Based Tariffs*.

*Tariff Plan* means a *Tariff*, other than a *Contract-Based Tariff*, that provides a customer with either a discount from any *One Month Term Only Rate* for the purchase of *DS1* and/or *DS3* services or a *Non-Rate Benefit* that could be applied to these services.

*Term Commitment* means a commitment to purchase a *Dedicated Service* for a period of time, greater than a month, in exchange for a circuit-specific discount and/or a *Non-Rate Benefit*.

*Transport Service* means a dedicated circuit that connects a designated *Competitive Provider's* premises to the wire center that serves the *Competitive Provider's* customer. Such an arrangement may or may not include channel mileage. See 47 C.F.R. § 69.709(a).

*Transport Provider* means a *Provider* that supplies *Transport Service*.

*Unbundled Copper Loop* means a copper wire local loop provided by *ILECs* to requesting telecommunications carriers on a non-discriminatory basis pursuant to 47 C.F.R. § 51.319(a)(1) that can be used by a *Competitive Provider* to provide a *Dedicated Service*, e.g., Ethernet over Copper. An *Unbundled Copper Loop* is typically a 2- or 4- wire loop that the *ILEC* has conditioned to remove intervening equipment such as bridge taps, load coils, repeaters, low pass filters, range extenders, etc. between a *Location* and the serving wire center to allow for the provision of advanced digital services by a *Competitive Provider*. These loops are commonly referred to as dry copper, bare copper, or xDSL-compatible loops. An *Unbundled Copper Loop* is a type of *UNE*.

*Unbundled Network Element (UNE)* means a local loop provided by an *ILEC* to a requesting telecommunications carrier on a non-discriminatory basis pursuant to 47 C.F.R. § 51.319(a).

*Upgrade* means that a customer transitions one or more circuits to a higher capacity circuit.

*Volume Commitment* means a commitment to purchase a specified volume, *e.g.*, a certain number of circuits or *Revenues*, to receive a discount on *Dedicated Services* and/or a *Non-Rate Benefit*.

## II. MANDATORY DATA COLLECTION QUESTIONS

### A. Competitive Providers must respond to the following:

II.A.1. Indicate whether you are an *Affiliated Company*. If you are an *Affiliated Company*, you must identify the entities that provide and/or purchase *Dedicated Service* with which you have an affiliation (name/FRN).

II.A.2. Do you (i) own a *Connection*; (ii) lease a *Connection* from another entity under an *IRU* agreement; or (iii) obtain a *Connection* as a *UNE* from an *ILEC* to provide a *Dedicated Service*?

Yes  No

a. If yes, are any of these *Connections* to a *Location* within an area where the *ILEC* is subject to price cap regulation or within an area where the Commission has granted *Phase I* or *Phase II Pricing Flexibility*?

Yes  No

If you answered “no” to question II.A.2 or II.A.2.a, then you are not required to respond to the remaining questions in II.A or the questions in II.D.

### Facilities Information

II.A.3. Provide the total number of *Locations* to which you had a *Connection* during 2010 and during 2012 where your company: (i) owned the *Connection*; (ii) leased the *Connection* from another entity under an *IRU* agreement; or (iii) obtained the *Connection* as a *UNE* from an *ILEC* in the form of *DSIs*, *DS3s*, or *Unbundled Copper Loops* to provide a *Dedicated Service*.

II.A.4. Provide the information requested below for each *Location* to which your company had a *Connection* during 2010 and during 2012 that you: (i) owned; (ii) leased from another entity under an *IRU* agreement; or (iii) obtained as a *UNE* from an *ILEC* to provide a *Dedicated Service*.

- a. A unique ID for the *Location*;
- b. The actual situs address for the *Location* (*i.e.*, land where the building or cell site is located);
- c. The geocode for the *Location* (*i.e.*, latitude and longitude);
- d. The *Location* type (*e.g.*, building, other man-made structure, cell site in or on a building, free-standing cell site, or a cell site on some other man-made structure like a water tower, billboard, etc.);
- e. Whether the *Connection* provided to the location uses facilities leased from another entity under an *IRU* or obtained as a *DS1/DS3 UNE* or *Unbundled Copper Loop*, and in each case, the name of the lessor of the majority of the fiber strands and/or copper loop;
- f. Whether any of the *Connection* to the *Location* was provided using fiber;
- g. The total sold bandwidth of the *Connection* provided by you to the *Location* in Mbps;
- h. The total bandwidth to the *Location* sold directly by you to an *End User*;
- i. The total sold fixed wireless bandwidth provided by you to the *Location*; and
- j. The total bandwidth sold by you to any cell sites at the *Location*.
- k. The total bandwidth provided to you or an *Affiliated Company* for internal use.

II.A.5. Provide a map showing the fiber routes that you (a) own or (b) lease pursuant to an *IRU* agreement that constitute your network, including the fiber *Connections* to *Locations*. In addition, include the locations of all *Nodes* used to interconnect with third party networks, and the year that each *Node* went live.

II.A.6. We will provide you with a selected list of the *Locations* you reported in response to question II.A.4. For each identified *Location*, state the month and year that you first provided a *Connection* to that *Location*, whether you originally supplied the *Location* over a *UNE*, and if so, when (if at all) you switched to using a *Connection* that you own or lease as an *IRU*. If the *Location* was first served by your *Connection* on or before January 2008, and the date the *Location* was first served is unknown, then enter 00/0000.

II.A.7. For each *ILEC* wire center where your company is collocated, provide the actual situs address, the geocode, and the CLLI code.

II.A.8. Explain your business rule(s) used to determine whether to build a *Connection* to a particular *Location*. Provide underlying assumptions.

- a. Describe the business rules and other factors that determine where you build your *Connections*. Examples of such rules/factors are minimum *Term Commitments* or minimum capacity commitments by the buyer; maximum build distances from the building to your core network; and/or number of competitors in the area. Include, also, any factors that would prevent you from building a *Connection* to an otherwise suitable *Location*. These could be factors that are under your control or those that are not.
- b. Explain how, if at all, business density is incorporated into your business rule, and if so, how you measure business density.
- c. In areas where your business rule has been most successful, explain why. Provide examples of geographic regions (if any) where you generally were or are able to successfully deploy *Connections*, and where you generally have experienced or currently experience serious difficulties in deploying *Connections*, and, if you are able to provide examples of both kind of regions, indicate what distinguishes these different regions.

II.A.9. Provide the following information:

- a. The current situs address of your U.S. headquarters (*i.e.*, the address of the land where the headquarters is located);
- b. The year that this site became your headquarters;
- c. Year established and situs address for any prior U.S. headquarters' location for your company, going as far back as 1995, if different from the headquarters' location listed in response to question II.A.9.a;
- d. Going as far back as 1995, the date of acquisition and the situs address for the U.S. headquarters location of any entity that owned, or leased under an *IRU* agreement, *Connections* to five or more *Locations* in any *MSA* at the time you acquired the entity in a merger where you or your subsidiary was the surviving entity.
- e. The name of any *Affiliated Company* that owned, or leased under an *IRU* agreement, *Connections* to five or more *Locations* in any *MSA* at the time you became affiliated with the *Affiliated Company*, going as far back as 1995.
- f. For each *Affiliated Company* listed in response to question II.A.9.e, provide:
  - i. The year of affiliation;
  - ii. The situs address for each *Affiliated Company's* U.S. headquarters at the time of affiliation;
  - iii. The year that the *Affiliated Company* established the situs address listed in response to question II.A.9.f.i for its U.S. headquarters; and
  - iv. The year established and situs address for any prior U.S. headquarters' location designated by the *Affiliated Company*, going as far back as 1995 or the year of

affiliation, whichever is most recent, if different from the headquarters' location listed in response to question II.A.9.f.i.

II.A.10. Provide data, maps, information, marketing materials, and/or documents identifying those geographic areas where you, or an *Affiliated Company*, advertised or marketed *Dedicated Service* over existing facilities, via leased facilities, or by building out new facilities as of December 31, 2010 and as of December 31, 2012, or planned to advertise or market such services within twenty-four months of those dates.

II.A.11. Identify the five most recent Requests for Proposals (RFPs) for which you were selected as the winning bidder to provide each of the following: (a) *Dedicated Services*; (b) *Best Efforts Business Broadband Internet Access Services*; and, to the extent different from (a) or (b), (c) some other form of high-capacity data services to business customers.<sup>8</sup> In addition, identify the five largest RFPs (by number of connections) for which you submitted an unsuccessful competitive bid between 2010 and 2012 for each of (a) *Dedicated Services*; (b) *Best Efforts Business Broadband Internet Access Services*; and, to the extent different from (a) or (b), (c) some other form of high-capacity data services to business customers.<sup>9</sup> For each RFP identified, provide a description of the RFP, the area covered, the price offered, and other competitively relevant information. Lastly, identify the business rules you rely upon to determine whether to submit a bid in response to an RFP.

### Billing Information

II.A.12. For all *Dedicated Services* provided using transmission paths that you (i) own; (ii) lease from another entity under an *IRU* agreement; or (iii) obtain as a *UNE* from an *ILEC* to provide a *Dedicated Service*, submit the following information by circuit element by circuit billed for each month from January 1 to December 31 for the years 2010 and 2012.

