

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

In the Matter of	)	
	)	
Special Access for Price Cap Local Exchange Carries;	)	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	)	RM-10593

**COMMENTS OF CINCINNATI BELL INC.**

Douglas E. Hart  
441 Vine Street, Suite 4192  
Cincinnati, OH 45202  
(513) 621-6709  
(513) 621-6981 fax  
[dhart@douglasehart.com](mailto:dhart@douglasehart.com)

Attorney for Cincinnati Bell Inc.

April 15, 2013

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

In the Matter of	)	
	)	
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	)	RM-10593

**COMMENTS OF CINCINNATI BELL INC.**

**I. Background**

In its December 18, 2012 Report and Order,<sup>1</sup> the Commission proposed a new collection of data in order to further investigate competitive conditions in the special access market and to consider structural regulatory changes. The Commission contends that the comprehensive data collection requirements imposed by the Report and Order are needed to examine the marketplace for special access services and to determine whether the regulatory framework for special access reflects the state of competition and promotes competition, investment and access to dedicated communications services.<sup>2</sup>

These comprehensive new information collection requirements are subject to the Paperwork Reduction Act of 1995<sup>3</sup> and must be submitted to the Office of Management and Budget (“OMB”) for review before they may become effective.<sup>4</sup> The Commission published a notice in the Federal Register on February 12, 2013,<sup>5</sup> seeking public comment on the planned

---

<sup>1</sup> FCC 12-153.

<sup>2</sup> Appendix B, Final Regulatory Flexibility Analysis, ¶ 2.

<sup>3</sup> Public Law 104-13.

<sup>4</sup> 44 U.S.C. § 3507.

<sup>5</sup> Volume 78, Number 29, at pages 9911-9912.

special access information collection.

Comments were requested concerning: 1) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information has practical utility; 2) the accuracy of the Commission's burden estimate; 3) ways to enhance the quality, utility, and clarity of the information collected; 4) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and 5) ways to further reduce the information burden for small business concerns with fewer than 25 employees.

## **II. The Cincinnati Bell Companies**

Cincinnati Bell Inc. (“CBI”) is a holding company that owns several subsidiary operating companies that would be subject to the information collection. Cincinnati Bell Telephone Company LLC (“CBT”) is a price cap incumbent local exchange carrier (“ILEC”) serving southwest Ohio, northern Kentucky and southeast Indiana and would be subject to substantial reporting requirements.<sup>6</sup> Cincinnati Bell Extended Territories LLC (“CBET”) is a CLEC with operations in Ohio and Indiana outside of CBT’s ILEC territory. CBET owns some of its own facilities and purchases special access services from other carriers. Cincinnati Bell Any Distance Inc. (“CBAD”) is a purchaser of special access services. CBAD and CBET do business in non-CBT price cap territories, so they are subject to the reporting requirements in those geographic areas. Cincinnati Bell Wireless LLC (“CBW”) is a wireless carrier operating in Ohio, Kentucky and Indiana subject to the wireless reporting requirements.<sup>7</sup>

---

<sup>6</sup> Appendix A, Section II.B.

<sup>7</sup> Appendix A, Section II.E.

### **III. Comments**

#### **A. Some of the Information Sought is Unnecessary or Not of Practical Utility**

The Commission has not justified the need for the level of detail requested in many components of the request, particularly in light of the burden imposed on carriers to compile this data. The request should be limited to information that can be obtained in the normal course of business operations. Items that would require special studies, new software, or new expenditures should be either voluntary, or eliminated.

For example, full compliance with the information collection would require CBT and CBET to provide latitude and longitude coordinates for every Connection they provide.<sup>8</sup> These coordinates are to be accurate to five decimal places.<sup>9</sup> Cincinnati Bell does not relate billing and special access facility inventory data to geographic mapping. It is unclear exactly how respondents are expected to determine latitude and longitude coordinates with the required precision, which likely could only be achieved by physically visiting each service location and taking latitude/longitude measurements. The Commission's justification for such detail is that competition is so granular as to extend to individual buildings.<sup>10</sup> However, the location of individual buildings is easily captured by using service addresses that are readily available.

The required geocoding would extend well beyond the specificity of individual buildings and hone in on service locations within the accuracy of a few feet. Are respondents charged with physically surveying each and every special access service circuit end point to determine such precise geographic coordinates for their facilities? The Commission has offered

---

<sup>8</sup> Appendix A, Sections II.A.4.c; II.B.3.c.

<sup>9</sup> Section II.B.4.h through k. A degree of latitude is approximately 69 miles. A degree of longitude varies, but is approximately 69 miles at the equator, its longest point. There are 364,320 feet in 69 miles, so five decimal points would require accuracy to within 3.64 feet (less for longitudinal distances at latitudes within the United States).

<sup>10</sup> Final Regulatory Flexibility Analysis, ¶ 73.

no justification for such micro-detail. Nor has the Commission stated why such precise coordinates serve any valid purpose. Reliance on such precision may actually underestimate competition as competing providers could be serving the same building (which could be determined simply from looking at the service address), yet report different geographic coordinates if they serve the same building at different physical points. Using data that is too specific may overlook direct competition that would be identified through less specific means.

