



**INDEPENDENT TELEPHONE & TELECOMMUNICATIONS ALLIANCE**

December 21, 2009

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

**Re: *Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion and Possible Steps to Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996, as Amended by the Broadband Data Improvement Act***  
**GN Docket 09-137**

***A National Broadband Plan for Our Future***  
**GN Docket 09-51**

***International Comparison and Survey Requirements in the Broadband Data Improvement Act***  
**GN Docket 09-47**

Dear Ms. Dortch:

The Independent Telephone & Telecommunications Alliance (ITTA) hereby submits these comments in response to the Commission's "National Broadband Plan Public Notice #25."<sup>1</sup> ITTA is an alliance of mid-size telephone companies that collectively serve approximately 30 million access lines in 44 states, and offer subscribers a broad range of high-quality wireline and wireless voice, data, Internet, and video services. The Public Notice is part of the Commission's on-going efforts to submit to Congress "a report containing a national broadband plan," pursuant to the American Recovery and Reinvestment Act of 2009;<sup>2</sup> the report is intended to play an integral role in the process of "ensur[ing] that all people of the United States have access to broadband capability."<sup>3</sup> The Commission now seeks comment on the relevant policy issues associated with a transition from a circuit switched PSTN to an IP-based network.

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<sup>1</sup> "Comment Sought on Transition from Circuit-Switched Network to All-IP Network," Public Notice DA 09-2474, GN Docket Nos. 09-47, 09-51, 09-137 (rel. Dec 1, 2009) (Public Notice).

<sup>2</sup> American Recovery and Reinvestment Act, Pub. L. No. 111-5, 123 Stat. 115, 42 U.S.C. sec. 6001(k)(1) (2009) (ARRA).

<sup>3</sup> *A National Broadband Plan for our Future: Notice of Inquiry*, Docket No. 09-51, FCC 09-31, at para. 9, citing ARRA sec. 6001(k)(2) (2009).

The task of identifying the issues that will arise in this context is formidable, and ITTA applauds the Commission for facilitating industry participation in the first phases of a potential Notice of Inquiry. Myriad issues that demand attention from experts, including engineers, financial specialists, and legal authorities, will arise. The process should be neither rushed nor relaxed – due time must be given to ensure adequate investigatory processes, but those processes should not fall victim to interminable delay. Accordingly, ITTA identifies herein policy questions that are applicable, generally, to initiatives aimed at further broadband deployment and eventual conversion to a complete IP-based network.

An overarching goal evidenced by ARRA programs and numerous Commission utterances is broadband deployment throughout the Nation. Successful and realistic policies, however, cannot be established in the absence of relevant technical and financial information. To the extent policy-makers desire ubiquitous broadband deployment, policy-makers must be aware of the physical and financial characteristics associated with those endeavors. That information enables policy makers and other interested parties to formulate successful strategies for National broadband deployment. Threshold technical issues that warrant consideration in a Notice of Inquiry include, but are not limited to: the type of facilities that must be deployed to achieve all-IP network; the types of existing facilities that can be leveraged in achieving an all-IP network; whether, and how, PSTN facilities would be retired; the time-frame in which the network would be re-defined; and, the costs of that redefinition.

As basic cost data is identified, policy-makers must ask whether there are areas in the Nation in which the costs of deploying an all-IP network are effectively prohibitive. The subjective assessment of what constitutes "prohibitive" depends in part upon the relative importance of ubiquitous broadband deployment, as defined by policy-makers. Similarly, the Commission must address the matter of carrier of last resort (COLR) obligations in an IP-based environment. Should these requirements apply only to the provision of voice services, or should they encompass a provider's obligation to provide core applications?

The matter of COLR arises in instances where normal economic incentives are not sufficient to encourage market participation absent external support. Inquiries into the role of a COLR in an IP-based universe cannot be undertaken without assessing the costs of deploying an all-IP network and the extent to which policy makers are resolved to ensure deployment. The Commission must weigh the relative roles of government and private industry. What type of public/private partnerships might be envisioned? Policy makers must ask how varying policies will affect providers' abilities to obtain capital. The Commission must assess the various signals proposed actions would send to the marketplace, and ensure that they do not diminish incentives for investment. Financial policies should contemplate not only the costs of deployment, but the potential costs to consumers and the effects those might have on demand for services, and consequent provider revenues.

The issues described above are representative of the considerations the Commission should include in a Notice of Inquiry. ITTA looks forward to working with the Commission on this and other matters as the Nation moves forward in this broadband effort.

Respectfully submitted,



Joshua Seidemann  
Vice President, Regulatory Affairs