- a. The closing date of the monthly billing cycle in mm/dd/yyyy format;
- b. The name and six-digit 499-A Filer ID of the customer, where applicable, or other unique ID if customer does not have a 499-A Filer ID;
- c. The *Location* ID from question II.A.4.a that is used to link the circuit elements to the terminating *Location* of the circuit (where applicable);
- d. The circuit ID common to all elements purchased in common for a particular circuit;
- e. The type of circuit (*PBDS*, or *DS1* or *DS3*, etc.) and its bandwidth;
- f. A unique billing code for the circuit element (*see* question II.A.14);
- g. The number of units billed for this circuit element (note that the bandwidth of the circuit must not be entered here);
- h. The dollar amount of non-recurring charges billed for the first unit of this circuit element;
- i. The dollar amount of non-recurring charges billed for additional units of this circuit element (if different from the amount billed for the initial unit);
- j. The monthly recurring dollar charge for the first unit of the circuit element billed;
- k. The monthly recurring dollar charge for additional units (if different from the amount billed for the initial unit);
- l. Per unit charge for the circuit element;
- m. The total monthly dollar amount billed for the circuit element;

<sup>8</sup> To be clear, we expect *Competitive Providers* that have won RFPs in each service category to identify up to five RFPs in each category, not a total of five RFPs across the three categories.

<sup>9</sup> To be clear, we expect *Competitive Providers* that have submitted unsuccessful competitive bids for RFPs in each service category to identify up to five RFPs in each category, not a total of five RFPs across the three categories.



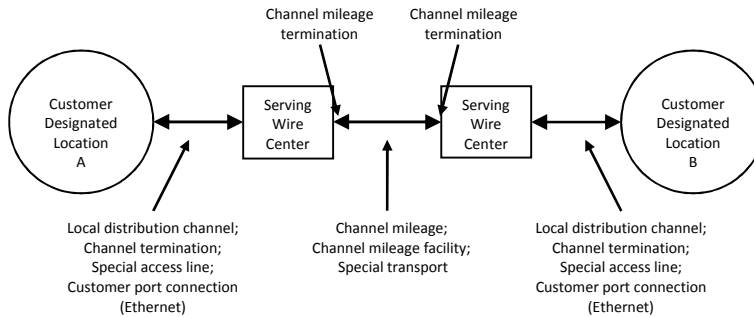
- n. The *Term Commitment* associated with this circuit in months;
- o. Indicate whether this circuit element is associated with a circuit that contributes to a *Volume Commitment*; and
- p. The adjustment ID (or multiple adjustment IDs) linking this circuit element to the unique out-of-cycle billing adjustments in question II.A.13.a (below) if applicable.

II.A.13. For each adjustment, rebate, or true-up for billed *Dedicated Services*, provide the information requested below.

- a. A unique ID number for the billing adjustment, rebate, or true-up (*see* question II.A.12.p above) and a unique ID number for the *Tariff* or contract from which the adjustment originates;
- b. The beginning date of the time period covered by the adjustment or true-up;
- c. The ending date of the time period covered by the adjustment or true-up;
- d. The scope of the billing adjustment, *i.e.*, whether the adjustment applies to a single circuit element on a single circuit, more than one circuit element on a single circuit, more than one circuit element across multiple circuits, or an overall adjustment that applies to every circuit element on every circuit purchased by the customer;
- e. The dollar amount of the adjustment or true-up; and
- f. A brief description of the billing adjustment, rebate or true-up, *e.g.*, term discount, revenue target rebate, etc.

II.A.14. For each unique billing code, please provide the following information below.

- a. The billing code for the circuit element;
- b. Select the phrase that best describes the circuit element from the list. Names of some common rate elements are shown on the generalized circuit diagram below:



- i. Channel mileage facility, channel mileage, interoffice channel mileage, special transport (a transmission path between two serving wire centers associated with customer designated locations; a serving wire center and an international or service area boundary point; a serving wire center and a hub, or similar type of connection);
- ii. Channel mileage termination, special transport termination (the termination of channel mileage facility or similar transmission path);
- iii. Channel termination, local distribution channel, special access line, customer port connection (Ethernet) (a transmission path between a customer designated location and the associated wire center);
- iv. Clear channel capability (not shown) (an arrangement which allows a customer to transport, for example, 1.536 Mbps of information on a 1.544 Mbps line rate with no constraint on the quantity or sequence of one and zero bits);
- v. Cross-connection (not shown) (semi-permanent switching between facilities, sometimes combined with multiplexing/demultiplexing);

- vi. Multiplexing (not shown) (channelizing a facility into individual services requiring a lower capacity or bandwidth); and
  - vii. Class of service and/or committed information rate (not shown) (for Ethernet, the performance characteristics of the network and bandwidth available for a customer port connection).
- c. If none of the possible entries describes the circuit element, enter a short description.

### Revenues, Terms and Conditions Information

II.A.15. What were your *Revenues* from the sale of *CBDS* in 2010 and 2012? For each year, report *Revenues* in total, separately by *DS1*, *DS3*, and other *CBDS* sales, and separately by customer category, *i.e.*, sales to *Providers* and *End Users*.

II.A.16. What were your *Revenues* from the sale of *PBDS* in 2010 and 2012? For each year, report *Revenues* in total, separately by customer category, *i.e.*, sales to *Providers* and *End Users*, and separately by bandwidth for the following categories:

- a. less than or equal to 1.5 Mbps;
- b. greater than 1.5, but less than or equal to 50 Mbps;
- c. greater than 50, but less than or equal to 100 Mbps;
- d. greater than 100, but less than or equal to 1 Gbps; and
- e. greater than 1 Gbps.

II.A.17. What percentage of your *Revenues* from the sale of *DS1*, *DS3*, and *PBDS* services in 2012 were generated from an agreement or *Tariff* that contains a *Prior Purchase-Based Commitment*?

II.A.18. If you offer *Dedicated Services* pursuant to an agreement or *Tariff* that contains either a *Prior Purchase-Based Commitment* or a *Non-Rate Benefit*, then explain how, if at all, those sales are distinguishable from similarly structured *ILEC* sales of *DS1s*, *DS3s*, and/or *PBDS*.

II.A.19. Provide the business justification for the *Term* or *Volume Commitments* associated with any *Tariff* or agreement you offer or have in effect with a customer for the sale of *Dedicated Services*.

### **B. ILECs must respond to the following:**

II.B.1. Indicate whether you are an *Affiliated Company*. If you are an *Affiliated Company*, you must identify the entities that provide and/or purchase *Dedicated Service* with which you have an affiliation (name/FRN).

### Facilities Information

II.B.2. Provide the total number of *Locations* to which you provided a *Connection* in your company's study areas during 2010 and during 2012 where your company: (i) owned the *Connection*; or (ii) leased the *Connection* from another entity under an *IRU* agreement.

II.B.3. Provide the information requested below for each *Location* to which your company had a *Connection* during 2010 and during 2012 that you (i) owned or (ii) leased from another entity under an *IRU* agreement:

- a. A unique ID for the *Location*;

- b. The actual situs address for the *Location* (i.e., land where the building or cell site is located);
- c. The geocode for the *Location* (i.e., latitude and longitude);
- d. The *Location* type (e.g., building, other man-made structure, cell site in or on a building, free-standing cell site, or a cell site on some other man-made structure like a water tower, billboard, etc.);
- e. Whether any of the *Connection* to the *Location* was provided using fiber;
- f. The total sold bandwidth of the *Connection* provided by you to the *Location* in Mbps;
- g. The total bandwidth to the *Location* sold by you as *UNEs* in the form of *DS1s* and/or *DS3s*;
- h. The total bandwidth to the *Location* sold directly by you to an *End User*;
- i. The total sold fixed wireless bandwidth provided by you to the *Location*; and
- j. The total bandwidth sold by you to any cell sites at the *Location*.

### Billing Information

II.B.4. For all *Dedicated Services* provided using transmission paths that you (i) own or (ii) lease from another entity under an *IRU* agreement, submit the following information by circuit element by circuit billed for each month from January 1 to December 31 for the years 2010 and 2012.

- a. The closing date of the monthly billing cycle in mm/dd/yyyy format;
- b. The name and six-digit 499A Filer ID of the customer, where applicable, or other unique ID if customer does not have a 499A Filer ID;
- c. The *Location* ID from question II.B.3.a that is used to link the circuit elements to the terminating *Location* of the circuit (where applicable);
- d. The circuit ID common to all elements purchased in common for a particular circuit;
- e. The type of circuit, (*DS1* sold as a *UNE*, *DS3* sold as a *UNE*, *PBDS*, non-*UNE DS1s* or *DS3s*, etc.) and the bandwidth of the circuit;
- f. The serving wire center / mileage rating point Common Language Location Identification (CLLI) of one end of the circuit (MRP1);
- g. The serving wire center / mileage rating point CLLI of the other end of the circuit (MRP2);
- h. The latitude of MRP1;
- i. The longitude of MRP1;
- j. The latitude of MRP2;
- k. The longitude of MRP2;
- l. End of the circuit (1=MRP1 or 2=MRP2) associated with this circuit element;
- m. The billing code for the circuit element (see question II.B.6);
- n. The density pricing zone for the circuit element;<sup>10</sup>
- o. The number of units billed for this circuit element (note that the bandwidth of the circuit must not be entered here);
- p. The dollar amount of non-recurring charges billed for the first unit of this circuit element;
- q. The dollar amount of non-recurring charges billed for additional units of this circuit element (if different from the amount billed for the initial unit);
- r. The monthly recurring dollar charge for the first unit of the circuit element billed;
- s. The monthly recurring dollar charge for additional units (if different from the amount billed for the initial unit);
- t. Per unit charge for the circuit element;

<sup>10</sup> See 47 C.F.R. § 69.123 (density pricing zones for special access and switched transport).

