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Mr. Steven C. Reed
Secretary of the Commission
Post Office Box 360
Jefferson City, Missouri 65102

Re: In the Matter of a Repository File in which to Gather Information and Assess the Availability of Broadband Services in the State of Missouri (File No. TW-2010-0362)

Dear Mr. Reed:

AT&T¹ appreciates the opportunity to provide the Commission guidance and insight on how it can best proceed to “gather information and assess the availability of broadband services in Missouri.”² AT&T acknowledges, as did the State Senate Committee on Commerce, Consumer Protection, Energy and the Environment, which prompted the opening of this case, that there is a “need for a responsible public policy that facilitates accessible and reliable broadband services throughout our state.”³

As the Commission knows,⁴ the call to develop broadband service initiatives has accelerated, due in part to the 2008 Broadband Data Improvement Act (“BDIA”)⁵ and the 2009 American Recovery and Reinvestment Act of 2009 (“ARRA”).⁶ AT&T is fully supportive of the goals enunciated by the BDIA, a central purpose of which is to “ensure that all citizens and businesses in a State have access to affordable and reliable broadband service.”⁷ For example, AT&T has committed, not only in Missouri but across the country, to assist in providing the broadband mapping data requested in connection with the National Telecommunications and Information Administration’s (“NTIA’s”) State Broadband Data and Development Grant Program established pursuant to the BDIA and the ARRA.

With respect to this particular proceeding, AT&T strongly encourages the Commission to utilize and assess the data already being collected by the Missouri Office of Administration, on behalf of the NTIA. The Commission should refrain from initiating separate time-consuming and labor-intensive efforts that would drain the Commission’s, its Staff’s and broadband

¹ “AT&T” shall mean Southwestern Bell Telephone Company d/b/a AT&T Missouri and its affiliates which provide a variety of services that may be regarded as broadband services.

² Order Opening a Case to Gather Information and Assess the Availability of Broadband Services, June 30, 2010 (“Order Opening Case”), at 1.

³ Staff’s Motion to Open a Repository Docket, June 11, 2010, Attachment A (“Senate Committee Letter”).

⁴ AT&T’s January 22, 2010, Response to the Chairman’s January 15 Order Directing Collection of Broadband Provider Information, File No. AO-2010-0213.

⁵ Public Law 110-385, 122 Stat. 4096 (2008).

⁶ Public Law 111-5, 123 Stat. 115 (2009).

⁷ Public Law 110-385, 122 Stat. 4096 (2008), Sec. 106(a)(1).

providers' already limited resources. Additionally, it would be prudent and appropriate for the Commission to refrain from recommending implementation of any specific policies suggested by the conclusions and inferences allowed by that data, at least until a multitude of issues are better fleshed out in connection with the Federal Communications Commission's ("FCC's") release of its National Broadband Plan.

AT&T's and other broadband providers' data submission efforts are already well along, following NTIA's having awarded the Office of Administration almost \$2 million for broadband data collection and mapping activities, and for broadband planning activities, over a two-year period.⁸ A massive amount of compiled data has been delivered to the NTIA, and regular updates will follow over the course of the project.

Moreover, the data already being marshaled in connection with the broadband mapping effort closely parallels -- and in fact exceeds -- that which the Commission could expect to receive were it to undertake its own inquiry. Indeed, it is an understatement to say that the data already being collected, and the purposes to which it will be put, are both comprehensive and far-reaching. One need only turn to the BDIA for proof on this point.

According to the BDIA, funding grants to the Office of Administration shall be used for the following purposes, in summary:

- (1) provide a baseline assessment of broadband service deployment in Missouri;
- (2) identify and track areas in Missouri that have low levels of broadband service deployment, the rate at which residential and business users adopt broadband service, and possible suppliers of such services;
- (3) identify barriers to the adoption of broadband service by individuals and businesses in Missouri, including whether or not the demand for such services is absent and whether the supply for such services is capable of meeting the demand for them;
- (4) identify the speeds of broadband connections made available to individuals and businesses in Missouri and, at a minimum, to rely on the data rate benchmarks for broadband service utilized by the FCC;
- (5) create and facilitate in each county or designated region in Missouri a local technology planning team with members representing a cross section of the community, which shall benchmark technology use across relevant community sectors, set goals for improved technology use within each sector, and develop a tactical business plan for achieving its goals;

⁸ See, http://www.ntia.doc.gov/press/2009/BBMappinggrants_AKCODEKSLAMO_091130.html (as posted Jan. 18, 2010).

