



February 13, 2009

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street SW
Washington, DC 20554

Ex Parte Notice

**Re: Development of Nationwide Broadband Data to Evaluate Reasonable and Timely Deployment of Advanced Services to All Americans, Improvement of Wireless Broadband Subscribership Data, and Development of Data on Interconnected Voice over Internet Protocol (VoIP) Subscribership
WC Docket No. 07-38**

Dear Ms. Dortch:

On February 12, 2009, Stephen Pastorkovich of the Organization for the Promotion and Advancement of Small Telecommunications Companies (OPASTCO), Jill Canfield and Scott Reiter of the National Telecommunications Cooperative Association (NTCA), Derrick B. Owens and Gerard Duffy of the Western Telecommunications Alliance (WTA), and Ross Lieberman of the American Cable Association (ACA) (collectively, the Associations) met with Jennifer McKee of Acting Chairman Michael Copps' office. Joshua Seidemann of the Independent Telephone & Telecommunications Alliance (ITTA) participated via telephone. The purpose of the meeting was to discuss the FCC's revised and recently approved Local Telephone Competition and Broadband Reporting Form (FCC Form 477), the impending March 2 filing deadline, and ways in which the FCC may assist carriers in completing the Form via the Commission's forthcoming electronic interface.

The Associations support efforts to improve the quality and accuracy of the Commission's broadband subscribership data in order to facilitate policies and procedures that will help broadband providers improve the availability of these critical services to consumers in rural and other low-population density areas across the nation. However, given the fact that the form was only recently approved and an electronic version is not yet available, providers need additional time to submit accurate and complete data. The Associations urged the Commission to extend the deadline for submitting the new version of the Form 477.

The Associations discussed general data collection and technical problems associated with the Form 477 submission. The Associations demonstrated that it will be logistically difficult, if not impossible, to meet a March 2 deadline. A graphic (attached) showing the time the Commission has had to prepare the form, compared to the time carriers are being given to comply, was provided. Given the constricted filing deadline and the fact that the online form can only accommodate a finite number of filers at any given moment, service providers will likely face significant technical challenges while attempting to submit their data. Furthermore, geocoded data is often inaccurate in rural areas, leading the Associations to express their concern about the utility of the data collected if the Commission requires a hasty submission. Service providers are understandably reluctant to certify the accuracy of data that they know or suspect contains errors or omissions. Should the Commission not grant an extension, the Associations urged the Commission to declare that service providers making best efforts to comply will not be subject to any enforcement action. The Associations also noted that while the form requires data to be accurate as of December 2008, some systems automatically update data to reflect more recent changes, which will lead to inconsistencies in the Commission's data set.

The Associations understand the desire for more complete data regarding broadband availability and subscribership and appreciate the FCC's outreach to industry groups. The Associations look forward to working with the Commission to assist with this outreach effort, but urge the Commission to offer affected providers flexibility with regard to the filing deadline. In addition to frequently asked questions, screen shots of the form, and form instructions, the Associations recommended that the outreach effort include direct contact information for filers with questions, as well as information regarding how to file alternative data for those carriers experiencing a significant hardship.

In accordance with FCC rules, this letter is being filed electronically in the above-captioned dockets.

Respectfully submitted,

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