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May 4, 2010

Marlene H. Dortch
Federal Communications Commission
445 12th Street SW
Washington DC 20554

Re: *Consumer Information and Disclosure*, CG Docket No. 09-158, 98-170, WC Docket No. 04-36

Dear Ms. Dortch:

The Telecommunications Industry Association (TIA) supports the goal of providing consumers with meaningful information about the performance of their broadband services. The Commission has recently sought comment on whether there are opportunities to protect and empower American consumers by ensuring sufficient access to relevant information about communications services, as recommended in the National Broadband Plan.¹ Pursuant to the National Broadband Plan, the FCC released a Request for Quotation (RFQ) to measure data on actual performance of fixed broadband services to be made publicly available and chose SamKnows as the vendor to begin this effort.

TIA is the leading trade association for the ICT industry. Its 500 member companies manufacture or supply the products and services used in the provision of broadband and broadband-enabled applications. TIA members' products and services empower communications in every industry and market, including health care, education, security, public safety, transportation, government, the military, the environment and entertainment and are directly impacted by the broadband performance methodology the FCC proposes to adopt.

TIA is committed to working with the Commission and other interested parties to continue to improve the information provided to consumers and is pleased that the Commission has requested comment on the methodology proposed by SamKnows. Due to the complex, technical issues involved in developing a solution, TIA urged the Commission to seek public input.² Although the vendor has already been selected, the Commission should use public comment process to identify and remedy, if necessary, any concerns about the vendor's methodology in advance.

¹ See *Consumer Information and Disclosure*, CG Docket No. 09-158, CC Docket No. 98-170, WC Docket No. 04-36, Notice of Inquiry, 24 FCC Rcd 11380 (2009) ("Consumer Information and Disclosure NOI").

² Ex Parte Letter of USTelecom and the Telecommunications Industry Association at 1 ("USTelecom and TIA Letter").

As detailed in our previous filings, there are many technical factors that affect the quality of a consumer's broadband experience, although broadband is often defined in the context of speed and bandwidth.³ These factors clearly play a vital role in the consumer experience, but it is also shaped by variety of other technical factors, including latency, jitter, traffic loading, diurnal patters, and reliability.⁴ The proposed SamKnows' hardware-based methodology, even though limited in scope to a 10,000 participant pilot program, clearly acknowledges the complex technical, nature of a broadband network, as it will measure, collect, and report the following data on an ongoing basis:

- Data speed (being a combination of the Download and Upload Speed)
- Data usage
- Download speed
- Upload speed
- Latency
- Jitter
- Availability
- Packet loss
- DNS resolution time (measured in milliseconds)
- DNS failures (measured as a percent of total DNS requests)
- Web page load time (measured in milliseconds)

While these parameters cover the most significant performance items, it is not just “what” is measured, but also “how” it is measured. Most measurements can be performed in several ways, yielding different results for a given set of test conditions. More details should be supplied on the specific test methodologies, as well as the test participant selection methods relative to achieving statistically meaningful results.

The role each factor plays varies based on the application, as the methodology aptly recognizes.⁵ For example, interactive applications, such as Voice over Internet Protocol (VoIP), online gaming, and IPTV, are typically latency sensitive. The emphasis each individual consumer will place on each application will vary depending on how the consumers use their broadband services. By testing and providing information on a range of technical factors, this pilot program will help lay the ground work to empower consumer understanding of the strengths and weaknesses across broadband services.

While the proposed methodology is very thorough in testing a variety of technical factors and applications, SamKnows does not propose to identify the portion of the broadband network that each provider is responsible for and isolating certain tests to just that portion in a way that statistically models the consumer experience for a given service provider and service tier. Although this is a challenging task, it would aid in differentiating across providers and service

³ Comments of the Telecommunications Industry Association, *A National Broadband Plan for Our Future*, GN Docket No. 09-51, at 7 (submitted Oct. 2, 2009)

⁴ *Id.* at 7-8.

⁵ Consumer Information and Disclosure NOI at 3.

tiers by acknowledging that providers use different broadband technology platforms and architectures.⁶

Finally, when developing a final methodology based in part on this small-scale pilot program, as well as on the work of a Broadband Measurement Advisory Council (BMAC) recommended in the National Broadband Plan,⁷ addressing speed and performance, the Commission should ensure that the information collected and analyzed is accurate and statistically valid. This is particularly important since the public will perceive government-reported data as trustworthy and free from bias.

TIA members are committed to working with the Commission in this small-scale hardware-based performance data gathering effort, as well as with the BMAC efforts and the Transparency and Disclosure rulemaking scheduled for Q3-2010.⁸ Collectively, these efforts will provide consumers with meaningful information about their broadband services that will only serve to empower the consumer in making informed choices and strengthen the broadband marketplace.

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⁶ See USTelecom and TIA Letter at 2.

⁷ Connecting America: The National Broadband Plan, Recommendation 4.3 available at <http://www.broadband.gov/plan/4-broadband-competition-and-innovation-policy/#s4-1> (“The FCC should encourage industry and consumer interest representatives to create a Broadband Measurement Advisory Council (BMAC) to provide input for the measurement of broadband services. The BMAC would focus on the most difficult issues, including where exactly to measure service performance in a network, the timing and frequency of measurements and the standard set of protocols and applications that may be used to establish benchmarks.”).

⁸ Proposed 2010 Key Broadband Action Items at <http://www.broadband.gov/plan/broadband-action-agenda-items.html>.