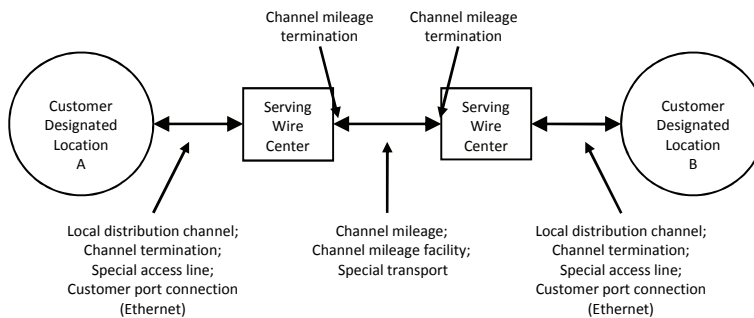
- u. The total monthly dollar amount billed for the circuit element;
- v. The *Term Commitment* associated with this circuit in months;
- w. Indicate whether this circuit element is associated with a circuit that contributes to a *Volume Commitment*;
- x. Indicate whether this circuit element was purchased pursuant to a *Contract-Based Tariff*; and
- y. The adjustment ID (or multiple adjustment IDs) linking this circuit element to the unique out-of-cycle billing adjustments in question II.B.5.a (below) if applicable.

II.B.5. For each adjustment, rebate, or true-up for billed *Dedicated Services*, provide the information requested below.

- a. A unique ID for the billing adjustment or true-up (*see* question II.B.4.y above);
- b. A unique ID number for the contract or *Tariff* from which the adjustment originates;
- c. The beginning date of the time period covered by the adjustment or true-up;
- d. The ending date of the time period covered by the adjustment or true-up;
- e. The scope of the billing adjustment, *i.e.*, whether the adjustment applies to a single circuit element on a single circuit, more than one circuit element on a single circuit, more than one circuit element across multiple circuits, or an overall adjustment that applies to every circuit element on every circuit purchased by the customer;
- f. The dollar amount of the adjustment or true-up;
- g. Whether the adjustment is associated with a *Term Commitment*, and if so, the length of the term specified in the contract or *Tariff* necessary to achieve the rebate;
- h. Whether the adjustment is associated with a *Volume Commitment*, and if so, the number of circuits and/or dollar amount specified in the contract or *Tariff* necessary to achieve the rebate; and
- i. If the adjustment is for some other reason, a brief description of the reason for the adjustment.

II.B.6. For each unique billing code, please provide the following information below.

- a. The billing code for the circuit element;
- b. The phrase that best describes the circuit element from the list. Names of some common rate elements are shown on the generalized circuit diagram below:



- i. Channel mileage facility, channel mileage, interoffice channel mileage, special transport (a transmission path between two serving wire centers associated with customer designated locations; a serving wire center and an international or service area boundary point; a serving wire center and a hub, or similar type of connection);
- ii. Channel mileage termination, special transport termination (the termination of channel mileage facility or similar transmission path);
- iii. Channel termination, local distribution channel, special access line, customer port

- connection (Ethernet) (a transmission path between a customer designated location and the associated wire center);
- iv. Clear channel capability (not shown) (an arrangement which allows a customer to transport, for example, 1.536 Mbps of information on a 1.544 Mbps line rate with no constraint on the quantity or sequence of one and zero bits);
  - v. Cross-connection (not shown) (semi-permanent switching between facilities, sometimes combined with multiplexing/demultiplexing);
  - vi. Multiplexing (not shown) (channelizing a facility into individual services requiring a lower capacity or bandwidth); and
  - vii. Class of service and/or committed information rate (not shown) (for Ethernet, the performance characteristics of the network and bandwidth available for a customer port connection).
- c. If none of the possible entries describes the rate element, enter a short description.

II.B.7. List the CLLI code for each one of your wire centers that was subject to price cap regulation as of December 31, 2010 and as of December 31, 2012, *i.e.*, those wire centers in your incumbent territory where the Commission had not granted you pricing flexibility. For those *MSAs* and *Non-MSAs* where the Commission granted you *Phase I* or *Phase II Pricing Flexibility* as of December 31, 2010 and as of December 31, 2012, list the CLLI codes for the wire centers associated with each *MSA* and *Non-MSA* for each year, the name of the relevant *MSA* and *Non-MSA* for each year, and the level of pricing flexibility granted for the *MSA* and *Non-MSA*, *i.e.*, *Phase I* and/or *Phase II Pricing Flexibility*.

### Revenues, Terms and Conditions Information

II.B.8. What were your *Revenues* from the sale of *CBDS* services in 2010 and 2012? For each year, report *Revenues* in total, separately by *DS1*, *DS3*, and other *CBDS* sales, and separately by customer category, *i.e.*, sales to *Competitive Providers* and *End Users*.

II.B.9. What were your *Revenues* from the sale of *PBDS* services in 2010 and 2012? For each year, report *Revenues* in total, separately by customer category, *i.e.*, sales to *Competitive Providers* and *End Users*, and separately by bandwidth for the following categories:

- a. less than or equal to 1.5 Mbps;
- b. greater than 1.5, but less than or equal to 50 Mbps;
- c. greater than 50, but less than or equal to 100 Mbps;
- d. greater than 100, but less than or equal to 1 gigabyte per second (Gbps); and
- e. greater than 1 Gbps.

II.B.10. What were your *Revenues* from the *One Month Term Only Rate* charged for *DS1*, *DS3*, and/or *PBDS* services in 2010 and 2012? For each year, report *Revenues* in total, separately by *DS1*, *DS3*, and *PBDS* sales as applicable, and separately by customer category, *i.e.*, sales to *Competitive Providers* and *End Users*.

II.B.11. How many customers were purchasing *DS1*, *DS3*, and/or *PBDS* services pursuant to your *One Month Term Only Rates* as of December 31, 2012? Report customer numbers in total, separately for *DS1*, *DS3*, and *PBDS* services as applicable, and separately by customer category, *i.e.*, the number of *DS1*, *DS3*, and *PBDS* service customers that were *Competitive Providers* and *End Users*.

II.B.12. Separately list all *Tariff Plans* and *Contract-Based Tariffs* that can be applied to the purchase of *DS1*, *DS3* and/or *PBDS* services and provide the information requested below for each plan.

- a. This plan is a:

- Tariff Plan*    *Contract-Based Tariff* (select one)
- b. Plan name:
- c. *Tariff* and Section Number(s):
- d. This plan contains:
- Term Commitment(s)*    *Volume Commitment(s)*
- Non-Rate Benefit* option(s) (select all that apply)
- e. If the plan contains options for *Non-Rate Benefits*, explain the available *Non-Rate Benefits*.
- f. This plan can be applied to the purchase of:
- DS1* services    *DS3* services    *PBDS*    Other (select all that apply)
- g. In what geographic areas is this plan available, *e.g.*, nationwide or certain *MSAs*?
- i. Is plan available in  *MSAs*,  *Non-MSAs*, or  both types of areas?
- ii. If plan is available in *Non-MSAs*, indicate the states where the *Non-MSA* areas are located?
- h. To receive a discount or *Non-Rate Benefit* under this plan, must the customer make a *Prior Purchase-Based Commitment*?
- Yes    No
- i. Do purchases of *DS1* or *DS3* services in areas outside of the study area(s) where you are subject to price cap regulation (*e.g.*, purchases from an *Affiliated Company* that is a CLEC) count towards meeting any *Volume Commitment* to receive a discount or *Non-Rate Benefit* under this plan?
- Yes    No    N/A (no *Volume Commitment*)
- j. Do *DS1* or *DS3* purchases in areas where you are subject to price cap regulation and where pricing flexibility has not been granted count towards meeting any *Volume Commitment* to receive a discount or *Non-Rate Benefit* under this plan?
- Yes    No    N/A (no *Volume Commitment*)
- k. Do *DS1* or *DS3* purchases in areas where you have been granted *Phase I Pricing Flexibility* count towards meeting any *Volume Commitment* to receive a discount or *Non-Rate Benefit* under this plan?
- Yes    No    N/A (no *Volume Commitment*)
- l. Do *DS1* or *DS3* purchases in areas where you have been granted *Phase II Pricing Flexibility* count towards meeting any *Volume Commitment* to receive a discount or *Non-Rate Benefit* under this plan?
- Yes    No    N/A (no *Volume Commitment*)
- m. Do non-tariffed *PBDS* purchases by the customer count towards meeting any *Volume Commitment* to receive a discount or *Non-Rate Benefit* under this plan?
- Yes    No    N/A (no *Volume Commitment*)
- n. Do tariffed *PBDS* purchases by the customer count towards meeting any *Volume Commitment* to receive a discount or *Non-Rate Benefit* under this plan?
- Yes    No    N/A (no *Volume Commitment*)



