

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

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| In the Matter of |) | |
| |) | |
| Modernizing the FCC Form 477 Data |) | WC Docket No. 11-10 |
| Program |) | |

COMMENTS OF THE RURAL WIRELESS ASSOCIATION, INC.

The Rural Wireless Association, Inc. (“RWA”)¹ files these comments in response to the Federal Communications Commission’s (“FCC” or “Commission”) Further Notice of Proposed Rulemaking seeking comment regarding ways to improve the quality, accuracy, and usefulness of the data it collects on fixed and mobile voice and broadband service.² RWA’s comments focus on the submission of mobile broadband data.

I. FORM 477 DATA SUBMISSION REQUIREMENTS SHOULD YIELD STANDARDIZED AND EASILY COMPARABLE INFORMATION.

RWA agrees that access to accurate and reliable mobile broadband deployment data is critical to policymakers as well as to consumers.³ RWA also agrees that obtaining meaningful data in the mobile context is challenging because a user’s mobile service experience is affected by factors such as terrain, indoor/outdoor location, distance from a tower, weather, congestion, and the type of connected device.⁴ RWA has long expressed concerns about the accuracy of self-

¹ RWA is a 501(c)(6) trade association dedicated to promoting wireless opportunities for rural telecommunications companies who serve rural consumers and those consumers traveling to rural America. RWA’s members are small businesses serving or seeking to serve secondary, tertiary, and rural markets. RWA’s members are comprised of both independent wireless carriers and wireless carriers that are affiliated with rural telephone companies. Each of RWA’s member companies serves fewer than 100,000 subscribers.

² Further Notice of Proposed Rulemaking, *Modernizing the FCC Form 477 Data Program*, WC Docket No. 11-10 (rel. Aug. 4, 2017) (*FNPRM*).

³ *FNPRM* at ¶ 8.

⁴ *Id.*

reported Form 477 data, and the lack of a common coverage standard governing Form 477 data collection.⁵

Mobile service providers currently report and certify coverage data based on the minimum advertised speeds associated with a certain network technology in a frequency band, but do not utilize a common coverage reporting standard. As the Commission states, because mobile service providers select their own methodologies for determining the coverage and speeds provided, these methodologies tend to vary among providers. These varying methodologies make it difficult for the Commission to compare coverage areas and minimum reported speeds, as the underlying meanings of what the coverage and speed information depict may differ among mobile service providers. Further, the Commission states that confidential treatment of mobile service providers' minimum advertised or expected speeds has limited the ability to compare offerings among mobile service providers from this data collection.⁶

The Commission seeks information regarding input parameters necessary to standardize Form 477 mobile broadband data. RWA and others urged the Commission to standardize coverage data reporting by requiring carriers to submit propagation maps reflecting a signal strength threshold of -85 dBm RSRP for the purpose of determining a geographic area's eligibility for Mobility Fund Phase II (MFII) funding.⁷ The Commission rejected this approach,

⁵ See e.g., [Ex Parte Letter](#) from Caressa D. Bennet, General Counsel, and Erin P. Fitzgerald, Regulatory Counsel, Rural Wireless Association, Inc. to Ms. Marlene Dortch, Secretary, FCC, WT Docket No. 10-208, WC Docket No. 10-90, at p. 2 (Oct. 20, 2016) (*October RWA Ex Parte*); see also [Ex Parte Letter](#) from Caressa D. Bennet, General Counsel, and Erin P. Fitzgerald, Regulatory Counsel, Rural Wireless Association, Inc. to Ms. Marlene Dortch, Secretary, FCC, WT Docket No. 10-208, WC Docket No. 10-90, at p. 2 (Feb. 16, 2017).

⁶ *FNPRM* at ¶ 10.

