

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

In the Matter of)	
)	
Special Access for Price Cap Local Exchange Carriers)	WC Docket No. 05-25
)	
AT&T Corporation Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services)	RM-10593
)	

**SMALL PURCHASERS COALITION
PETITION FOR BLANKET EXEMPTION OR, IN THE ALTERNATIVE,
PETITION FOR RECONSIDERATION**

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Summary

The Small Purchasers Coalition (“Coalition”) urges the Federal Communications Commission (“FCC” or “Commission”) to scale back the vast scope of the mandatory data collection requirements -- which would impose an enormous, and unjustified, burden on Small Purchasers, defined as any carrier that purchases (1) less than \$5 million annually in special access facilities in price cap areas or (2) 200 or fewer special access facilities. Small Purchasers should be exempt from the mandatory data collection requirements. If the grant of this blanket exemption is not within the scope of the Wireline Competition Bureau’s (“WCB”) delegated authority, the Coalition respectfully requests that WCB refer this matter to the full Commission for consideration. The Commission can then determine whether to review the merits of the underlying issue, or delegate authority to do so to the WCB.

The purchase of special access facilities by Coalition members constitutes an almost infinitesimal level of spending on special access facilities. The highest level of spending on *all* special access facilities (backhaul from cell sites plus other special access facilities) by any member of the Coalition is less than \$5 million – less than 1/40th of 1% of the more than \$20 billion market for ILEC-provided special access facilities.

The monetary and resource burden on Small Purchasers to collect and report this data will massively outweigh any possible benefit to the Commission of having this data. The FCC estimates that the average burden per respondent will be 146 hours. The average respondent would, therefore, require more than four weeks of dedicated work by one employee to comply with the data collection requirements. Members of the Coalition have very small carrier access billing staffs, in some cases as small as two employees – and therefore they would have to hire outside help, at a high cost, to work with their staff to prepare the requisite reports. Further,

many members of the Coalition will have to gather the data manually – to the extent they even have the data.

If the Commission does not exempt Small Purchasers, then it should, at a minimum, reduce the data collection burden on Small Purchasers by doing the following: (1) eliminate the requirement to furnish data for calendar year 2010, and require data for 2013 rather than 2012; (2) exempt self-provisioned special access facilities from the data collection requirements; (3) exempt the provision of special access facilities among affiliated entities from the data collection requirements; and (4) narrow the scope of quantitative data to be provided by purchasers of special access facilities. Elimination of the requirement to submit data for calendar year 2010 is particularly important: that data will be more than four years old by the time it is submitted.

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The Small Purchasers Coalition (“Coalition”)¹, by counsel and pursuant to Section 1.429 of the Commission’s rules,² hereby submits this Petition for Blanket Exemption or, in the Alternative, Petition for Reconsideration (“Petition”) in response to the *Report and Order* (“WCB Order”) adopted in the above-captioned proceeding by the Chief of the Wireline Competition Bureau (“WCB”) acting under delegated authority.³ The Coalition requests that small carriers that purchase small amounts of special access facilities be granted a blanket exemption from the mandatory data collection requirements adopted in the *Report and Order and Further Notice of Proposed Rulemaking* in the above-captioned proceeding.⁴

¹ The Coalition is comprised of the following small wireless carriers: Carolina West Wireless, Inc., Cellular Network Partnership, an Oklahoma Limited Partnership d/b/a Pioneer Cellular (“Pioneer Cellular”), Cellular Properties, Inc. d/b/a Cellular One of East Central Illinois (“Cellular One of East Central Illinois”), Cross Telephone, L.L.C. (“Cross Telephone”), East Kentucky Network, LLC d/b/a Appalachian Wireless (“East Kentucky Network”), Illinois Valley Cellular RSA 2-I and Illinois Valley Cellular, RSA 2-II Partnership, d/b/a Illinois Valley Cellular (“Illinois Valley Cellular”), N.E. Colorado Cellular, Inc. d/b/a Viaero Wireless, Nex-Tech Wireless, LLC (“Nex-Tech Wireless”), Pine Cellular Phones, Inc., Smith Bagley, Inc. (“Smith Bagley”) and Union Telephone Company d/b/a Union Wireless (“Union Wireless”).

² 47 C.F.R. §§ 1.429.

³ In the Matter of Special Access for Price Cap Local Exchange Carriers, WC Docket No. 05-25, *Report and Order*, released September 18, 2013, FCC 13-909, 78 FR 67053 (Nov. 8, 2013).

