

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

In the Matter of)	
)	
Development of Nationwide Broadband Data to)	
Evaluate Reasonable and Timely Deployment of)	
Advanced Services to All Americans,)	WC Docket No. 07-38
Improvement of Wireless Broadband)	DA 08-1586
Subscriber Data, and Development of Data on)	
Interconnected Voice over Internet Protocol)	
(VoIP) Subscribership)	

To: The Commission

REQUEST FOR EXTENSION



I. Introduction.

The American Cable Association urges the Commission to expeditiously adopt a short 120-day extension for broadband and VoIP providers to complete and file the new Form 477.¹ An extension is warranted for the following reasons:

- (i) The new form obligates filers to submit a substantial amount of increased data and information. At the same time, the new form has only recently been approved by OMB, and is still not available on the FCC website. Due to these delays, many ACA members lack the administrative resources, both financial and administrative, to timely submit the new Form 477 by March 2, 2009.
- (ii) An extension would have substantial public interest benefits, including permitting the Commission to amass a complete and well-developed record and ensuring accurate submissions.

For these reasons, the Commission should expeditiously adopt an extension.

¹ ACA notes that the National Telecommunications Cooperative Association, the Rural Telecommunications Group and the Organization for the Promotion and Advancement of Small Telecommunications Companies have filed a similar 120-day extension request.

American Cable Association. ACA represents more than 900 small and medium-sized cable companies that serve about 7 million cable subscribers, primarily in smaller markets and rural areas. ACA member systems are located in all 50 states. The companies range from family-run cable businesses serving a single town to multiple system operators with small systems in small markets. More than half of ACA's members serve fewer than 1,000 subscribers.

I. Due to the delays in making the new form publicly available, many ACA members lack the administrative resources to timely submit the new form.

The new Form 477 requires a substantial increase in administrative burdens to (i) collect information that has not been kept in the ordinary course of business; and (ii) complete the form. Moreover, an approved version of the new Form 477 was not available until recently, and the form itself is still not available online at the FCC's website. Requiring ACA members to provide the data by March 2, 2009 will require a redirection of limited resources, both financial and administrative, to gather and provide the requested information. Therefore, the Commission should impose a short 120-day extension.

Filing the new Form 477 under these conditions threatens to impose serious burdens on ACA members who lack administrative resources. Many members may struggle to compile the requested information without disrupting day-to-day business operations. This poses a substantial risk of adding to the cost of doing business and the cost of the service, at a time when the Commission and Congress are keenly interested in increasing broadband penetration.

On the other hand, a 120-day extension presents a narrowly-tailored solution that will minimize disruption and allow many businesses to compile the information in a more orderly and accurate fashion.² The Commission should adopt it.

II. An extension would permit the Commission to amass a complete and well-developed record and would ensure accurate submissions.

The Commission has consistently granted extensions of time when an extension would result in “the most complete and well-developed record possible.”³ Moreover, the Commission has granted extensions when additional time will allow for more accurate responses.⁴

Here, an extension would fulfill both of these important public interests. First, most broadband and VoIP providers do not currently track broadband penetration on a census tract level. A 120-day extension will permit the compilation and submission of this information, ensuring the most well-developed record possible. Second, a 120-day extension will give ACA members with limited resources adequate time to compile information. This will substantially increase the accuracy of responses.

Therefore, to advance these important public interest goals, the Commission should adopt an extension.

² Because the FCC declined to adopt any exceptions or reduced reporting requirements for small or medium-sized providers, providers that cannot compile the information will have to make “a showing of significant hardship” to the Commission. An extension would also have the side benefit of reducing the number of waiver requests that the Commission must handle.

³ See, e.g., *In the Matter of Amendment of Parts 2 and 25 of the Commission’s Rules to Permit Operation of NGSO FSS Systems in the Ku-Band Frequency Range*, Order Extending Reply Comment Period, 16 FCC Rcd. 7070, ¶ 3 (2001).

⁴ See, e.g., *In the Matter of Second Periodic Review of the Commission’s Rules and Policies Affecting the Conversion to Digital Television*, Order Granting Further Extension of Time to File First Round DTV Channel Election Forms, 20 FCC Rcd. 1555, ¶ 3 (2005).

III. Conclusion.

For the reasons above, a short 120-day extension is reasonable and appropriate.

The Commission should grant the request.

Respectfully submitted,

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