

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

OFFICE OF
MANAGING DIRECTOR

December 17, 2010

Mr. Bruce Kushnick
Teletruth
459 Broadway, 2nd Floor
New York, NY 10013

Dear Mr. Kushnick:

We have received your three Data Quality Act complaints submitted electronically on June 29, 2010; July 1, 2010; and July 6, 2010, regarding broadband data collected and used by the FCC. In order to ensure that its data is as accurate and reliable as possible, the FCC offers several methods, including those available under the Data Quality Act, to allow interested parties to bring information and concerns to our attention.

Because of the numerous opportunities all parties have to comment on rulemaking proceedings, such as those involving broadband, the FCC Information Quality Guidelines found at <http://www.fcc.gov/omd/dataquality/> specifically state that "If affected persons are concerned about information disseminated in the context of a rulemaking proceeding, such concerns should be raised as comments in the rulemaking process." Thus, to the extent that you are complaining about data collected as a result of broadband rulemakings, your comments should be filed during the comment stage of those proceedings to allow this information to be considered with other comments and evidence in the record. Information about filing comments through the agency's rulemaking process is available at <http://www.fcc.gov/rules.html>. Parties may file paper comments or file comments electronically by using the Electronic Comments Filing System (ECFS) found at <http://fjallfoss.fcc.gov/ecfs/>.

You may also comment on proposed collections of broadband data. The Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 – 3520) requires the FCC to solicit comments through the Federal Register concerning new, revised or renewed information collections prior to approval of a collection by the Office of Management and Budget (OMB). Comments are requested as to: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology, and (e) ways to further reduce the information collection burden for small business concerns with fewer than 25 employees.

With respect all other aspects of your complaints, we find that your allegations lack any specificity concerning issues with the quality, objectivity, utility, or integrity of the broadband data collected and used by the FCC. We find that the associated FCC data are consistent with both OMB and Commission Data Quality Act Guidelines, and that the methods employed by the FCC to collect, analyze and interpret the data are reasonable and consistent with the relevant guidelines.

If you wish to appeal this decision under the terms of the Data Quality Act, your application for review must be submitted in writing to the Federal Communications Commission, Office of Managing Director, Data Quality Appeal, 445 12th Street SW, Washington, DC 20554, within 30 days of the date of this response. The written appeal must include a copy of the original complaints and this response, as well as an explanation of how the initial resolution of the complaint was contrary to the Commission's or OMB's information quality guidelines. You may also submit an e-mail copy of the written appeal if you wish, to DataQualityAppeal@fcc.gov.

Sincerely,

A handwritten signature in black ink that reads "Walter Boswell". The signature is fluid and cursive, with "Walter" on the top line and "Boswell" on the bottom line.

Walter Boswell
Associate Managing Director