⁴ In the Matter of Special Access for Price Cap Local Exchange Carriers, WC Docket No. 05-25, *Report and Order and Further Notice of Proposed Rulemaking*, released December 18, 2012, FCC 12-153, 27 FCC Rcd 16318 (“*Mandatory Data Collection Order*”).

The Coalition proposes to define a “Small Purchaser” as any purchaser of special access facilities that: (1) purchases less than \$5 million annually in special access facilities in price cap areas or (2) purchases 200 or fewer special access facilities in price cap areas. If the grant of this blanket exemption is not within the scope of WCB’s delegated authority, the Coalition respectfully requests that WCB refer this matter to the full Commission for consideration.⁵ The Commission can then determine whether to review the merits of the underlying issue, or delegate authority to do so to the WCB.

If the Commission does not grant a blanket exemption for Small Purchasers, the Coalition respectfully requests that the WCB reconsider the specific proposals of the Coalition to reduce the reporting requirements for Small Purchasers. The Coalition notes that the proposal to exempt Small Purchasers, and the specific proposals to scale back the reporting requirements for Small Purchasers were all previously presented to the Commission by the Joint Commenters (as defined in the next paragraph).⁶

Each member of the Coalition is a mobile wireless carrier, a purchaser of special access facilities, and a small business entity providing service predominantly in rural areas of the United States. Each member of the Coalition would be subject to the new data collection requirements. Most members of the Coalition previously participated in this proceeding by filing Joint Comments or *ex parte* comments (collectively, “Joint Commenters” and “Comments”) in response to the *Mandatory Data Collection Order*.⁷

⁵ See 47 C.F.R. § 1.429(a) (“Where action was taken by a staff official under delegated authority, the petition may be acted on by the staff official or referred to the Commission for action.”)

⁶ See 47 C.F.R. § 1.429(b), requiring a Petition for Reconsideration to rely on facts and arguments previously presented to the Commission, except in special circumstances.

⁷ Cellular One of East Central Illinois, Cross Telephone, Nex-Tech Wireless, Pioneer Cellular and Smith Bagley participated in Joint Comments filed on April 15, 2013 (“Joint Comments”). East Kentucky Network, Illinois Valley Cellular and Union Wireless participated in *ex parte* comments filed on May 2, 2013 (“*Ex Parte* Comments”).

I. Background

In its *Mandatory Data Collection Order*, the FCC required *all* providers and *all* purchasers of special access services to submit data for calendar years 2010 and 2012. The FCC did not exempt any carrier, regardless of how small that carrier might be or how few special access services that carrier purchased. In its Final Regulatory Flexibility Act (“FRFA”) analysis, the FCC:

note[d] concerns regarding the burden that this data collection will impose on small companies, and is mindful of the importance of seeking to reduce information collection burdens for small business concerns⁸

Unfortunately, the FCC gave little weight to these concerns, concluding that:

“[c]ompetition in the provision of special access ... appears to occur at a very granular level – perhaps as low as the building/tower. Accordingly, the Commission finds it necessary to obtain data from special access providers and purchasers of all sizes.”⁹

In their Comments, Joint Commenters asserted that the scope of quantitative data to be provided by Small Purchasers is onerous. Such carriers must provide, among other things, extensive data for each and every cell site on their networks, including a complex categorization and detailed quantification of the special access facilities serving each site, including facilities that are self-provisioned and/or provided by affiliated entities.¹⁰ All purchasers of special access must provide even more detailed information, including the dollar value of special access purchases broken down into numerous categories depending on the nature of the facilities and the provider of the facilities, and whether the facilities were purchased under tariff or by contract.¹¹ Even worse, purchasers must provide all of this information not only for 2012, but also for 2010.

Joint Commenters urged the Commission to scale back the vast scope of the mandatory data collection requirements, which would impose an enormous and unjustified burden on Small Purchasers.

⁸ *Mandatory Data Collection Order*, Appendix B, Final Regulatory Flexibility Analysis (“FRFA”) at ¶ 73, citing the Small Business Paperwork Relief Act of 2002, § 2(c)(3), Pub. L. No. 107-198, see 44 U.S.C. § 3506(c)(4).

⁹ FRFA at ¶ 73.

¹⁰ *Id.* at Appendix A, page 61.

¹¹ *Id.* at Appendix A, pages 61 – 62.