- (6) work collaboratively with broadband service providers and information technology companies to encourage deployment and use in Missouri, especially in unserved areas and areas in which broadband penetration is significantly below the national average, through the use of local demand aggregation, mapping analysis, and the creation of market intelligence to improve the business case for providers to deploy;
- (7) establish programs to improve computer ownership and Internet access for unserved areas and areas in Missouri in which broadband penetration is significantly below the national average;
- (8) collect and analyze detailed market data concerning the use and demand for broadband service in Missouri;
- (9) facilitate information exchange regarding the use and demand for broadband services between public and private sectors in Missouri; and
- (10) create a geographic inventory map of broadband service, which shall identify gaps in such service, based on the geographic boundaries of where service is available or unavailable among residential or business customers, and provide a baseline assessment of statewide broadband deployment in terms of households with high-speed availability.⁹

The many efforts being devoted to these expansive projects should be allowed to remain focused and on track. In the immediate near term, the data-collection efforts already well underway should continue without the interruption or distraction that would doubtless be caused were the Commission to engage in a separate (and duplicative) data collection exercise.¹⁰ Only by taking these steps can the Commission best facilitate and support the important work being done by the Office of Administration, the results of which will no doubt be of great interest and use to all Missourians, including the Missouri Senate Committee.

Additionally, delay in the formulation of policy recommendations is prudent given the debate on the FCC's National Broadband Plan ("NBP"), which is also already underway.¹¹ Released on March 16, 2010, the NBP responds to a Congressional mandate that every American should have access to broadband capability and includes a detailed strategy for achieving affordability and maximum use of broadband infrastructure and services. The NBP covers an extensive range of topics and makes recommendations to the FCC, the Executive Branch, Congress and state and local governments.

⁹ Public Law 110-385, 122 Stat. 4096 (2008), Sec. 106(e).

¹⁰ This consideration takes on even greater significance given the fact that the Commission's own Order Opening Case was directed to over 500 entities. *See*, Order Opening Case, Service List.

¹¹ The FCC's National Broadband plan can be found at <http://www.broadband.gov/>, and the FCC's Executive Summary of the plan can be found at: <http://www.broadband.gov/plan/executive-summary/>.

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The FCC plans to issue several dozen Notices of Proposed Rulemakings and Notices of Inquiry through the end of 2010, as part of a Broadband Action Agenda comprised of more than 60 key actions, proceedings, and initiatives the Commission intends to undertake over the next year and beyond to implement the recommendations of the NBP.¹² The subject coverage of those notices, together with their proposed tentative conclusions (on which comment is typically sought), will be indispensable to this Commission as it sets out to formulate the pertinent questions and issues to be discussed, analyzed and debated.

There is ample time for the Commission to allow the already underway data collection and policy recommendation efforts to unfold. The Commission's own report to the Senate Committee is not due until December 1, 2011. In the meantime, the Office of Administration and broadband providers can keep the Commission informed as to all data collection progress being made, including updates in the data collection efforts as appropriate, and Staff can monitor and regularly report to the Commission on federal policy considerations and proposals as they become more clear and focused. That way, the Commission will have obtained the best information available to it, without engaging in duplicative efforts, when the time comes to consider, formulate and recommend the most reasonable broadband service policies for Missouri.

In closing, AT&T emphasizes that enormous amounts of funding and effort are being deployed through the programs established by the BDIA and the ARRA -- to accomplish the same (and more) goals than have been identified in this proceeding. The most productive use of all stakeholders' time and resources is for them to fully participate in the federal data collection and policy considerations now in progress. Separate initiatives need not be started by the Commission at this time. Instead, for now, the Commission should monitor and otherwise take advantage of the input and results of these separate and already in-progress activities to inform and educate itself. Once the national efforts are more fleshed out later in 2011, the Commission can then convey to the State Senate Committee the best information and ideas that make the most sense for Missouri.

Respectfully,



Robert J. Gryzmala

cc: Attorneys of Record

¹² See, <http://www.broadband.gov/plan/national-broadband-plan-action-agenda.pdf>.

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