

**Before the
Federal Communications Commission
Washington, DC 20554**

Transparency Rule Disclosures,)	
Protecting and Promoting the)	
Open Internet, Report and Order)	OMB Control No. 3060-1158
on Remand, Declaratory Ruling,)	
and Order, GN Docket No. 14-28,)	
FCC 15-24)	

**PAPERWORK REDUCTION ACT COMMENTS
OF NTCA–THE RURAL BROADBAND ASSOCIATION**

NTCA–The Rural Broadband Association (“NTCA”)¹ hereby submits these Comments in response to the above-captioned Notice and Request for Comments (“Notice”) published in the Federal Register on August 11, 2016.

In 2010, the Federal Communications Commission (the “Commission”) imposed certain “transparency” requirements on fixed and mobile broadband Internet access service providers regarding the effective disclosure of their network management practices; performance; and commercial terms (including rates and data caps) to consumers.² In 2015, the Commission adopted certain “enhanced” transparency requirements, including disclosure of: (i) commercial terms for prices, other fees, and data cap allowances; (ii) performance characteristics including packet loss, performance by geographic area, and average performance over a reasonable time and during peak

¹ NTCA is an industry association composed of nearly 900 rural local exchange carriers (“RLECs”). While these entities were traditional rate-of-return-regulated telecommunications companies and “rural telephone companies” as defined in the Communications Act of 1934, as amended, all of NTCA’s members today provide a mix of advanced telecommunications and broadband services, and many also provide video or wireless services to the rural communities they serve.

² *Preserving the Open Internet, Broadband Industry Practices*, GN Docket Nos. 09-191, 07-52, Report and Order, 25 FCC Rcd 17905 (2010).

usage; (iii) network practices including practices that are applied to traffic associated with a particular user or group, including any application-agnostic degradation of service, user based or application based practices should include the purpose of practice, which users or data plans may be affected, the triggers that activate the use of the practice, the types of traffic that are subject to the practice, and the practice's likely effects on the end users' experience; and (iv) a voluntary safe harbor that providers may use in meeting the existing requirement to make transparency disclosures in a format that meets the needs of end users.³

The Commission recognized in the *2015 Order*, however, that these "enhanced" transparency requirements could be burdensome for small providers, and accordingly granted a temporary exemption for providers with 100,000 or fewer broadband subscribers as reported on Form 477, aggregated over all of the provider's affiliates. In December 2015, the Commission's Consumer and Governmental Affairs Bureau extended this exemption until December 15, 2016.⁴ The same burdens that justified the original exemption and extension remain applicable and of just as great concern today. For example, the gathering and reporting of complex data such as packet loss would impose substantial burdens on smaller providers with limited staff and financial resources.⁵ Similarly, "collecting and disclosing information about various network practices, such as the use of filters, priorities, and other measures to address congestion" and "requiring direct notification to customers about usage triggers" would place significant burdens on small

³ *Protecting and Promoting the Open Internet*, GN Docket No. 14-28, Report and Order on Remand, Declaratory Ruling, and Order, 30 FCC Rcd 5601, 5672-77 and 5679-81 (2015) ("*2015 Order*"), at ¶¶ 164-70 and 176-81.

⁴ *Protecting and Promoting the Open Internet*, GN Docket No. 14-28, DA 15-142, Report and Order (C.G.B. 2015).

⁵ See Comments of NTCA, GN Docket No. 14-28 (filed Aug. 5, 2015).

companies that lack automated notification systems and require reasonable flexibility to manage networks as traffic patterns and demands evolve.⁶

Thus – although the immediate Notice is presumably intended to focus upon and capture the data collection burdens with respect only to *non-exempt* firms – because the Notice specifically asserts there may be “less of a burden” for “small entities,” NTCA feels compelled to note yet again for completeness of the record that the burdens that warranted the grant of an exemption in the first instance and an extended exemption for “very small entities” (*i.e.*, those with 100,000 or fewer broadband subscribers) persist and continue to justify such an exemption.

Respectfully submitted,



By: /s/ Michael R. Romano
Michael R. Romano
Senior Vice President –
Industry Affairs & Business Development
4121 Wilson Boulevard, Suite 1000
Arlington, VA 22203
mromano@ntca.org
703-351-2000 (Tel)

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⁶ See *Ex Parte* Letter from Thomas Cohen, Counsel for the American Cable Association, to Marlene H. Dortch, Secretary, Commission, GN Docket No. 14-28 (filed Aug. 20, 2015), at 2.