Joint Commenters argued that the enormous burden and substantial cost on Small Purchasers is utterly disproportionate to any possible public benefit and that the practical utility of such data is close to zero. Specifically, Joint Commenters proposed that Small Purchasers be exempted from such requirements. In the alternative, Joint Commenters made specific proposals for reducing the scope of the data collection requirement.

The *WCB Order* purported, among other things, to:

clarify the scope of the [mandatory data collection requirements adopted in the *Report and Order and Further Notice of Proposed Rulemaking* in the above-captioned proceeding] to reduce [the] burden where doing so is consistent with [WCB's] delegated authority and will not impact the Commission's ability to analyze the data....¹²

The *WCB Order* asserted that the WCB lacked authority to adopt an exemption for small carriers.¹³ The *WCB Order* did not even mention, let alone address, any of the specific proposals made by Joint Commenters for reducing the scope of the data collection requirements, with one minor exception.¹⁴

II. The FCC's Mandatory Data Collection Requirements Contravene Good Public Policy and Violate the Paperwork Reduction Act

Good public policy, not to mention the overarching objectives of the Paperwork Reduction Act ("PRA") disfavors -- and in the case of the PRA, prohibits -- data collection requirements that impose undue cost with no corresponding public benefit. In this case, the data collection requirements adopted in the *Mandatory Data Collection Order* impose an enormous burden and substantial cost on Small Purchasers that is utterly disproportionate to any possible public benefit.

¹² *WCB Order* at ¶ 1.

¹³ *WCB Order* at ¶ 13 n. 41.

¹⁴ The *WCB Order* clarified that purchasers of special access were not required to answer a series of questions requiring qualitative, narrative responses. *WCB Order* at ¶ 52. Otherwise, the *WCB Order* avoided any discussion of the specific proposals made by Joint Commenters except to state that:

We have reviewed all of the requests for changes and clarifications Clarifications or changes not made as requested were because the benefit of collecting the information outweighed the burden or because the rejected clarification or change is inconsistent with the terms of the Special Access Data Collection Order, outside the scope of our delegated authority, or because the Commission previously considered and rejected the requested relief.

Id. at ¶ 54.

A central purpose of the PRA is to “minimize the paperwork burden for individuals, small businesses ... and other persons resulting from the collection of information by or for the Federal Government.”¹⁵ Under the PRA, an agency must estimate the burden of proposed information collections and justify the need for the collection. Significantly, an agency must:¹⁶

(3) Certify ... that each collection of information ...

(A) is necessary for the proper performance of the functions of the agency, including that the information has *practical utility*;

(B) is not unnecessarily duplicative of information otherwise reasonably accessible to the agency; [and]

(C) reduces to the extent practicable and appropriate the burden on persons who shall provide information to or for the agency, including with respect to small entities ... the use of such techniques as –

(i) *establishing different ... reporting requirements ... that take into account the resources available to those who are to respond; ... [and]*

(iii) *an exemption from coverage of the collection of information, or any part thereof*

OMB’s regulations further explain that “[p]ractical utility means the actual, not merely the theoretical or potential, usefulness of information to or for an agency, taking into account ... the agency’s ability to process the information it collects ... in a useful and timely fashion.”¹⁷

The Coalition respectfully submits that the collection of data for special access facilities by each and every mobile service provider to each and every cell site in the United States lacks *practical utility* because the FCC, despite its very best intentions, cannot possibly process that information “in a useful and timely fashion.” The volume of quantitative and qualitative information that the FCC would receive would be massive.

¹⁵ 44 U.S.C. § 3501(1).

¹⁶ 44 U.S.C. § 3506 (emphasis added).

¹⁷ 5 C.F.R. § 1320.3(l) (emphasis added).

The FCC initially estimated that the average burden for each respondent would be 134 hours,¹⁸ and now estimates that the average burden per respondent will be 146 hours.¹⁹ The average respondent would, therefore, require more than four weeks of dedicated work by one employee to comply with the data collection requirements. Members of the Coalition have very small carrier access billing staffs, in some cases as small as two employees – and therefore they would have to hire outside help, at a high cost, to work with their staff to prepare the requisite reports. Further, many members of the Coalition will have to gather the data manually – to the extent they even have the data. The monetary and resource burden on Small Purchasers will massively outweigh any possible benefit to the Commission of gathering this information.