⁷ See, e.g., [Letter](#) from Caressa D. Bennet, General Counsel, and Erin P. Fitzgerald, Regulatory Counsel, Rural Wireless Association, Inc., to Ms. Marlene H. Dortch, Secretary, FCC, WT Docket No. 10-208, WC Docket No. 10-90, at p. 6-9 (Aug. 23, 2016); see also [Comments](#) of Deere & Company, WC Docket No. 10-90, WT Docket No. 10-208, at pp. 7-8 (Apr. 26, 2017);

instead adopting a one-time collection of 4G LTE coverage data to establish areas presumptively eligible for MFII support. Mobile service providers are required to file propagation maps and model details with the Commission indicating their current 4G LTE coverage, as defined by download speeds of 5 Mbps at the cell edge with 80 percent probability and a 30 percent cell loading factor.⁸

Given that RWA members will be required to file data as part of the one-time data collection required for determining MFII area eligibility, the Form 477 proceeding, and (if the carrier is successful in the MFII reverse auction) the MFII compliance requirements, RWA urges the Commission to utilize the same input parameters for each of these collections. The Commission should not require mobile service providers to file information that would create non-comparable coverage data. Mobile service providers should not have to compile and submit several different data sets for the same type of service in the same service areas. If it is necessary to utilize different parameters for 2G or 3G technologies, the Commission should do so – but such parameters should be standardized.

II. THE COMMISSION SHOULD NOT REQUIRE CARRIERS TO SUPPLEMENT FORM 477 DATA COLLECTIONS WITH ON-THE-GROUND DATA BECAUSE SUCH A REQUIREMENT WOULD BE OVERLY BURDENSOME.

The Commission should not require mobile service providers to supplement data collections with on-the-ground data in the form of app or drive test data.⁹ While *some* mobile service providers may generate *some* app or drive test data in the usual course of business – to

see also [Comments](#) of NTCA – The Rural Broadband Association, WC Docket No. 10-90, WT Docket No. 10-208, at pp. 7-9 (Apr. 26, 2017); *see also* [Comments](#) of Competitive Carriers Association, WC Docket No. 10-90, WT Docket No. 10- 208, at p. 2 (Apr. 26, 2017).

⁸ Order on Reconsideration and Second Report and Order, *Universal Service Reform – Mobility Fund*, WC Docket Nos. 10-90, WT Docket No. 10-208, at ¶ 28 (rel. Aug. 4, 2017).

⁹ *FNPRM* at ¶ 14.

test, for example, a new tower build or network adjustments – these tests are far from comprehensive. To perform these tests simply to “supplement” coverage data is unnecessary and would be prohibitively expensive. RWA has expressed its frustration with drive testing issues in past filings.¹⁰ As RWA’s Mobility Fund Phase I (“MFI”) funding recipient members are all too aware, drive testing *even a portion* of a service area is a complicated and costly process. By way of example, the MFI drive testing process took one RWA member ten months (five months to drive test and five months to process the data) for 1,200 square miles. Form 477 filing requirements must not include costly drive or app testing.

III. THE COMMISSION SHOULD STREAMLINE MOBILE DEPLOYMENT AND SERVICE AVAILABILITY DATA WHERE POSSIBLE, BUT MUST MAINTAIN THE REQUIREMENT THAT CARRIERS SUBMIT VOICE COVERAGE DATA BY TECHNOLOGY.

RWA supports the Commission’s proposal to eliminate the requirement that mobile service providers submit their broadband deployment data by spectrum band, and agrees that eliminating the requirement would greatly streamline the filing process and reduce the burden on mobile service providers.¹¹ However, RWA believes that the Commission must continue to collect voice coverage data by technology. It is important that the Commission be able to track the deployment of VoLTE service – particularly in rural areas. This data will provide necessary insight into those areas where VoLTE service is not available and where only one of the two types of 3G networks is available for voice fallback voice service. As RWA and others have warned,¹² areas left with one network technology are not universally served and, in such areas,

¹⁰ See [Letter](#) to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission, from Caressa D. Bennet, General Counsel, Rural Wireless Association, Inc., WT Docket No. 10-208, WC Docket No. 10-90, at p. 4 (Nov. 10, 2016).

