

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

In the Matter of	)	
	)	
Connect America Fund	)	WC Docket No. 10-90
	)	
High-Cost Universal Service Support	)	WC Docket No. 05-337
	)	
Study Area Boundary Maps Reported in Esri Shapefile Format	)	OMB Control No. 3060-XXXX

**Comments of Texas Statewide Telephone Cooperative, Inc.**

**INTRODUCTION**

Texas Statewide Telephone Cooperative, Inc. (TSTCI) is an organization representing 36 small, rural incumbent local exchange companies and cooperatives in Texas, all operating under rate-of-return regulation. (See Attachment 1.) TSTCI offers these late-filed comments for consideration related to Paperwork Reduction Act (PRA) information collection requirements and the Commission’s Report and Order (“Study Area Boundary Order”) issued November 6, 2012.<sup>1</sup> The Study Area Boundary Order requires incumbent local exchange carriers (“ILECS”) to submit certified study area boundary data and exchange area boundary data in esri shapefile format to a Commission-sponsored website. The Commission also recently requested emergency Office of Management and Budget (OMB) processing of the new information collection requirements associated with the Study Area Boundary Order and OMB approval by January 11, 2013, although no justification was given for the need for emergency approval.<sup>2</sup>

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<sup>1</sup> See *Connect America Fund High-Cost Universal Service Support*, Report and Order, DA 12-1777, (rel. Nov. 6, 2012) (“Study Area Boundary Order”).

<sup>2</sup> 77 *Federal Register* 75159, 75160 (December 19, 2012) (PRA Notice).

TSTCI responds to the request for comments regarding the accuracy of the Commission's burden estimates on small companies and ways to minimize the burden of collection of the information on the respondents.

### **DATA COLLECTION REQUIREMENTS ARE NOT MINIMAL AS PORTRAYED IN THE PRA NOTICE**

The Study Area Boundary Order states that ILECs can "...create their study area boundaries in an esri shapefile format at minimal additional cost."<sup>3</sup> However, in reality, this is not the case. Many small companies do not currently have study area boundary and exchange boundary records in esri shapefile format. In fact, many companies' study area boundary and exchange boundary "mapping" is still on paper. Also, specifications required by the Study Areas Boundary Order, such as "to have a minimum horizontal accuracy of +/- 40 feet or less, conforming to 1:24K national mapping standards,"<sup>4</sup> is problematic because ILECs have not been required to maintain maps at such a level of accuracy, and it is unlikely that those ILECs using paper (or even digital) boundary records, currently have the data to that extreme level of accuracy. To produce the data required in the esri shapefile format and with a level of accuracy necessary for a company officer to certify to its accuracy will likely require many small companies with limited resources to engage the services of engineering consultants. Utilizing specialists to produce the required specifications required and convert this information into the mandated format will most assuredly be more than "minimal additional cost" to these small ILECs.

Also troubling is the Commission's portrayal of the costs of the data collection in its PRA Notice. The Commission estimates there will be 1,443 respondents to its data collection

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<sup>3</sup> Study Area Boundary Order, par. 9.

<sup>4</sup> Id., Appendix A

requirements and it will take an average of 26 hours per ILEC to comply. Based upon these figures, the total annual burden in hours should be 37,518. However, the Commission lists the total annual burden as 7,924 hours (only 21% of the estimated 26 hour estimate) with a total annual cost of \$705,935. The discrepancy in total annual burden is not addressed, and this is but one reason PRA approval cannot be given. If the 37,518 hour annual burden is used with the total annual cost of \$705,935, the average estimated annual cost for each ILEC will be only \$489, which TSTCI believes is unrealistic given that many small companies must employ outside consultants to perform the data collection function. An annual cost of \$489 (\$18.81 per hour) is also understated for many companies that have the ability to perform this function internally.