A realistic cost benefit analysis is necessary to justify forcing carriers to incur these kinds of costs for such an enormous data collection project. The Commission has not explained why geocoding of locations (particularly to the level of precision required) is necessary or useful to conduct a market analysis, or what benefit such geocoding provides that could not be achieved using readily available service addresses. The cost and burden of complying with the geocoding requirements are excessive and should be eliminated.

Perhaps just as burdensome is the requirement to report on the Location “type” in Questions A.4.d. and B.3.d. Existing records do not contain this information, so a site visit may be required to each location to ascertain the Location type. Once again, the Commission has not adequately explained how this Location type information is so germane to its analysis that it would justify the burden this would impose on providers.

**B. The Commission’s Burden Estimate Is Inaccurate.**

In the Notice, the Commission estimated that the time necessary to respond would be an average of 134 hours. The Commission did not explain how it arrived at its particular time estimate other than as an average of a gross hourly estimate for all respondents. The Commission did not provide any cost estimate for responses.

In response to the Notice, CBI conducted an internal survey of its business units to determine their capabilities to comply with the specific information collection applicable to their

business unit, as well as the time and cost expected to be necessary to do so. Managers of CBT, CBET, CBAD, CBW and Cincinnati Bell's information technology ("IT") department collectively estimated that the Cincinnati Bell companies would require nearly 8,000 hours and approximately half a million dollars to comply with the information collection.<sup>11</sup>

This volume of work would require personnel that do not exist and expenditures that are not budgeted and not recoverable from customers. In today's competitive environment, carriers must staff leanly and budget tightly, so any new regulatory duties require additional staffing and funding. Due to the technical nature of the information to be provided, persons knowledgeable about special access services and billing systems would be necessary to efficiently and accurately process the information. Few such personnel are available.

The information collection would also require substantial IT work. Some aspects of the IT projects that would be necessary were not even included in estimates because they were incapable of estimation without further detail as to the Commission's intended requirements. The time devoted to this project could jeopardize other critical projects necessary to operate the business. The Commission is requesting a substantial volume of data, some of which is available and some of which is not. Of that which is available, some of it is readily retrievable and some of it is not. As the request stands, it would require both a substantial programming effort to design, develop, code, implement and operate systems to extract the data that does exist and to arrange and format it to be responsive to the information collection. A manual effort is required to locate, retrieve, analyze, format and report on information that is not maintained in an automated fashion. CBI's IT department estimates that just the CLEC portion of the information

---

<sup>11</sup> This estimate only includes the cost of gathering this data. It does not include the additional costs that would be incurred to put it into whatever format the Commission might ultimately adopt. (See Section II.4.C.3. *infra*)

collection would require three full time employee equivalents two months to support the pulling of data from existing systems. Even where there may be source data resident in an IT application, that data may not be readily accessible or used in a format germane to the information collection. In such cases, customized programming would have to be created to extract the data in a meaningful and useful format. The Commission's request for 2010 facility and mapping data is especially troublesome and difficult because facility records and maps are kept current as part of normal business operations and prior versions are not archived. To recreate what existed in 2010 would require special studies and a great deal of manual work.

Given the degree of uncertainty as to exactly what data is being requested in some respects and the inability to thoroughly investigate the actual capabilities to provide that data, there is potentially a wide margin of error in the estimates of the time and cost necessary to respond. Nevertheless, it is clear that the Commission's 134 hour time estimate is grossly understated. It appears to be based on an average of thousands of potential respondents, many of whom may have very little to report or are not subject to the more detailed ILEC and CLEC information requirements, thereby skewing the average downward. The Commission's estimate fails to recognize the substantial burden the information collection places on those respondents who have a significant number of special access services on which to report.

**C. The Commission Should Clarify Some of the Information Collection Requirements.**

There are ambiguities in the Commission's requests as written that make it difficult to understand exactly what information is being requested. The Commission has requested details on each unique "billing code"<sup>12</sup> without defining that term. Most carriers use a standard set of USOCs ("universal service ordering codes") for purposes of billing services, including special

---

<sup>12</sup> II.A.12.f, II.A.14; II.B.4.m; II.B.6.

access services. The Commission needs to clarify if “billing code” and USOC are intended to be synonymous and, if not, what further information the Commission is seeking with respect to billing codes. Any differences between billing codes and USOCs would burden respondents. Similarly, “adjustments” are not well-defined and leave much room for interpretation. Billing adjustments may be made for a variety of reasons, but carriers may not currently differentiate between them within their billing systems.

The information collection defines “revenues” as billed amounts, but excludes billed amounts that are subsequently discounted.<sup>13</sup> That requires every account to be researched to determine whether a billed amount was subsequently discounted for some reason. And, because the discount or rebate may have occurred outside the applicable reporting period for the information collection (calendar years 2010 and 2012), this rule effectively extends the data gathering period to include 2011 and 2013.<sup>14</sup> Question II.B.5 requests substantial detail about each billing adjustment for Dedicated Services, which will require manual research and reporting in order to comply. Adjustment data is inconsistent and likely unavailable at the circuit level. Nor are unique codes used for various types of adjustments.