III. The FCC Should Adopt a Blanket Exemption for Small Purchasers

The Coalition urges the FCC to adopt a blanket exemption so that Small Purchasers are not unduly burdened by the data collection requirements. There is significant recent precedent for adopting a *de minimis* exemption for small providers. In this very proceeding, the FCC has, in fact, provided an exemption -- based on a threshold level of customers -- to the requirement to submit data regarding best efforts business broadband Internet access services.²⁰ In its *Rural Call Completion Order*, the FCC exempted providers of long-distance voice service that make the initial long-distance call path choice for fewer than 100,000 customers.²¹ Such providers were exempted from *all* reporting requirements. In its *Lifeline Reform Order*, the FCC exempted all carriers with under \$5 million in annual Lifeline revenue from the biennial audit requirement.²²

¹⁸ *Mandatory Data Collection Order*, Information Collection Being Reviewed by the Federal Communications Commission, Comments Requested, 78 FR 9911 (Feb. 12, 2013).

¹⁹ *Mandatory Data Collection Order*, Information Collection Being Submitted for Review and Approval to the Office of Management and Budget (OMB), 78 FR 73861 (Dec. 9, 2013) (“*PRA Notice*”).

²⁰ *Mandatory Data Collection Order* at ¶ 22.

²¹ In the Matter of Rural Call Completion, *Report and Order and Further Notice of Proposed Rulemaking*, WC Dkt. No. 13-39, FCC 13-135 (“*Rural Call Completion Order*”) at ¶ 20.

²² In the Matter of Lifeline and Link Up Reform and Modernization, WC Docket No. 11-42, Report and Order and Further Notice of Proposed Rulemaking, FCC 12-11 (rel. Feb. 6, 2012), 77 FR 12952 (“*Lifeline Reform Order*”) and 77 FR 12784

Mobile wireless carriers alone spend billions of dollars purchasing special access facilities to serve hundreds of thousands of cell sites, in addition to the purchase of special access facilities for other purposes (such as transporting voice and data traffic between mobile switching centers and the points of presence of interexchange carriers). The mobile wireless backhaul market alone has been estimated to be \$3 billion annually by the first half of 2011, increasing to \$8 - \$10 billion in the near future due to rapid increases in wireless data traffic.²³ An October 2008 report found 230,000 cell sites in the United States, with 530,000 backhaul lines from those sites.²⁴ T-Mobile alone reports over 32,000 cell sites.²⁵

Further, the size of the market for the provision of special access facilities to mobile wireless carriers is only a fraction of the overall special access market, which includes the provision of facilities to cable MSOs, interexchange carriers, competitive local exchange carriers, and Internet service providers. According to the most recent FCC data available, the special access revenue of ILECs alone had already reached \$16 billion in 2007.²⁶ With the meteoric growth of data traffic in the past six years, the current revenue level is almost certainly much higher.

The purchase of special access facilities by Coalition members constitutes an almost infinitesimal level of spending on special access facilities. The highest level of spending on *all* special access facilities (backhaul from cell sites plus other special access facilities) by any Coalition member is less than \$5 million. If we conservatively assume that spending on wireless backhaul alone (thus, not even counting other special access facilities used by wireless carriers) is now \$10 billion, the Coalition

(“*Further NPRM*”) at ¶¶ 291, 294 (“Performing a baseline audit of the carriers drawing \$5 million from the fund annually, which collectively draw more than 90% of Lifeline support, is warranted”).

²³ *Sixteenth Report, Annual Report and Analysis of Competitive Market Conditions with Respect to Mobile Wireless, Including Commercial Mobile Services*, WT Docket No. 11-186, FCC 13-34, released March 21, 2013 (“*16th Annual CMRS Report*”) at ¶ 330, citing *Storming the Cell Tower: MSOs Move Wireless Backhaul to the Forefront*, Heavy Reading, at 3 (July 2011). This estimate only includes backhaul from cell towers.

²⁴ *16th Annual CMRS Report* at ¶ 331 n. 993, citing *Wireless Backhaul Market Study*, New Paradigm Resources, Oct. 2008.

²⁵ *16th Annual CMRS Report* at ¶ 333.

²⁶ Federal Communications Commission, Statistics of Common Carriers, Table 2.11 (2006/2007), available at http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-301505A1.pdf.

members each account for far less than 1/20th of 1% of just the wireless cell site backhaul market measured by revenue.²⁷ If we conservatively assume that spending on all special access facilities is now \$20 billion, the Coalition members each account for far less than 1/40th of 1% of the ILEC market for special access facilities.²⁸

The Coalition reiterates the proposal of Joint Commenters that any carrier that purchases less than \$5 million annually in special access facilities in price cap areas -- that is, less than 1/40th of 1% of a \$20 billion special access market by revenue -- should be eligible for a blanket exemption from the mandatory data collection requirements.²⁹ In addition, the Coalition reiterates the proposal of Joint Commenters that any carrier that purchases 200 or fewer special access lines in price cap areas should be eligible for a blanket exemption.³⁰ Thus, as set forth above, the definition of Small Purchaser would be any purchaser of special access facilities that: (1) purchases less than \$5 million annually in special access facilities in price cap areas; or (2) purchases 200 or fewer special access facilities in price cap areas.