- o. Do purchases by the customer for services other than *DSIs*, *DS3s*, and *PBDS* count towards meeting any *Volume Commitment* to receive a discount or *Non-Rate Benefit* under this plan?  
 Yes  No  N/A (no *Volume Commitment*)
- p. Is the discount or *Non-Rate Benefit* available under this plan conditioned on the customer limiting its purchase of *UNEs*, e.g., customer must keep its purchase of *UNEs* below a certain percentage of the customer's total spend?  
 Yes  No
- q. What were your *Revenues* from the provision of *Dedicated Service* under this plan in 2010 and in 2012?
- r. What is the business justification for any *Term* or *Volume Commitments* associated with this plan?
- s. How many customers were subscribed to this plan as of December 31, 2012? Report customer numbers in total, separately for *DSI*, *DS3*, and *PBDS* services as applicable, and separately by customer category, i.e., the number of *DSI*, *DS3*, and/or *PBDS* customers that were *Competitive Providers* and *End Users*.
- i. If there were five or fewer customers subscribed to this plan as of December 31, 2012, indicate the number of subscribers to this plan that were new customers (as opposed to an existing or prior customer) at the time they subscribed to this plan.
- ii. For those subscribers to this plan that were existing or prior customers at the time they committed to purchasing services under this plan, explain how the purchase commitment made under this plan compares to the customer's previous purchase commitment. For example, indicate what percentage of the previous purchase commitment, the new purchase commitment equals.
- t. Of those customers subscribed as of December 31, 2012, how many in 2012 failed to meet any *Volume Commitment* or *Term Commitment* required to retain a discount or *Non-Rate Benefit* they originally agreed to when entering into this plan?

II.B.13. Indicate whether you have any non-tariffed agreement with an *End User* or *Competitive Provider* that, directly or indirectly, provides a discount or a *Non-Rate Benefit* on the purchase of tariffed *DSIs*, *DS3s*, and/or *PBDS*, restricts the ability of the *End User* or *Competitive Provider* to obtain *UNEs*, or negatively affects the ability of the *End User* or *Competitive Provider* to purchase *Dedicated Services*. If so, identify each agreement, including the parties to the agreements, the effective date, end date, and a summary of the relevant provisions.

**C. Certain Entities that provide Best Efforts Business Broadband Internet Access Services must respond to the following:**

II.C.1. If you provide *Best Efforts Business Broadband Internet Access Services* to 15,000 or more customers or 1,500 or more business broadband customers in areas where the *ILEC* is subject to price cap regulation, then answer the following questions:

- a. Did you submit data in connection with the State Broadband Initiative (SBI) Grant Program for 2010?  
 Yes  No
- b. Did you submit data in connection with the SBI Grant Program for 2012?

Yes  No

If you answered “no” to questions II.C.1.a and II.C.1.b, then you do not need to answer any further questions in this section.

- c. Did the data you submitted in connection with the SBI Grant Program in 2010 accurately and completely identify the areas in which you offered *Best Efforts Business Broadband Internet Access Services* and exclude those areas where you did not offer such services as of December 31, 2010?

Yes  No

- i. If yes, then provide the list of prices for those *Best Efforts Business Broadband Internet Access Services* that you were marketing in each census block submitted in connection with the SBI Grant Program as of December 31, 2010. If there is a price variation within your service footprint, indicate which prices are associated with which census blocks.
- ii. If no, then provide a list of all the census blocks in which you offered *Best Efforts Business Broadband Internet Access Services* as of December 31, 2010, and a list of the prices for those *Best Efforts Business Broadband Internet Access Services* that you were marketing in each census block as of December 31, 2010. If there is a price variation within your service footprint, indicate which prices are associated with which census blocks.
- d. Did the data you submitted in connection with the SBI Grant Program in 2012 accurately and completely identify the areas in which you offered *Best Efforts Business Broadband Internet Access Services* and exclude those areas where you did not offer such services as of December 31, 2012?

Yes  No

- i. If yes, then provide the list of prices for those *Best Efforts Business Broadband Internet Access Services* that you were marketing in each census block submitted in connection with the SBI Grant Program as of December 31, 2012. If there is a price variation within your service footprint, indicate which prices are associated with which census blocks.
- ii. If no, then provide a list of all the census blocks in which you offered *Best Efforts Business Broadband Internet Access Services* as of December 31, 2012, and a list of the prices for those *Best Efforts Business Broadband Internet Access Services* that you were marketing in each census block as of December 31, 2012. If there is a price variation within your service footprint, indicate which prices are associated with which census blocks.

**D. All Providers must respond to the following:**

II.D.1. Describe your company’s short term and long-range promotional and advertising strategies and objectives for winning new – or retaining current – customers for *Dedicated Services*. In your description, please describe the size (*e.g.*, companies with 500 employees or less, etc.), geographic scope (*e.g.*, national, southeast, Chicago, etc.), and type of customers your company targets or plans to target through these strategies.

II.D.2. Identify where your company’s policies are recorded on the following *Dedicated Service*-related processes: (a) initiation of service; (b) service *Upgrades*; and (c) service *Disconnections*. For instance,

identify where your company records recurring and non-recurring charges associated with the processes listed above. If recorded in a *Tariff*, provide the specific *Tariff* section(s). If these policies are recorded in documents other than *Tariffs*, list those documents and state whether they are publicly available. If they are publicly available, explain how to find them. For documents that are not publicly available, state whether they are conveyed to customers orally or in writing.

**E. Purchasers that are mobile wireless service providers must respond to the following:**

II.E.1. How many cell sites do you have on your network?

II.E.2. Provide the information requested below for each cell site on your network as of December 31, 2010 and as of December 31, 2012.

- a. A unique ID for the cell site;
- b. The actual situs address of the cell site (*i.e.*, land where the cell site is located) if the cell site is located in or on a building;
- c. The geocode for the cell site (*i.e.*, latitude and longitude);
- d. The CLLI code of the incumbent LEC wire center that serves the cell site, where applicable;
- e. Whether the cell site is in or on a building, is a free-standing cell site, or is on some other type of man-made structure, *e.g.*, a water tower, billboard, etc.;
- f. If the cell site is served by a *CBDS*, indicate the equivalent number of *DSIs* used;
- g. If the cell site is served by a *PBDS*, indicate the total bandwidth of the circuit or circuits in Mbps;
- h. If the cell site is served by a wireless *Connection*, indicate the total bandwidth of the circuit or circuits in Mbps;
- i. The name of the *Provider(s)* that supplies your *Connection* to the cell site; and
- j. If you self-provide a *Connection* to the cell site, the provisioned bandwidth of that self-provided *Connection*.

**Expenditures Information**

II.E.3. What were your expenditures, *i.e.*, dollar volume of purchases, on *Dedicated Services* for 2010 and 2012? For each year, report expenditures in total, separately for *CBDS* and *PBDS* purchases, and separately for purchases from *ILECs* and *Competitive Providers*.

II.E.4. Provide your company's expenditures, *i.e.*, dollar volume of purchases, for *DSIs*, *DS3s*, and/or *PBDS* purchased from *ILECs* pursuant to a *Tariff* in 2010 and in 2012. For each of the following categories, report expenditures for each year in total and separately for *DSIs*, *DS3s* and *PBDS*:

- a. All *DSIs*, *DS3s*, and *PBDS*;
- b. *DSIs*, *DS3s*, and *PBDS* purchased at *One Month Term Only Rates*;
- c. *DSIs*, *DS3s*, and *PBDS* purchased under *Tariff Plans*;
- d. *DSIs*, *DS3s*, and *PBDS* purchased under *Contract-Based Tariffs*;
- e. *DSIs*, *DS3s*, and *PBDS* purchased under *Tariff Plans* that contained a *Term Commitment* but not a *Volume Commitment*;
- f. *DSIs*, *DS3s*, and *PBDS* purchased under *Tariff Plans* that contained a *Prior Purchase-Based Commitment*;
- i. Of the total (and for the separate *DSI*, *DS3*, and *PBDS* totals where applicable), indicate the average discount from the *One Month Term Only Rate* incorporated in the expenditures.

For purposes of calculating the percentages described above, an example would be a *Tariff Plan* that requires a purchase of 20 *DS1s* and 10 *DS3s* and generates expenditures of \$2,000 for calendar-year 2012. If those same circuits were purchased at *One Month Term Only Rates* of \$100 per *DS1* and \$200 per *DS3*, then total expenditures would instead be \$4,000. Since the *Tariff Plan* under this scenario generated 50% of the expenditures that would be generated from *One Month Term Only Rates*, the discount would be 50%.