The questions addressing Revenues<sup>15</sup> are also unclear as to whether the inquiry is seeking revenues *received* during that period, revenues *billed* during that period, or the revenues associated with the services *in place* during the period. Each of these is a different amount.

The Commission has not provided sufficient detail on the required format for fiber route maps, which introduces a large degree of uncertainty into the amount of work and cost necessary to comply. In addition, the Commission has not released any template or instructions for

---

<sup>13</sup> Appendix A, Section I. Definitions.

<sup>14</sup> See question II.B.4.z.

<sup>15</sup> Appendix A, Section II.B.8.



submitting data, so the required formats are unknown at this time. Ample time must be allowed after the release of the template and instructions for data gathering and submission, so that resources are not wasted in advance of that release date gathering data incorrectly.

**D. The Information Collection Should Be Simplified To Reduce the Burden of Compliance.**

As an incumbent price cap LEC, CBT would be required to respond to the comprehensive information collection applicable to ILECs.<sup>16</sup> The primary source of information available to CBT to respond to the information collection is its carrier access billing system (“CABS”). The CABS system does not contain all of the information requested by the Commission. The information that the system does contain is not necessarily maintained in a format that easily lends itself to responding to the information collection as written.

For example, the Report and Order instructs that a “Connection” is a facility between an end user’s location and the first “Node” on a provider’s network (which could be at various locations within a network, not necessarily at the end point of a circuit). Where multiple paths serve one or more end users at the same location, it is to be counted as a single “Connection.” These seemingly simple rules greatly compound the difficulty of responding to the information collection. Billing systems are oriented to individual circuits and their end points and do not easily relate to connections between customers and “Nodes,” nor do they accommodate the accumulation of available bandwidth over multiple circuits to the same or different customers at the same location. Carrier billing systems typically show the end points of a circuit, not all of the intermediate points that might be considered a “Node.” Carriers would have to trace each individual circuit from a customer location through the network to make a judgment about where the first Node is located. Then, the request instructs the carrier to provide an aggregate

---

<sup>16</sup> Appendix A, Section II.B.

bandwidth to that precise location, which will likely involve a manual effort to combine the size of all circuits serving that location from the Node.

The information collection requirements should be relaxed so that carriers are only required to supply data that currently exists and then only in formats that are readily retrievable in an automated manner. This information collection is being described as a one-time effort, so the amount of special work required to comply should be minimized, as there will be no future benefit from it. The only efficient way for carriers to provide service location information is through addresses or some simple derivative from addresses. The level of geocoding required by the Report and Order is extremely burdensome and would be very costly and time consuming. The requirement to classify each Location “type” may also result in an onerous burden for carriers to determine what kind of facility is served by each connection. It is unclear why such information is necessary, but if it really is necessary, the compliance burden and cost could be reduced by limiting the collection of the most detailed data to a sample of each carrier’s data, rather than requiring exhaustive responses. The Commission could select a sample of locations for each provider and require detailed data only on these circuits.

The information collection requires respondents to provide a unique ID number for each billing adjustment to a special access service.<sup>17</sup> Then, for each adjustment, CLECs and ILECs must provide a variety of details, including the time period covered and exactly what the adjustment is for.<sup>18</sup> It is unclear whether this means that each individual billing adjustment is to be separately coded or whether only each *type* of adjustment must be assigned a code. Regardless of which was meant, CBT and CBET do not categorize billing adjustments, meaning each one would have to be manually reviewed, and potentially researched, to determine the

---

<sup>17</sup> II.A.12.p; II.B.4z.

<sup>18</sup> II.A.13.a through f; II.B.5.a through i.

reason for the adjustment and the variety of details required by the Commission's information collection. In many cases, such details are simply unavailable. Adjustments are often made at an account level and it is impossible to provide the level of detail demanded in the information collection. The information collection should be simplified to eliminate manual analysis of data. Alternatively, if detailed billing adjustment data is deemed necessary, a less burdensome approach might entail examining the type of adjustments from a sample of invoices.

#### **IV. CONCLUSION**

The amount of detail required by the information collection should be minimized to that which is absolutely necessary and available through normal business processes, so as to reduce the burden to respond, as described in these comments. Whether it pertains to facilities by type or location, maps, revenues, adjustments, rate elements, marketing plans or any other topic, any data collection that requires special studies, physical visits or system development should not be required. A prime example is the requirement to provide geocoded coordinates for each service location, which should be eliminated in favor of readily available service addresses. Information on circuits should be limited to providing what is readily available from billing systems and not require any manual analysis or compilation.

Respectfully submitted,

/s/ Douglas E. Hart  
Douglas E. Hart  
441 Vine Street, Suite 4192  
Cincinnati, OH 45202  
(513) 621-6709  
(513) 621-6981 fax  
[dhart@douglasshart.com](mailto:dhart@douglasshart.com)

Attorney for Cincinnati Bell Inc.