Although the Study Area Boundary Order allows state entities to submit the study area boundary data on behalf of ILECs,<sup>5</sup> this is a voluntary action, and limited resources at many state commissions make it unlikely most state commissions will undertake this data submission on a voluntary basis. However, even if a state commission did so, each ILEC would incur considerable costs having to verify the accuracy of the data submitted in order to certify to its accuracy as required by Commission rules.

### **EMERGENCY OMB PROCESSING SHOULD BE DENIED**

The Commission has provided no justification for its “emergency OMB processing” request. Such a request portends the Commission’s intent to impose the implementation date of this data collection requirement in the very near future. This comes at a time when many ILECs are already taking on additional costs to comply with other new Commission mandates. For instance, by July 1, 2013 each ILEC receiving high-cost support is also required to provide a

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<sup>5</sup> Id. par. 7

five-year service quality improvement plan (Plan) that describes proposed improvements or upgrades to its network throughout its service area. Although the Commission's rules do not specifically state a map must be included with the initial submission of this service quality improvement plan, many local exchange carriers are working on "base-line" maps to include with their Plans. (Future annual reports on these Plans require maps detailing progress toward meeting targets.)<sup>6</sup> TSTCI's members are concerned that a requirement to provide additional study area boundary and exchange boundary data prior to the July 1, 2013 deadline for submission of the Plans will divert attention from the preparation of maps for the service quality improvement plans, and impose still additional costs on small companies working with limited resources.

The Commission provides no justification for emergency OMB approval and TSTCI believes such emergency approval is not warranted. (In fact, OMB approval should not be given on an emergency basis or otherwise, given the problems with the burden estimates.) However, if OMB approval is given, TSTCI proposes that the deadline for submission of the study area boundary and exchange boundary data be after the July 1, 2013 deadline for filing the five-year service quality improvement plans. Although this will not minimize the actual burden of the collection of this information on the small ILECs, since the data will still be required, it will minimize the overall burden on these companies to produce data on an expedited basis.

## **CONCLUSION**

TSTCI believes the information collection burden on ILECs as stated in the PRA Notice, is substantially underestimated and the Commission's portrayal of "minimal additional costs" to produce the data is not based on fact. Also, the information collection estimate of the time

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<sup>6</sup> 47 C.F.R. 54.313(a)(1)

required for each ILEC is flawed since the total annual burden of hours required does not correspond with the number of estimated respondents and time per response. Therefore, the OMB should not issue a control number for the proposed information collection.

If the OMB chooses to issue a control number, TSTCI believes the Commission has not provided any justification to warrant emergency processing by OMB.

Respectfully submitted,

Texas Statewide Telephone Cooperative, Inc.

A handwritten signature in black ink that reads "Cammie Hughes". The signature is written in a cursive style with a large initial 'C' and 'H'.

By:  
Cammie Hughes  
Authorized Representative

January 7, 2013

**TEXAS STATEWIDE TELEPHONE COOPERATIVE, INC.**

Alenco Communications, Inc.  
Brazoria Telephone Company  
Brazos Telecommunications, Inc.  
Brazos Telephone Cooperative, Inc.  
Cameron Telephone Company  
Cap Rock Telephone Cooperative, Inc.  
Central Texas Telephone Cooperative, Inc.  
Coleman County Telephone Cooperative, Inc.  
Colorado Valley Telephone Cooperative, Inc.  
Community Telephone Company, Inc.  
Cumby Telephone Cooperative, Inc.  
E.N.M.R. Telephone Cooperative, Inc.  
Electra Telephone Company  
Etex Telephone Cooperative, Inc.  
Five Area Telephone Cooperative, Inc.  
Ganado Telephone Company, Inc.  
Hill Country Telephone Cooperative, Inc.  
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La Ward Telephone Exchange, Inc.  
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Lipan Telephone Company, Inc.  
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West Plains Telecommunications, Inc.  
West Texas Rural Telephone Cooperative, Inc.  
XIT Rural Telephone Cooperative, Inc.