- g. *DS1s*, *DS3s*, and *PBDS* purchased under *Contract-Based Tariffs* that contained a *Term Commitment* but not a *Volume Commitment*; and
- h. *DS1s*, *DS3s*, and *PBDS* purchased under *Contract-Based Tariffs* that contained a *Prior Purchase-Based Commitment*;
  - i. Of the total (and for the separate *DS1* and *DS3* totals if available), indicate the average discount from the *One Month Term Only Rate* incorporated in the expenditures.

An example of how to calculate this percentage can be found at question II.E.4.f.i.

- i. What percentage of your expenditures in 2012 were subject to a *Term Commitment* of five or more years?

II.E.5. What were your expenditures, *i.e.*, dollar volume of purchases, on *DS1s*, *DS3s*, and/or *PBDS* purchased from *Competitive Providers* pursuant to a *Tariff* in 2010 and in 2012? Report expenditures in total and separately for *DS1s*, *DS3s* and *PBDS*, as applicable, for the following categories for each year:

- a. All *DS1s*, *DS3s*, and *PBDS*;
- b. *DS1s*, *DS3s*, and *PBDS* purchased at *One Month Term Only Rates*;
- c. *DS1s*, *DS3s*, and *PBDS* purchased under *Tariffs* that contained a *Term Commitment* but not a *Volume Commitment*;
- d. *DS1s*, *DS3s*, and *PBDS* purchased under *Tariffs* that contained a *Prior Purchase-Based Commitment*;
  - i. Of the total (and for the separate *DS1*, *DS3*, and *PBDS* totals where applicable), indicate the average discount from the *One Month Term Only Rate* incorporated in the expenditures.

An example of how to calculate this percentage can be found at question II.E.4.f.i

- e. What percentage of your expenditures in 2012 were subject to a *Term Commitment* of five or more years?

II.E.6. What were your expenditures, *i.e.*, dollar volume of purchases, on *DS1s*, *DS3s*, and/or *PBDS* purchased from *ILECs* and *Competitive Providers* pursuant to an agreement (not a *Tariff*) in 2010 and in 2012? Report expenditures in total, separately for purchases from *ILECs* and *Competitive Providers*, and separately for *DS1s*, *DS3s* and *PBDS*, as applicable, for the following categories for each year:

- a. All *DS1s*, *DS3s*, and *PBDS*;
- b. *DS1s*, *DS3s*, and *PBDS* purchased at a non-discounted rate;
- c. *DS1s*, *DS3s*, and *PBDS* purchased under a non-tariffed agreement that contained a *Term Commitment* but not a *Volume Commitment*;
- d. *DS1s*, *DS3s*, and *PBDS* purchased under a non-tariffed agreement that contained a *Prior Purchase-Based Commitment*;
  - i. Of the total (and for the separate *DS1*, *DS3*, and *PBDS* totals where applicable), indicate the average discount from the non-discounted rate incorporated in the expenditures.

An example of how to calculate this percentage can be found at question II.E.4.f.i

II.E.7. What were your expenditures, *i.e.*, dollar volume of purchases, on *PBDS* purchased under a *Tariff* in 2010 and in 2012?

- a. Separately for purchases from *ILECs* and *Competitive Providers* for the following service bandwidth categories:
  - i. less than or equal to 1.5 Mbps;
  - ii. greater than 1.5, but less than or equal to 50 Mbps;
  - iii. greater than 50, but less than or equal to 100 Mbps;
  - iv. greater than 100, but less than or equal to 1 Gbps; or
  - v. greater than 1 Gbps.

II.E.8. What were your expenditures, *i.e.*, dollar volume of purchases, on non-tariffed *PBDS* in 2010 and in 2012?

- a. Separately for purchases from *ILECs* and *Competitive Providers* for the following service bandwidth categories:
  - i. less than or equal to 1.5 Mbps;
  - ii. greater than 1.5, but less than or equal to 50 Mbps;
  - iii. greater than 50, but less than or equal to 100 Mbps;
  - iv. greater than 100, but less than or equal to 1 Gbps; or
  - v. greater than 1 Gbps.

### Terms and Conditions Information

II.E.9. Explain whether the terms and conditions of any *Tariff* or contract to which you are a party for the purchase of *Dedicated Services* or the policies of any of your *Providers* constrain your ability to:

- a. Decrease your purchases from your current *Provider(s)*;
- b. Purchase services from another *Provider* currently operating in the geographic areas in which you purchase services;
- c. Purchase non-tariffed services, such as Ethernet services, from your current *Provider* of tariffed *DS1*, *DS3*, and/or *PBDS* services or from other *Providers* operating in the geographic areas in which you purchase tariffed services;
- d. Contract with *Providers* that are considering entering the geographic areas in which you purchase tariffed services;
- e. Move circuits, for example, moving your *DS1* and/or *DS3 End-User Channel Terminations* to connect to another *Transport Provider*; or
- f. Otherwise obtain *Dedicated Services* or change *Providers*.

Relevant terms and conditions, among others, may include: (a) early termination penalties; (b) shortfall provisions; (c) overlapping/supplemental discounts plans with different termination dates; (d) requirements to include all services, including new facilities, under a *Tariff Plan* or *Contract-Based Tariff*; or (e) requiring purchases in multiple geographic areas to obtain maximum discounts.

In your answer, highlight contracts where you contend that a term or condition is a particularly onerous constraint by comparison with more typical provisions in other contracts. Also, at a minimum, list: (a) the *Provider* and indicate whether the *Provider* is an *ILEC* or a *Competitive Provider*; (b) a description of the term or condition; (c) the geographic area in which the services are provided; (d) the name of the vendor providing the service; and (e) where relevant, the specific *Tariff* number(s) and section(s), or if the



policy at issue is recorded in documents other than *Tariffs*, list those documents and how you obtained them.

If you allege that a term, condition, or *Provider's* policy negatively affects your ability to obtain *Dedicated Services*, state whether you have brought a complaint to the Commission, a state commission or court about this issue and the outcome. If you have not brought a complaint, explain why not.

II.E.10. If you purchase, or purchased, *Transport Service* and *End User Channel Terminations* from the same *Provider*, explain your experience with changing *Transport Service* from one *Provider* to another between January 1, 2010 and December 31, 2012 while keeping your *End User Channel Terminations* with the original *Provider*. Where appropriate, identify the *Provider(s)* in your responses below and indicate whether they are an *ILEC* or a *Competitive Provider*.

- a. How many times did you change *Transport Service* while keeping your *End User Channel Terminations* with the original *Provider*? An estimate of the number of circuits moved to a new *Transport Provider*, or the number of such changes requested for each year, is sufficient.
- b. What was the length of time, on average, it took for the original *Provider* to complete the process of connecting your last-mile *End-user Channel Terminations* to another *Transport Provider*? An estimate is sufficient.
- c. Were you given the opportunity to negotiate the amount of time it would take to complete the process of connecting your *End User Channel Terminations* to another *Transport Provider* on a case-by-case basis? In answering this question, also describe and provide citations to the *ILEC's* or *Competitive Provider's* policies, rules or, where relevant, *Tariff* provisions, if known, explaining the transition process.
- d. How did connecting to a new *Transport Provider* impact the rate you paid for the *End User Channel Terminations* you continued to purchase from the original *Provider*?
- e. Did connecting to a new *Transport Provider* typically impact the rate you continued to pay for *Transport Service* from the original *Provider* while the change in *Transport Providers* remained pending? If so, how? What was the average percentage change in rates? For example, did you ever pay a *One Month Term Only Rate* during that time?

II.E.11. Describe any circumstances since January 1, 2010, in which you have purchased circuits pursuant to a *Tariff*, solely for the purpose of meeting a *Prior Purchase-Based Commitment* required for a discount or *Non-Rate Benefit* from your *Provider* (i.e., you would not have purchased the circuit but for the requirement that you meet a *Volume Commitment* required for a discount or *Non-Rate Benefit* from your *Provider*). In your description, provide at least one example, which at a minimum, lists:

- a. The name of the *Provider* providing the circuits at issue;
- b. A description of the *Prior Purchase-Based Commitment*;
- c. The *Tariff* and section number(s) of the specific terms and conditions described;
- d. The number of circuits you would not have purchased but for the *Prior Purchase-Based Commitment* requirement to receive a discount or *Non-Rate Benefit*;
  - i. Of the circuits reported in II.E.11.d, how many did you not use at all?
- e. A comparison of the dollar amount of the unnecessary circuit(s) purchased versus the dollar amount of penalties your company would have had to pay under the *Prior Purchase-Based Commitment* had it not purchased and/or maintained the circuit(s), and a description of how that comparison was calculated.
- f. How many circuits were activated under the identified *Tariff* plan and not used when you initially entered into the plan? What were these unused circuits as a percent of the total circuits currently purchased under this *Tariff* plan? Indicate the percent of the total



circuits currently purchased under this *Tariff* plan that exceed your *Prior Purchase-Based Commitment*.

- g. For the *Prior Purchase-Based Commitment*, indicate whether you are able to buy any *DS1s* or *DS3s* from the *Provider* outside of the identified *Tariff* plan, or are you required to make all purchases from the *Provider* pursuant to the identified *Tariff* plan?

II.E.12. For each year for the past five years, state the number of times and in what geographic area(s) you have switched from purchasing *End-User Channel Terminations* from one *Provider* of *Dedicated Services* to another.