IV. If the FCC Does Not Provide a Blanket Exemption for Small Purchasers, Then the FCC Should Substantially Reduce the Data Collection Burden on Small Purchasers

If the FCC does not exempt Small Purchasers, then the FCC should reduce the data collection burden on such carriers by doing the following: (1) eliminate the requirement to furnish data for calendar year 2010; (2) exempt self-provisioned special access facilities from the data collection requirements; (3) exempt the provision of special access facilities among affiliated entities from the data collection requirements; and (4) narrow the scope of quantitative data to be provided by purchasers of

²⁷ Coalition members are comparing their total spending on all special access facilities (of which backhaul from cell sites is a part) with the estimates of spending on special access only for backhaul from cell sites.

²⁸ The Coalition recognizes that some of the estimated ILEC revenue is derived from rate-of-return areas, which are not part of the market being examined by the Commission. This is counter-balanced by the fact that Coalition members purchase some of their special access facilities from rate of return carriers.

²⁹ Joint Comments at pp. 5 – 7.

³⁰ *Ex Parte* Letter at p. 2.

special access facilities. Such reductions in the data collection requirements are required by the PRA, which requires an agency to “reduce to the extent practicable and appropriate the burden on persons who shall provide information to ... the agency, including with respect to small entities ... the use of such techniques as – establishing different ... reporting requirements ... that take into account the resources available to those who are to respond”³¹

Each of these proposals was specifically raised by Joint Commenters. The *WCB Order* did not mention, let alone address, any of these proposals. The Coalition respectfully requests consideration of each of these proposals.

A. The FCC Should Eliminate the Requirement for Small Purchasers to Furnish Data for Calendar Year 2010

The requirement to provide data for calendar year 2010 is particularly burdensome. Without any prior notice, carriers are now mandated to produce data that will be more than four years old by the time it is collected. In many cases, Small Purchasers have not identified and tracked such data in their electronic databases. These carriers would now have to retroactively try to identify and capture this data. Such work will have to be done manually. This will make the task all the more daunting – and expensive. Finally, some of the information may not be available at all.

The Coalition urges the FCC to eliminate any requirement to provide data prior to calendar year 2012. It is grossly unfair and unduly burdensome to now require – without any prior notice – each and every carrier to furnish data that will be more than four years old.³²

Furthermore, to the extent Small Purchasers are required to submit any data, the requirement should apply to calendar year 2013 data, not calendar year 2012 data. The *Mandatory Data Collection*

³¹ 44 U.S.C. § 3506 (3)(C)(i).

³² The Coalition notes that the *Mandatory Data Collection Order* was not preceded by a Notice of Proposed Rulemaking. As a result, carriers had no notice whatsoever of the data collection requirements until the *Mandatory Data Collection Order* was released on December 18, 2012.

Order states that calendar year 2012 was selected “because it is the most recent year for which data will be available once Paperwork Reduction Act approval is obtained for the information collection adopted in this order.”³³ In fact, the Commission will not be able to collect data until the first quarter of 2014, at the earliest. Further, it is likely that data would not have to be provided until the second quarter of 2014, at the earliest.

B. Small Purchasers Should be Exempt from Providing Data Regarding Self-Provisioned Special Access Facilities

Members of the Coalition self-provision many of their backhaul facilities, particularly from their cell sites. One Coalition member self-provisions over 90% of its backhaul facilities to its cell towers. Small Purchasers, many of whom self-provision a significant number of their backhaul facilities, should be exempt from providing data regarding such facilities. These facilities are not part of the “market” for special access facilities. There is no market price for the use of such facilities. If the Commission does not entirely relieve Small Purchasers of the obligation to provide data regarding self-provisioned facilities, Small Purchasers should not be obligated to do more than simply report the aggregate number of self-provisioned facilities.

