



National Cable & Telecommunications Association
25 Massachusetts Avenue, NW – Suite 100
Washington, DC 20001
(202) 222-2300
www.ncta.com

Steven F. Morris
Vice President and Associate General Counsel

(202) 222-2454
(202) 222-2446 Fax

February 21, 2014

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Special Access, WC Docket No. 05-25

Dear Ms. Dortch:

On February 20, 2014, James Assey, Rick Chessen, Jennifer McKee, and Steve Morris of the National Cable & Telecommunications Association (NCTA) met with Philip Verveer (Senior Counselor to Chairman Wheeler), Daniel Alvarez (Legal Advisor to Chairman Wheeler), Jonathan Sallet (Acting General Counsel), Julie Veach (Chief, Wireline Competition Bureau (WCB)), Deena Shetler (Associate Chief, WCB) and Eric Ralph (Chief Economist, WCB), to discuss the Commission's mandatory data collection in the above-referenced docket.

NCTA reiterated the serious concerns that cable operators have regarding the data collection and, in particular, the Commission's failure to satisfy its obligations under the Paperwork Reduction Act (PRA). We explained that the Commission suspended its pricing flexibility triggers in August 2012 and that its current approach offers no realistic possibility of updating those rules for many years. NCTA discussed alternatives to the current data collection that would enable the Commission to both satisfy the PRA and move more quickly toward resolution of this proceeding. NCTA also explained how the revisions to the FCC Form 477 that were adopted in June 2013 should provide the Commission with detailed data on the current availability of commercial services on a geographically granular basis, thereby significantly reducing the need to collect burdensome retrospective data or develop a mechanism to predict how competition might develop. The attached document was discussed during the meeting.

Respectfully submitted,

/s/ Steven F. Morris

Steven F. Morris

cc: P. Verveer
D. Alvarez
J. Sallet
J. Veach
D. Shetler
E. Ralph

SPECIAL ACCESS DATA COLLECTION

National Cable & Telecommunications Association

February 20, 2014



OVERVIEW

- The Commission's primary focus should be assessing the need for new pricing flexibility triggers to replace the rules that were suspended in 2012.
- The data collection seeks far more information than is needed to achieve that goal and violates the Paperwork Reduction Act.
- NCTA's proposed alternatives would enable the Commission to assess the need for new triggers in a manner that complies with the PRA.

MAPPING DATA - Concerns

- The granularity and format of the required mapping data creates an overwhelming burden on cable operators (as much as \$20 million for a single company).
- NCTA provided sworn declarations from company executives extensively documenting the burden of providing street-level fiber maps and node locations and the substance of those statements has not been challenged.



MAPPING DATA - Solutions

- Revise the instructions to permit companies to submit “airline maps” showing every customer location and the location of headends serving those customers.
 - The detail of such maps should make it possible to determine the general location of network facilities.
 - Using geocoded location data would ensure uniformity across companies, which the Commission has identified as a significant concern.
- Eliminate or waive the requirement to provide node data, which is not necessary for the Commission’s analysis.

MAPPING DATA - Solutions

- In conjunction with new 477 data, the data provided under NCTA's proposal would give the Commission far more granular data for purposes of assessing where pricing flexibility is warranted than the MSA/wire center data used previously.
- The additional detail sought by the FCC (street-level maps + nodes) would not materially improve the accuracy of the analysis.



BILLING DATA - Concerns

- The Commission is seeking to collect, for every month of 2010 and 2012:
 - the name and address of every special access customer in the United States;
 - every service they purchase at each location; and
 - every price they pay for each service element.
- For providers that are not subject to FCC recordkeeping requirements, this massive collection of retrospective data regarding customer purchases is unprecedented and overwhelming.
- To date the Commission has provided no explanation for how it plausibly could analyze so much disparate data and use it to develop new pricing flexibility triggers.



BILLING DATA - Solutions

- Given how difficult it will be for the Commission to use this data, and the overwhelming burden to collect it, the Commission should eliminate the questions seeking billing and revenue data.
- If the Commission does not eliminate these requirements entirely, it should modify them as follows:
 - Eliminate the obligation to submit data for 2010, which some companies already have archived in separate systems because it is so old.
 - Revise the instructions to clarify that respondents have no obligation to submit data that is not easily accessible from their automated billing systems (e.g., no data on billing adjustments or rebates that would require manual analysis; no breakdown of revenue by bandwidth).

DATA SECURITY

- The data collection will create a major data security risk that does not exist currently.
 - Street level network maps are an obvious target for hackers and aggregating thousands of those maps increases that risk.
 - The aggregation of massive volumes of sensitive data on customers' purchases also creates a significant new risk.
- Adopting NCTA's proposals to scale back the collection would ameliorate these risks.
- Even if the Commission scales back the collection, it should provide respondents with additional information on steps that will be taken to secure the data that is submitted.