II.E.13. Explain the circumstances since January 1, 2010 under which you have paid *One Month Term Only Rates* for *DS1*, *DS3*, and/or *PBDS* services and the impact, if any, it had on your business and your customers. In your response, indicate any general rules you follow, if any, concerning the maximum number of circuits and maximum amount of time you will pay *One Month Term Only Rates*, and your business rationale for any such rules.

II.E.14. Separately list all *Tariffs* under which your company purchases *DS1s*, *DS3s*, and/or *PBDS* and provide the information requested below for each plan.

- a. This plan is a:
  - Tariff Plan*  *Contract-Based Tariff* (select one)
- b. Plan name:
- c. *Provider* name:
- d. *Tariff* and Section Number(s):
- e. *Tariff* type:
  - Interstate  Intrastate
- f. This plan contains:
  - Term Commitment(s)*  *Volume Commitment(s)*
    - Non-Rate Benefit* option(s) (select all that apply)
- g. If the plan contains *Non-Rate Benefits*, identify the *Non-Rate Benefits* that were relevant to your decision to purchase services under this plan.
- h. This plan can be applied to the purchase of:
  - DS1* services  *DS3* services  *PBDS*  Other (select all that apply)
- i. In what geographic areas do you purchase *DS1s*, *DS3s*, and/or *PBDS* under this plan, e.g., nationwide, certain states, or certain *MSAs*?
- j. To receive a discount or *Non-Rate Benefit* under this plan, does your company make a *Prior Purchase-Based Commitment*?
  - Yes  No
- k. If this is an *ILEC* plan, do *DS1*, *DS3*, or tariffed *PBDS* purchases your company makes outside the study area(s) of the *ILEC* (e.g., purchases from an *Affiliated Company* of the *ILEC* that is providing out-of-region service as a *CLEC*) count towards meeting any *Volume Commitment* to receive a discount or *Non-Rate Benefit* under this plan?
  - Yes  No  N/A (no *Volume Commitment*, not an *ILEC* plan)

- i. If you answered yes, in what geographic areas outside the study area(s) of the *ILEC*, do you purchase these *DSIs*, *DS3s* and/or tariffed *PBDS*?
  - ii. For each geographic area identified, state whether your company would have purchased from a different *Provider*, if at all, had it not been for the discounts or *Non-Rate Benefits* received under this plan? In your response, indicate whether the *Provider* that you would have purchased from has *Connections* serving that geographic area and the *Provider's* name.
- l. If this is an *ILEC* plan, do *DSI*, *DS3*, and/or tariffed *PBDS* purchases your company makes from the *ILEC* in price cap areas where the Commission has not granted the *ILEC* pricing flexibility count towards meeting any *Volume Commitment* to receive a discount or *Non-Rate Benefit* under this plan?
    - Yes  No  N/A (no *Volume Commitment*, not an *ILEC* plan)
  - i. If you answered yes, then identify the price cap areas where you purchase *DSIs*, *DS3s*, and/or tariffed *PBDS* that count towards meeting any *Volume Commitment* to receive a discount or *Non-Rate Benefit* under this plan?
  - m. If this is an *ILEC* plan, do *DSI*, *DS3* and/or tariffed *PBDS* purchases your company makes from the *ILEC* in areas where the Commission has granted *Phase I Pricing Flexibility* count towards meeting any *Volume Commitment* to receive a discount or *Non-Rate Benefit* under this plan?
    - Yes  No  N/A (no *Volume Commitment*, not an *ILEC* plan)
  - i. If you answered yes, in what geographic areas subject to pricing flexibility do you purchase *DSIs*, *DS3s*, and/or tariffed *PBDS* that count towards meeting any *Volume Commitment* to receive a discount or *Non-Rate Benefit* under this plan?
  - ii. For each geographic area identified, state whether your company would have purchased from a different *Provider*, if at all, had it not been for the requirements of the *Tariff Plan*? In your response, indicate whether the *Provider* that you would have purchased from has *Connections* serving that geographic area and the *Provider's* name.
  - n. If this is an *ILEC* plan, do *DSI*, *DS3* and/or tariffed *PBDS* purchases your company makes from the *ILEC* in areas where the Commission has granted *Phase II Pricing Flexibility* count towards meeting any *Volume Commitment* to receive a discount or *Non-Rate Benefit* under this plan?
    - Yes  No  N/A (no *Volume Commitment*, not an *ILEC* plan)
  - i. If you answered yes, in what geographic areas subject to pricing flexibility do you purchase *DSIs*, *DS3s*, and/or tariffed *PBDS* that count towards meeting any *Volume Commitment* to receive a discount or *Non-Rate Benefit* under this plan?
  - ii. For each geographic area identified, state whether your company would have purchased from a different *Provider*, if at all, had it not been for the requirements of the *Tariff Plan*? In your response, indicate whether the *Provider* that you would have purchased from has *Connections* serving that geographic area and the *Provider's* name.
  - o. If this is an *ILEC* plan, do non-tariffed *PBDS* purchases your company makes from this *ILEC* count towards meeting any *Volume Commitment* to receive a discount or *Non-Rate Benefit* under this plan?

- Yes  No  N/A (no *Volume Commitment*, not an *ILEC* plan)
- i. If you answered yes, in what geographic areas do you purchase non-tariffed *PBDS* that counts towards meeting any *Volume Commitment* to receive a discount or *Non-Rate Benefit* under this plan.
- ii. For each geographic area identified, state whether your company would have purchased non-tariffed *PBDS* from a different *Provider*, if at all, had it not been for the requirements of the plan? In your response, indicate whether the *Provider* that you would have purchased from has *Connections* serving that geographic area and the *Provider's* name.
- p. If this is an *ILEC* plan, do purchases you make for services other than *DS1s*, *DS3s*, and *PBDS* from this *ILEC* count towards meeting any *Volume Commitment* to receive a discount or *Non-Rate Benefit* under this plan?
- Yes  No  N/A (no *Volume Commitment*, not an *ILEC* plan)
- i. If you answered yes, identify the other services purchased and the geographic areas where you purchase these services that count towards meeting any *Volume Commitment* to receive a discount or *Non-Rate Benefit* under this plan.
- ii. For each geographic area identified, state whether your company would have purchased those other services from a different *Provider*, had it not been for the requirements of the plan? In your response, indicate whether the *Provider* that you would have purchased from has *Connections* serving that geographic area and the *Provider's* name.
- q. Is the discount or *Non-Rate Benefit* available under this plan conditioned on the customer limiting its purchase of *UNEs*, *e.g.*, the customer must keep its purchase of *UNEs* below a certain percentage of the customer's total spend? If yes, then provide additional details about the condition.

II.E.15. Indicate whether you have any non-tariffed agreement with an *ILEC* that, directly or indirectly, provides a discount or a *Non-Rate Benefit* on the purchase of tariffed *DS1*, *DS3*, and/or *PBDS* services, restricts your ability to obtain *UNEs*, or negatively affects your ability to purchase *Dedicated Services*. If so, identify each agreement, including the parties to the agreement, the effective date, end date, and a summary of the relevant provisions.

**F. Purchasers that are not mobile wireless service providers must respond to the following:**

II.F.1. What is the principal nature of your business, *e.g.*, are you a CLEC, cable system operator, fixed wireless service provider, wireless Internet service provider, interconnected VoIP service provider, etc.?

**Expenditures Information**

II.F.2. What were your expenditures, *i.e.*, dollar volume of purchases, on *Dedicated Services* for 2010 and 2012? For each year, report expenditures in total, separately for *CBDS* and *PBDS* purchases, and separately for purchases from *ILECs* and *Competitive Providers*.

II.F.3. Provide your company's expenditures, *i.e.*, dollar volume of purchases, for *DSIs*, *DS3s*, and/or *PBDS* purchased from *ILECs* pursuant to a *Tariff* in 2010 and in 2012. For each of the following categories, report expenditures for each year in total and separately for *DSIs*, *DS3s* and *PBDS*:

- a. All *DSIs*, *DS3s*, and *PBDS*;
- b. *DSIs*, *DS3s*, and *PBDS* purchased at *One Month Term Only Rates*;
- c. *DSIs*, *DS3s*, and *PBDS* purchased under *Tariff Plans*;
- d. *DSIs*, *DS3s*, and *PBDS* purchased under *Contract-Based Tariffs*;
- e. *DSIs*, *DS3s*, and *PBDS* purchased under *Tariff Plans* that contained a *Term Commitment* but not a *Volume Commitment*;
- f. *DSIs*, *DS3s*, and *PBDS* purchased under *Tariff Plans* that contained a *Prior Purchase-Based Commitment*;
  - i. Of the total (and for the separate *DSI*, *DS3*, and *PBDS* totals where applicable), indicate the average discount from the *One Month Term Only Rate* incorporated in the expenditures.

For purposes of calculating the percentages described above, an example would be a *Tariff Plan* that requires a purchase of 20 *DSIs* and 10 *DS3s* and generates expenditures of \$2,000 for calendar-year 2012. If those same circuits were purchased at *One Month Term Only Rates* of \$100 per *DSI* and \$200 per *DS3*, then total expenditures would instead be \$4,000. Since the *Tariff Plan* under this scenario generated 50% of the expenditures that would be generated from *One Month Term Only Rates*, the discount would be 50%.