¹¹ *FNPRM* at ¶ 19.

¹² See *Universal Service Reform – Mobility Fund*, WT Docket No. 10-208, [Comments](#) of United States Cellular Corporation; NE Colorado Cellular, Inc., d/b/a Viaero Wireless; Smith Bagley,

Inc.; Union Telephone Company, d/b/a Union Wireless; Cellular Network Partnership, An Oklahoma Limited Partnership; Nex-Tech Wireless, LLC; Texas 10, LLC, d/b/a Cellular One; Central Louisiana Cellular, LLC, d/b/a Cellular One; Carolina West Wireless, Inc.; Cellcom Companies; PR Wireless, Inc., d/b/a Open Mobile, at p. viii (Aug. 8, 2014) (stating that “[a]reas that have some mobile broadband coverage should not be eliminated from receiving support because, without further investment, citizens in these areas will be relegated to an inferior experience due to the fact that devices work on a CDMA- or GSM-based network, but not both”); *see also Universal Service Reform – Mobility Fund*, WT Docket No. 10-208, [Comments](#) of Cellular South Licenses, LLC d/b/a C Spire (“C Spire”), at p. 9 (Aug. 8, 2014) (noting that “[a]ny one citizen currently has access to only 50 percent of the total network deployed nationwide (assuming GSM/CDMA are split evenly). So unless a rural consumer can afford to carry two phones, she will drive around rural America with service in some areas, but not others”); *see also Universal Service Reform – Mobility Fund*, WT Docket No. 10-208, [Reply Comments](#) of Copper Valley Wireless, LLC, at p. 3 (Sept. 8, 2014) (stating “[i]f either AT&T (which uses a GSM platform) or Verizon (which uses a CDMA platform), but not both, are present, the consumer will be relegated to inferior coverage because GSM and CDMA technologies are not compatible”); *see also Notice of Ex Parte Presentation of Panhandle Telephone Cooperative, Inc.*, WT Docket No. 10-208 (Dec. 5, 2014); *see also Notice of Ex Parte Presentation of Panhandle Telephone Cooperative, Inc. and Pine Belt Telephone Company, Inc.*, WT Docket No. 10-208, at p. 4 (Apr. 23, 2015) (stating that “[t]he rollout of VoLTE continues to be slow-going and will not be truly universal until all handsets are fully VoLTE compatible across all networks, so there is a need to ensure the continued availability of both CDMA and GSM networks well into the foreseeable future so Americans have universal access to voice service”); *see also Letter* from Erin P. Fitzgerald, Assistant Regulatory Counsel, Rural Wireless Association, Inc., to Marlene H. Dortch, Secretary, FCC, WT Docket No. 10-208, WC Docket No. 10-90 (Aug. 26, 2015); *see also Letter* from Anthony K. Veach, Sr. Regulatory Counsel and Erin P. Fitzgerald, Regulatory Counsel, Rural Wireless Association, Inc., to Marlene H. Dortch, Secretary, FCC, WT Docket No. 10-208, WC Docket No. 10-90, at p. 3 (Dec. 22, 2015); *see also Letter* from David LaFuria, Counsel for U.S. Cellular, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 10-208, [Attachment](#) at p. 17 (Feb. 25, 2016) (“A person with a CDMA-only phone cannot complete a call when they are in an area served only by GSM, and vice-versa...For public safety, it is critical that rural Americans have access to wireless networks capable of connecting both kinds of devices, just as those who live in cities do.”); *see also Letter* from Caressa D. Bennet, General Counsel and Erin P. Fitzgerald, Regulatory Counsel, Rural Wireless Association, Inc., to Marlene H. Dortch, Secretary, FCC, WT Docket No. 10-208, WC Docket No. 10-90, at pp. 4-5 (Apr. 13, 2016) (stating that the GSM/CDMA incompatibility issue raises serious public safety concerns); *see also Letter* to Marlene H. Dortch, Secretary, FCC, from Caressa D. Bennet, General Counsel, Rural Wireless Association, Inc., WT Docket No. 10-208, WC Docket No. 10-90, at pp. 9-11 (Aug. 23, 2016); *see also Letter* to Marlene H. Dortch, Secretary, FCC, from Rebecca Murphy Thompson, EVP & General Counsel, Competitive Carriers Association, WT Docket No. 10-208, at p. 2 (Sept. 13, 2016) (“the FCC can help to ensure coverage when a wireless consumer falls back from its carrier’s LTE network. Any USF reform that fails to account for this fallback threatens to disconnect rural consumers from public safety access, roaming capabilities, and 9-1-1 service”); *see also Letter* to Marlene H. Dortch, Secretary, FCC, from Rebecca Murphy Thompson, EVP & General Counsel, Competitive

