

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Connect America Fund)	WC Docket No. 10-90
)	
High-Cost Universal Service Support)	WC Docket No. 05-337

**COMMENTS
OF THE
NATIONAL EXCHANGE CARRIER ASSOCIATION, Inc.,
INDEPENDENT TELEPHONE AND TELECOMMUNICATIONS ALLIANCE,
NATIONAL TELECOMMUNICATIONS COOPERATIVE ASSOCIATION,
ORGANIZATION FOR THE PROMOTION AND ADVANCEMENT OF SMALL
TELECOMMUNICATIONS COMPANIES,
UNITED STATES TELECOM ASSOCIATION,
EASTERN RURAL TELECOM ASSOCIATION
AND THE
WESTERN TELECOM ALLIANCE**

By *Public Notice* dated June 1, 2012,¹ the Wireline Competition Bureau seeks comment on proposed data specifications for collecting study area boundaries for purposes of implementing various reforms adopted as part of the Commission's *USF/ICC Transformation Order*.² According to the *Public Notice*, information on study area boundaries would be useful in implementing the Commission's benchmarking rule, the

¹ *Comment Sought on Data Specifications for Collecting Study Area Boundaries*, WC Docket Nos. 10-90, 05-337, *Public Notice*, DA 12-868 (rel. June 1, 2012) (*Public Notice*).

² See *Connect America Fund*; *A National Broadband Plan for Our Future*; *Establishing Just and Reasonable Rates for Local Exchange Carriers*; *High-Cost Universal Service Support*; *Developing a Unified Intercarrier Compensation Regime*; *Federal-State Joint Board on Universal Service*; *Lifeline and Link-Up*; *Universal Service Reform—Mobility Fund*; WC Docket Nos. 10-90, 07-135, 05-337, 03-109, CC Docket Nos. 01-92, 96-45, GN Docket No. 09-51, WT Docket No. 10-208, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC 17663 (2011) (*USF/ICC Transformation Order*); *pets. for review pending sub nom.* In re: FCC 11-161, No. 11-9900 (10th Cir. filed Dec. 8, 2011).

Connect America Fund (CAF) Phase II cost model, and in determining instances where competitors offer voice and broadband service that overlap incumbent carriers' study areas.³ Based on information submitted in response to the *Public Notice*, and after obtaining approval from the Office of Management and Budget, the Bureau intends to issue a data request to all incumbent local exchange carriers (ILECs) in order to compile a "complete and accurate set" of study area boundaries.⁴

In various comments and petitions submitted in response to the Commission's *USF/ICC Transformation Order* the Rural Associations expressed significant concerns regarding the reform actions referenced in the *Public Notice*, including the Commission's decision to impose benchmark-based limitations on High Cost Loop Support (HCLS) determined using quantile regression models and proposals to eliminate or reduce support in areas served by "unsubsidized" competitors.⁵

One significant concern identified in prior Association filings is the Commission's use of admittedly inaccurate study area boundary detail to develop regression-based benchmark models.⁶ To the extent such concerns can be ameliorated by

³ *Public Notice* ¶ 1.

⁴ *Id.* The data specifications set forth in the *Public Notice* are based on a template provided by the Commission for rate-of-return carriers to use in seeking expedited waivers related to the regression benchmarks described above. *Id.* ¶ 6. In contrast to benchmark waiver filings, however, the Commission now proposes to require all ILECs to submit study area map data in a uniform "esri compatible shapefile" format as set forth in Appendix A to the *Public Notice*. *Id.*

⁵ *See, e.g.,* Application for Review of NECA, NTCA, OPASTCO, and WTA, WC Docket Nos. 10-90 and 05-337 (filed May 25, 2012) (*Rural Associations AFR*); Initial Comments of NECA, NTCA, OPASTCO, WTA, WC Docket No. 10-90, *et al.*, at 63-68. (filed Jan. 18, 2012); Petition for Reconsideration and Clarification of NECA, OPASTCO and WTA, WC Docket No. 10-90, *et al.*, at 18-19 (filed Dec. 29, 2011).

⁶ *E.g., Rural Associations AFR* at 6; *See also* Application for Review of the United States Telecom Association, WC Docket Nos. 10-90 and 05-337, at 7 (filed June 22, 2012).

collection of more accurate data in a uniform format, without imposition of undue administrative burdens on ILECs or the Commission itself, the Associations support efforts to establish uniform data specifications for collecting study area boundary information. While submission of information in standard, esri-compatible shapefile formats may be a reasonable way to accomplish the Commission's goals in this regard, differences in the ways exchange carriers and state regulatory agencies maintain maps may create unanticipated difficulties in converting this information to a single format. The Commission should give full consideration to technical issues raised by commenters in this proceeding before prescribing a uniform data format.

In imposing any data collection specifications or requirements, the Commission should also be mindful of significant disparities in available resources among ILECs. Preparation of standard shapefiles appears to be a relatively simple matter for companies with available geographic software and maps detailing traditional exchange and study area boundaries. But not all ILECs have the software or necessary expertise to develop such files, however, and many would need to rely on consulting firms to prepare the requisite shapefiles. This process could take considerable time and expense, at least for initial data submissions, and comes at a time when the Commission is imposing significant limitations on recovery of administrative expenses via universal service support mechanisms.

In certain circumstances carriers and/or state regulatory commissions simply may not have any maps delineating exact boundaries of service territories. An inflexible requirement to submit shapefile maps of study area boundaries could in these cases require companies to undertake physical surveys of outlying areas, a very time-

consuming, expensive and potentially dangerous process. Accordingly, the Commission should incorporate significant flexibility in designing processes to collect study area boundary information from ILECs, particularly those that do not have the necessary resources at hand to develop shapefiles in esri-compatible format. At a minimum, any data collection based on a standard template should permit carriers substantial time to prepare initial submissions. The Commission should also make clear that such submissions should reflect “best efforts” in establishing boundary data, and certification requirements (if any) should be phrased accordingly.

The Associations note in this regard that the *Public Notice* contemplates a process to resolve overlap issues by comparing submitted data to state maps where available, seeking input from state public utility commissions or other state agencies on boundary issues, and permitting an opportunity for carriers to challenge boundary decisions via notice and comment proceedings.⁷ The Associations agree that reliance on such methods could substantially reduce burdens on both carriers and the Commission and provide a reasonable way to iron out boundary uncertainties in the situations described above.

CONCLUSION

The methods described in the *Public Notice* for collecting study area boundary information appear reasonable as a general matter. The Commission should recognize, however, that companies may or may not have the resources at hand to submit study area shapefiles and should accordingly allow substantial time for submission of initial maps. The Commission should also recognize that data on geographical study area boundaries

⁷ *Public Notice* ¶ 7.

may not be available in all instances; companies facing such situations should be given substantial latitude to submit data approximating service territories.

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July 2, 2012

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Associations' Comments was served this 2nd day of July, 2012, by electronic filing and e-mail to the persons listed below.

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The following parties were served:

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