- g. *DSIs*, *DS3s*, and *PBDS* purchased under *Contract-Based Tariffs* that contained a *Term Commitment* but not a *Volume Commitment*; and
- h. *DSIs*, *DS3s*, and *PBDS* purchased under *Contract-Based Tariffs* that contained a *Prior Purchase-Based Commitment*;
  - i. Of the total (and for the separate *DSI* and *DS3* totals if available), indicate the average discount from the *One Month Term Only Rate* incorporated in the expenditures.

An example of how to calculate this percentage can be found at question II.F.3.f.i.

- i. What percentage of your expenditures in 2012 were subject to a *Term Commitment* of five or more years?

II.F.4. What were your expenditures, *i.e.*, dollar volume of purchases, on *DSIs*, *DS3s*, and/or *PBDS* purchased from *Competitive Providers* pursuant to a *Tariff* in 2010 and in 2012? Report expenditures in total and separately for *DSIs*, *DS3s* and *PBDS*, as applicable, for the following categories for each year:

- a. All *DSIs*, *DS3s*, and *PBDS*;
- b. *DSIs*, *DS3s*, and *PBDS* purchased at *One Month Term Only Rates*;
- c. *DSIs*, *DS3s*, and *PBDS* purchased under *Tariffs* that contained a *Term Commitment* but not a *Volume Commitment*;
- d. *DSIs*, *DS3s*, and *PBDS* purchased under *Tariffs* that contained a *Prior Purchase-Based Commitment*;
  - i. Of the total (and for the separate *DSI*, *DS3*, and *PBDS* totals where applicable), indicate the average discount from the *One Month Term Only Rate* incorporated in the expenditures.

An example of how to calculate this percentage can be found at question II.F.3.f.i

- e. What percentage of your expenditures in 2012 were subject to a *Term Commitment* of five or more years?

II.F.5. What were your expenditures, *i.e.*, dollar volume of purchases, on *DS1s*, *DS3s*, and/or *PBDS* purchased from *ILECs* and *Competitive Providers* pursuant to an agreement (not a *Tariff*) in 2010 and in 2012? Report expenditures in total, separately for purchases from *ILECs* and *Competitive Providers*, and separately for *DS1s*, *DS3s* and *PBDS*, as applicable, for the following categories for each year:

- a. All *DS1s*, *DS3s*, and *PBDS*;
- b. *DS1s*, *DS3s*, and *PBDS* purchased at a non-discounted rate;
- c. *DS1s*, *DS3s*, and *PBDS* purchased under a non-tariffed agreement that contained a *Term Commitment* but not a *Volume Commitment*;
- d. *DS1s*, *DS3s*, and *PBDS* purchased under a non-tariffed agreement that contained a *Prior Purchase-Based Commitment*;
  - i. Of the total (and for the separate *DS1*, *DS3*, and *PBDS* totals where applicable), indicate the average discount from the non-discounted rate incorporated in the expenditures.

An example of how to calculate this percentage can be found at question II.F.3.f.i

II.F.6. What were your expenditures, *i.e.*, dollar volume of purchases, on *PBDS* purchased under a *Tariff* in 2010 and in 2012?

- a. Separately for purchases from *ILECs* and *Competitive Providers* for the following service bandwidth categories:
  - i. less than or equal to 1.5 Mbps;
  - ii. greater than 1.5, but less than or equal to 50 Mbps;
  - iii. greater than 50, but less than or equal to 100 Mbps;
  - iv. greater than 100, but less than or equal to 1 Gbps; or
  - v. greater than 1 Gbps.

II.F.7. What were your expenditures, *i.e.*, dollar volume of purchases, on non-tariffed *PBDS* in 2010 and in 2012?

- a. Separately for purchases from *ILECs* and *Competitive Providers* for the following service bandwidth categories:
  - i. less than or equal to 1.5 Mbps;
  - ii. greater than 1.5, but less than or equal to 50 Mbps;
  - iii. greater than 50, but less than or equal to 100 Mbps;
  - iv. greater than 100, but less than or equal to 1 Gbps; or
  - v. greater than 1 Gbps.

## Terms and Conditions Information

II.F.8. Explain whether the terms and conditions of any *Tariff* or contract to which you are a party for the purchase of *Dedicated Services* or the policies of any of your *Providers* constrain your ability to:

- a. Decrease your purchases from your current *Provider(s)*;
- b. Purchase services from another *Provider* currently operating in the geographic areas in which you purchase services;
- c. Purchase non-tariffed services, such as Ethernet services, from your current *Provider* of tariffed *DS1*, *DS3*, and/or *PBDS* services or from other *Providers* operating in the geographic areas in which you purchase tariffed services;
- d. Contract with *Providers* that are considering entering the geographic areas in which you purchase tariffed services;
- e. Move circuits, for example, moving your *DS1* and/or *DS3 End-User Channel Terminations* to connect to another *Transport Provider*; or
- f. Otherwise obtain *Dedicated Services* or change *Providers*.

Relevant terms and conditions, among others, may include: (a) early termination penalties; (b) shortfall provisions; (c) overlapping/supplemental discounts plans with different termination dates; (d) requirements to include all services, including new facilities, under a *Tariff Plan* or *Contract-Based Tariff*; or (e) requiring purchases in multiple geographic areas to obtain maximum discounts.

In your answer, highlight contracts where you contend that a term or condition is a particularly onerous constraint by comparison with more typical provisions in other contracts. Also, at a minimum, list: (a) the *Provider* and indicate whether the *Provider* is an *ILEC* or a *Competitive Provider*; (b) a description of the term or condition; (c) the geographic area in which the services are provided; (d) the name of the vendor providing the service; and (e) where relevant, the specific *Tariff* number(s) and section(s), or if the policy at issue is recorded in documents other than *Tariffs*, list those documents and how you obtained them.

If you allege that a term, condition, or *Provider's* policy negatively affects your ability to obtain *Dedicated Services*, state whether you have brought a complaint to the Commission, a state commission or court about this issue and the outcome. If you have not brought a complaint, explain why not.

II.F.9. If you purchase, or purchased, *Transport Service* and *End User Channel Terminations* from the same *Provider*, explain your experience with changing *Transport Service* from one *Provider* to another between January 1, 2010 and December 31, 2012 while keeping your *End User Channel Terminations* with the original *Provider*. Where appropriate, identify the *Provider(s)* in your responses below and indicate whether they are an *ILEC* or a *Competitive Provider*.

- a. How many times did you change *Transport Service* while keeping your *End User Channel Terminations* with the original *Provider*? An estimate of the number of circuits moved to a new *Transport Provider*, or the number of such changes requested for each year, is sufficient.
- b. What was the length of time, on average, it took for the original *Provider* to complete the process of connecting your last-mile *End-user Channel Terminations* to another *Transport Provider*? An estimate is sufficient.
- c. Were you given the opportunity to negotiate the amount of time it would take to complete the process of connecting your *End User Channel Terminations* to another *Transport Provider* on a case-by-case basis? In answering this question, also describe and provide citations to the *ILEC's* or *Competitive Provider's* policies, rules or, where relevant, *Tariff* provisions, if known, explaining the transition process.



- d. How did connecting to a new *Transport Provider* impact the rate you paid for the *End User Channel Terminations* you continued to purchase from the original *Provider*?
- e. Did connecting to a new *Transport Provider* typically impact the rate you continued to pay for *Transport Service* from the original *Provider* while the change in *Transport Providers* remained pending? If so, how? What was the average percentage change in rates? For example, did you ever pay a *One Month Term Only Rate* during that time?

II.F.10. Describe any circumstances since January 1, 2010, in which you have purchased circuits pursuant to a *Tariff*, solely for the purpose of meeting a *Prior Purchase-Based Commitment* required for a discount or *Non-Rate Benefit* from your *Provider* (i.e., you would not have purchased the circuit but for the requirement that you meet a *Volume Commitment* required for a discount or *Non-Rate Benefit* from your *Provider*). In your description, provide at least one example, which at a minimum, lists:

- a. The name of the *Provider* providing the circuits at issue;
- b. A description of the *Prior Purchase-Based Commitment*;
- c. The *Tariff* and section number(s) of the specific terms and conditions described;
- d. The number of circuits you would not have purchased but for the *Prior Purchase-Based Commitment* requirement to receive a discount or *Non-Rate Benefit*;
  - i. Of the circuits reported in II.F.10.d, how many did you not use at all?
- e. A comparison of the dollar amount of the unnecessary circuit(s) purchased versus the dollar amount of penalties your company would have had to pay under the *Prior Purchase-Based Commitment* had it not purchased and/or maintained the circuit(s), and a description of how that comparison was calculated.
- f. How many circuits were activated under the identified *Tariff* plan and not used when you initially entered into the plan? What were these unused circuits as a percent of the total circuits currently purchased under this *Tariff* plan? Indicate the percent of the total circuits currently purchased under this *Tariff* plan that exceed your *Prior Purchase-Based Commitment*.
- g. For the *Prior Purchase-Based Commitment*, indicate whether you are able to buy any *DS1s* or *DS3s* from the *Provider* outside of the identified *Tariff* plan, or are you required to make all purchases from the *Provider* pursuant to the identified *Tariff* plan?