subscribers to incompatible networks will be foreclosed from accessing voice and text services, including emergency (911) services. As such, RWA recommends that the Commission continue to collect GSM, CDMA and Analog voice data separately and that it collect separate voice deployment data for VoLTE and mobile switched voice services. RWA agrees with the Commission that revising the data collection in this manner would help to assess where providers claim to have VoLTE coverage and assist emergency response efforts.¹³

IV. THE COMMISSION SHOULD COLLECT FORM 477 DATA ANNUALLY INSTEAD OF SEMI-ANNUALLY.

Form 477 is currently a semi-annual collection. The Commission seeks comment on the potential impact of switching to annual, instead of semi-annual, reporting for all Form 477 filers, both in terms of data utility and the burden on filers. RWA urges the Commission to collect Form 477 data annually. RWA sees no down side to making this change, and believes that data does not change enough during a 12-month period to justify the costs associated with making a semi-annual filing. RWA's members, and other similarly situated small and rural carriers, have limited personnel resources to dedicate to regulatory compliance. Small staffs manage substantial workloads, and regulatory compliance costs divert important resources that

Carriers Association, WT Docket No. 10-208, at p. 2 (Oct. 13, 2016) (noting that “coverage in rural areas cannot be considered ubiquitous for consumers in areas served only by a CDMA carrier or a GSM carrier until carriers have universally implemented VoLTE roaming and all consumers have access to devices capable of receiving interoperable VoLTE service”); *see also* *RWA October 20 Ex Parte* at p. 3 (urging the Commission to recognize that support for a CDMA carrier where an unsubsidized GSM carrier provides service (or vice versa), or support for both a CDMA and GSM carrier in an area, is not duplicative); *see also* [Letter](#) from Jill Canfield, Vice President, Legal & Industry and Assistant General Counsel, NTCA-The Rural Broadband Association, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 10-208 *et al.*, at p. 3 (Feb. 15, 2017) (stressing the “the importance of recognizing that the GSM and CDMA networks are incompatible” and that “[f]lash cutting all support where only one LTE network is currently available could result in a total loss of voice service for existing consumers, including even the ability to dial 911”).

¹³ *FNPRM* at ¶ 25.

would otherwise be used to ensure the optimum performance of providers' networks. Preparing one annual filing (rather than two semi-annual filings) would ease the regulatory burden on small rural carriers, who would save personnel resources, as well as attorney and consultant fees.

V. CONCLUSION

RWA appreciates the Commission's efforts to collect better and more accurate information on Form 477 while also identifying and eliminating unnecessary or overly burdensome filing requirements. RWA encourages the Commission to standardize Form 477 data submission requirements, maintain the requirement that carriers submit voice coverage data by technology, and collect Form 477 data annually instead of semi-annually. The Commission should not require carriers to supplement Form 477 data with on-the-ground data.

Respectfully submitted,

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