In all events, the Coalition urges the FCC to confirm that -- at most -- self-provisioned facilities must only be reported under Section II.E of Appendix A, which applies to purchasers of special access facilities. It would be unduly burdensome and wholly unnecessary to require such entities to comply with the massive data collection requirements imposed upon providers of special access facilities. In the case of self-provisioning, the purchaser and the provider are the same entity, and the “provider” has no customers except itself for such self-provisioned facilities.

³³ Comments on the *PRA Notice* are not due until January 8, 2014. OMB must then review the *PRA Notice*. The Coalition plans to file comments in response to the *PRA Notice*. If, and when, OMB approves the data collection, the *Mandatory Data Collection Order* is not effective until the OMB approval is published in the Federal Register. At some point thereafter, the Commission will issue a Public Notice, presumably providing sufficient advance notice of the deadline for filing the requisite data.

C. Small Purchasers Should be Exempt From Providing Data Regarding Special Access Facilities Provided to and Purchased from Affiliates

Several Coalition members purchase some of their special access facilities from affiliated entities. The combined burden on the affiliated purchaser and provider would be onerous. The Coalition urges the Commission to implement a *de minimis* threshold for any mandatory reporting requirement for such facilities. If the purchaser and the provider are each below the \$5 million threshold or 200 special access facilities threshold proposed in Section III above, both entities should be exempt from reporting affiliate transactions. At most, if an affiliate of a Small Purchaser is below the threshold, the affiliate should be subject only to a limited data collection requirement to simply report the aggregate number of special access facilities it provides to each of its affiliated entities and the Small Purchaser itself should not be subject to any data collection requirement.

D. The FCC Should Narrow the Scope of Quantitative Data to be Provided by Small Purchasers

The scope of quantitative data to be provided by Small Purchasers is unduly burdensome and, in many aspects, unnecessarily repetitive of the data to be furnished by the providers of such facilities. The Coalition urges the FCC to narrow the scope of data so that only the most relevant data must be provided.

The *Mandatory Data Collection Order* requires mobile wireless service providers to furnish extensive data for each cell site on a carrier's network as of December 31, 2010 and December 31, 2012.³⁴ The Coalition submits that the requirement for Small Purchasers to submit this data is often unnecessary and duplicative. It should be sufficient for a Small Purchaser to simply identify each of its cell sites where it purchases special access from a third-party provider, to provide the address and geographic coordinates for the site, the number of dedicated access facilities serving the site, and the

³⁴ *Mandatory Data Collection Order* at Appendix A, Section II.E.

name of the service provider(s). The Coalition submits that the Commission can then match that information to the more detailed information required to be furnished by the service provider(s) by Sections II.A.4 and II.B.3 of Appendix A. Accordingly, the Commission should not require Small Purchasers to provide the following data:

- the CLLI code of the ILEC wire center that serves the site, where applicable;
- whether the cell site is in or on a building, etc.; and
- if the cell site is served by a CBDS, PBDS, or a wireless connection, and the equivalent number of DS1s used (for CBDS) or the bandwidth of the circuit in Mbps (for PBDS and wireless connections).

The *Mandatory Data Collection Order* requires all purchasers of special access facilities to provide even more detailed information, including the dollar value of special access purchases broken down into numerous categories depending on the nature of the facilities and the provider of the facilities, and whether the facilities were purchased under tariff or by contract.³⁵ To the extent this data must be furnished, it should be furnished by the service provider. The service provider has all of this data, and is in a much better position to provide this data to the Commission. It is duplicative, and therefore wholly unnecessary, to require both the provider and the purchaser to furnish such data. At most, Small Purchasers should be required only to furnish the minimum data required for the Commission to identify the corresponding, detailed data filed by the provider.

V. Conclusion

For the reasons set forth herein, the Coalition urges the FCC to scale back the vast scope of the mandatory data collection requirements which would impose an enormous, and unjustified, burden on Small Purchasers. Specifically, the Coalition proposes that any carrier that purchases (1) less than \$5 million annually in special access facilities in price cap areas or (2) 200 or fewer special access facilities in price cap areas should be exempt from the mandatory data collection requirements.

³⁵ *Id.* at pages 61 – 62.

If the FCC does not exempt Small Purchasers, then the FCC should, at a minimum, reduce the data collection burden on Small Purchasers by doing the following: (1) eliminate the requirement to furnish data for calendar year 2010 and require data for 2013 rather than 2012; (2) exempt self-provisioned special access facilities from the data collection requirements; (3) exempt the provision of special access facilities among affiliated entities from the data collection requirements; and (4) narrow the scope of quantitative data to be provided by purchasers of special access facilities.

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