II.F.11. For each year for the past five years, state the number of times and in what geographic area(s) you have switched from purchasing *End-User Channel Terminations* from one *Provider* of *Dedicated Services* to another.

II.F.12. Explain the circumstances since January 1, 2010 under which you have paid *One Month Term Only Rates* for *DS1*, *DS3*, and/or *PBDS* services and the impact, if any, it had on your business and your customers. In your response, indicate any general rules you follow, if any, concerning the maximum number of circuits and maximum amount of time you will pay *One Month Term Only Rates*, and your business rationale for any such rules.

II.F.13. Separately list all *Tariffs* under which your company purchases *DS1s*, *DS3s*, and/or *PBDS* and provide the information requested below for each plan.

- a. This plan is a:
  - Tariff Plan*
  - Contract-Based Tariff* (select one)
- b. Plan name:
- c. *Provider* name:
- d. *Tariff* and Section Number(s):

- e. *Tariff* type:
- Interstate  Intrastate
- f. This plan contains:
- Term Commitment(s)*  *Volume Commitment(s)*
    - Non-Rate Benefit* option(s) (select all that apply)
  - g. If the plan contains *Non-Rate Benefits*, identify the *Non-Rate Benefits* that were relevant to your decision to purchase services under this plan.
  - h. This plan can be applied to the purchase of:
    - DS1* services  *DS3* services  *PBDS*  Other (select all that apply)
  - i. In what geographic areas do you purchase *DS1s*, *DS3s*, and/or *PBDS* under this plan, e.g., nationwide, certain states, or certain *MSAs*?
  - j. To receive a discount or *Non-Rate Benefit* under this plan, does your company make a *Prior Purchase-Based Commitment*?
    - Yes  No
  - k. If this is an *ILEC* plan, do *DS1*, *DS3* or tariffed *PBDS* purchases your company makes outside the study area(s) of the *ILEC* (e.g., purchases from an *Affiliated Company* of the *ILEC* that is providing out-of-region service as a *CLEC*) count towards meeting any *Volume Commitment* to receive a discount or *Non-Rate Benefit* under this plan?
    - Yes  No  N/A (no *Volume Commitment*, not an *ILEC* plan)
    - i. If you answered yes, in what geographic areas outside the study area(s) of the *ILEC*, do you purchase these *DS1s*, *DS3s*, and/or tariffed *PBDS*?
    - ii. For each geographic area identified, state whether your company would have purchased from a different *Provider*, if at all, had it not been for the discounts or *Non-Rate Benefits* received under this plan? In your response, indicate whether the *Provider* that you would have purchased from has *Connections* serving that geographic area and the *Provider's* name.
  - l. If this is an *ILEC* plan, do *DS1*, *DS3*, and/or tariffed *PBDS* purchases your company makes from the *ILEC* in price cap areas where the Commission has not granted the *ILEC* pricing flexibility count towards meeting any *Volume Commitment* to receive a discount or *Non-Rate Benefit* under this plan?
    - Yes  No  N/A (no *Volume Commitment*, not an *ILEC* plan)
    - i. If you answered yes, then identify the price cap areas where you purchase *DS1s*, *DS3s*, and/or tariffed *PBDS* that count towards meeting any *Volume Commitment* to receive a discount or *Non-Rate Benefit* under this plan?
  - m. If this is an *ILEC* plan, do *DS1*, *DS3*, and/or tariffed *PBDS* purchases your company makes from the *ILEC* in areas where the Commission has granted *Phase I Pricing Flexibility* count towards meeting any *Volume Commitment* to receive a discount or *Non-Rate Benefit* under this plan?
    - Yes  No  N/A (no *Volume Commitment*, not an *ILEC* plan)
    - i. If you answered yes, in what geographic areas subject to pricing flexibility do you purchase *DS1s*, *DS3s*, and/or tariffed *PBDS* that count towards meeting any *Volume Commitment* to receive a discount or *Non-Rate Benefit* under this plan?

- ii. For each geographic area identified, state whether your company would have purchased from a different *Provider*, if at all, had it not been for the requirements of the *Tariff Plan*? In your response, indicate whether the *Provider* that you would have purchased from has *Connections* serving that geographic area and the *Provider's* name.
- n. If this is an *ILEC* plan, do *DS1*, *DS3*, and/or tariffed *PBDS* purchases your company makes from the *ILEC* in areas where the Commission has granted *Phase II Pricing Flexibility* count towards meeting any *Volume Commitment* to receive a discount or *Non-Rate Benefit* under this plan?
- Yes  No  N/A (no *Volume Commitment*, not an *ILEC* plan)
- i. If you answered yes, in what geographic areas subject to pricing flexibility do you purchase *DS1s*, *DS3s*, and/or tariffed *PBDS* that count towards meeting any *Volume Commitment* to receive a discount or *Non-Rate Benefit* under this plan?
- ii. For each geographic area identified, state whether your company would have purchased from a different *Provider*, if at all, had it not been for the requirements of the *Tariff Plan*? In your response, indicate whether the *Provider* that you would have purchased from has *Connections* serving that geographic area and the *Provider's* name.
- o. If this is an *ILEC* plan, do non-tariffed *PBDS* purchases your company makes from this *ILEC* count towards meeting any *Volume Commitment* to receive a discount or *Non-Rate Benefit* under this plan?
- Yes  No  N/A (no *Volume Commitment*, not an *ILEC* plan)
- i. If you answered yes, in what geographic areas do you purchase non-tariffed *PBDS* that counts towards meeting any *Volume Commitment* to receive a discount or *Non-Rate Benefit* under this plan.
- ii. For each geographic area identified, state whether your company would have purchased non-tariffed *PBDS* from a different *Provider*, if at all, had it not been for the requirements of the plan? In your response, indicate whether the *Provider* that you would have purchased from has *Connections* serving that geographic area and the *Provider's* name.
- p. If this is an *ILEC* plan, do purchases you make for services other than *DS1s*, *DS3s*, and *PBDS* from this *ILEC* count towards meeting any *Volume Commitment* to receive a discount or *Non-Rate Benefit* under this plan?
- Yes  No  N/A (no *Volume Commitment*, not an *ILEC* plan)
- i. If you answered yes, identify the other services purchased and the geographic areas where you purchase these services that count towards meeting any *Volume Commitment* to receive a discount or *Non-Rate Benefit* under this plan.
- ii. For each geographic area identified, state whether your company would have purchased those other services from a different *Provider*, had it not been for the requirements of the plan? In your response, indicate whether the *Provider* that you would have purchased from has *Connections* serving that geographic area and the *Provider's* name.
- q. Is the discount or *Non-Rate Benefit* available under this plan conditioned on the customer limiting its purchase of *UNEs*, e.g., the customer must keep its purchase of *UNEs* below a

certain percentage of the customer's total spend? If yes, then provide additional details about the condition.

II.F.14. Indicate whether you have any non-tariffed agreement with an *ILEC* that, directly or indirectly, provides a discount or a *Non-Rate Benefit* on the purchase of tariffed *DS1*, *DS3*, and/or *PBDS* services, restricts your ability to obtain *UNEs*, or negatively affects your ability to purchase *Dedicated Services*. If so, identify each agreement, including the parties to the agreement, the effective date, end date, and a summary of the relevant provisions.

**G. Non-Providers, Non-Purchasers, and other entities not covered by the scope of this inquiry but that were instructed to respond to this data collection must respond to the following:**

II.G.1. If you must respond to this data collection because you were required to file the FCC Form 477 to report the provision of "broadband connections to end user locations" for Year 2012 but are not (a) a *Provider* or a *Purchaser* as defined in this data collection or (b) an entity that provides *Best Efforts Business Broadband Internet Access Services* to 15,000 or more customers or 1,500 or more business broadband customers in areas where the *ILEC* is subject to price cap regulation, then indicate as such below and complete the certification accompanying this data collection.

- I am not a *Provider*.
- I am not a *Purchaser*.
- I do not provide *Best Efforts Business Broadband Internet Access Services* to 15,000 or more customers or 1,500 or more business broadband customers in areas where the *ILEC* is subject to price cap regulation.

(select all that apply)

## CERTIFICATION

I have examined the response and certify that, to the best of my knowledge, all statements of fact, data, and information contained therein are true and correct.

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

\* Respondents are reminded that failure to comply with these data reporting requirements may subject them to monetary forfeitures of up to \$150,000 for each violation or each day of a continuing violation, up to a maximum of \$1,500,000 for any single act or failure to act that is a continuing violation.<sup>11</sup> False statements or misrepresentations to the Commission may be punishable by fine or imprisonment under Title 18 of the U.S. Code.

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<sup>11</sup> 47 U.S.C. § 503(b)(2); 47 C.F.R. § 1.80(b); *Amendment of Section 1.80(b) of the Commission's Rules, Adjustment of Forfeiture Maxima to Reflect Inflation*, Order, 23 FCC Rcd 9845 (2008).