

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

In the Matter of)	
)	
Accelerating Wireline Broadband Deployment)	WC Docket No. 17-84
by Removing Barriers to Infrastructure)	
Investment)	

COMMENTS OF ADTRAN, INC.

ADTRAN, Inc. (“ADTRAN”) files these comments addressing some of the issues in the Commission’s proposal to adopt additional procedures and policies that would help accelerate wireline broadband deployment by removing many of the current barriers to infrastructure installation.¹ Robust and ubiquitous broadband is critical to maintaining America’s leading role in the global economy, as well as in assuring an educated, informed and healthy citizenry. As explained below, ADTRAN believes the public interest will best be served by the Commission’s adopting proposals that remove additional unnecessary regulatory barriers so that private investment in broadband flourishes, thus further accelerating wireline broadband deployment.

ADTRAN, founded in 1986 and headquartered in Huntsville, Alabama, is a leading global provider of networking and communications equipment. ADTRAN’s products enable voice, data, video and Internet communications across a variety of network infrastructures. ADTRAN’s solutions are currently in use by service providers, private enterprises, government organizations and millions of individual users worldwide. ADTRAN thus brings an expansive

¹ *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84, FCC 17-154, released November 29, 2017, 82 Fed Reg 61520 (December 28, 2017) (hereafter cited as “*Further NPRM*”).

perspective to this proceeding, as well as an understanding of the importance to individuals, communities and our country of robust and ubiquitous broadband. ADTRAN had filed comments in support of the initial proposals for accelerating wireline broadband deployment,² and ADTRAN has been a strong advocate in Commission proceedings to help spur broadband deployment.³ Indeed, ADTRAN has itself launched a gigabit initiative that has far surpassed its goal of facilitating the deployment of 200 gigabit communities by the end of 2015, with over 350 gigabit communities deployed by the end of 2016, and that trend has continued.⁴

There can be little disagreement on the importance of broadband in today's society. Broadband Internet access is critical to education, health care, political discourse, governmental services and economic development in American communities. It is also become essential for households' entertainment and staying connected to friends and family. And while great progress has been made in deploying broadband services to most communities – as ADTRAN

² Comments of ADTRAN in WC Docket No. 17-84, filed June 15, 2017.

³ *E.g.*, Comments of ADTRAN in GN Docket No. 15-191, filed September 15, 2015; Comments of ADTRAN in WC Docket No. 10-90 *et. al.*, filed August 8, 2014; Comments of ADTRAN in WC Docket No. 10-90, filed March 28, 2013; Comments of ADTRAN in WC Docket No. 10-90 *et. al.*, filed January 18, 2012; Comments of ADTRAN in WC Docket No. 10-90 *et. al.*, filed April 18, 2011.

⁴ *See, Press Release*, "ADTRAN Sets the Nation's Communities on the Path to Gigabit Transformation -- Utilities, MSOs and land developers deliver Gigabit broadband to over 350 communities," <http://phx.corporate-ir.net/phoenix.zhtml?c=67989&p=irol-newsArticle&ID=2178711>; <http://gigcommunities.net/adtran-reaches-200-gigabit-community-milestone/> ("More than 200 communities are now able to access [next-generation gigabit broadband services](#) as a result of ADTRAN's Enabling Communities, Connecting Lives program, ADTRAN announced August 11."); *Light Reading*, August 13, 2014, "Adtran Launches 'Gig Communities' Initiative," available at <http://www.lightreading.com/broadband/fttx/adtran-launches-gig-communities-initiative/d/d-id/710330>. *See also*, <http://gigcommunities.net/>.

has experienced through its Gigabit Communities project⁵ -- there are still some communities or pockets within communities that lack access to robust broadband services. The *Further NPRM* seeks to take additional steps to harness and maximize investment in broadband deployment to enhance the robustness and ubiquity of broadband throughout the United States. ADTRAN fully supports this goal, and comments below on some of the specific Commission proposals.

As a general matter, ADTRAN agrees with the underlying principle that unnecessary regulations and regulatory roadblocks can slow the deployment of broadband services in two ways. First, the delays in providing extended notice periods and obtaining any necessary regulatory approvals in and of themselves will slow deployment. Second, requiring service providers to expend money supporting outdated technologies and navigating the regulatory approval processes wastes resources that could be much better spent rolling out new technologies and services. Thus, eliminating or streamlining the regulatory processes for replacing older technologies will help accelerate broadband deployment. The *Further NPRM* suggests several such improvements.

Expediting Applications that Grandfather Additional Data Services for Existing Customers

The *Further NPRM* suggests allowing for streamlined treatment of a service provider's proposal to eliminate lower speed data services if the service provider offers 25/3 Mbps service throughout the territory and the service provider will grandfather its current low-speed data service customers for 180-days.⁶ ADTRAN agrees that streamlined treatment would be appropriate under these circumstances. The Commission designated 25/3 Mbps as advanced

⁵ See, note 4, *supra*.

⁶ *Further NPRM* at ¶¶ 156-159.

telecommunications capability in the Section 706 proceedings, so ensuring the availability of at least that level of service is a laudatory goal. And by grandfathering lower speed customers for a six month period, the service provider will provide an adequate time for the customer to migrate to that service provider's higher-speed service, or to obtain service from a competitor.

Calculation of Waiting Period Under Section 51.333(b)

AT&T raises a legitimate concern with respect to unnecessary delays that could occur in allowing network changes to occur due to a lag in the Commission's issuance of the public notice of the change.⁷ Tying the effective date to the submission of the notification to the Commission (with simultaneous notice to interconnecting carriers) is one way to address that concern. Alternatively, the Commission could commit to issuing public notices within a short period of receiving the ILEC's notification, because any staff review should be fairly cursory. Thus, such a commitment would not require significant Commission resources. In any event, either course of action should ensure that delays in issuance of public notice do not slow down these network upgrades. Thus, ADTRAN urges the Commission to adopt one of these two mechanisms to address the problem of unnecessary delays.

Public Notice of Network Changes Affecting Interoperability of Customer Premises Equipment

Another seeming unnecessary regulatory burden identified in the *Further NPRM* is the requirement that incumbent LECs provide public notice of network changes affecting the interoperability of customer premises equipment ("CPE").⁸ The rule was initially adopted as part of the implementation of the Telecommunications Act of 1996 at a time when there was a

⁷ *Further NPRM* at ¶¶ 163-164.

⁸ *Further NPRM* at ¶¶ 165-166.

concern that the incumbent local exchange carriers (“ILECs”) could leverage market power in the local exchange markets to adversely affect the market for CPE. Significant changes in the marketplace over the last 22 years have obviated the risk of the ILECs dominating the market for CPE.⁹ The ILECs no longer have market dominance for local exchange services, with the widespread adoption of VoIP and wireless services. Nor do the ILECs have any affiliation with CPE manufacturers. Thus, the premise for the rule is no longer valid.

Moreover, the current rule creates uncertainty in determining whether notice is necessary, because the ILEC does not know what CPE its customers are using. The public notice requirement also imposes costs in providing any required notice. Thus, ADTRAN supports the proposal to eliminate the requirement from Section 51.325(a)(3) of the Commission’s Rules that incumbent LECs provide public notice of network changes affecting the interoperability of customer premises equipment. Likewise, the same rationale supports eliminating a similar requirement in Section 68.110(b) of the Commission’s rules, which applies to all wireline telecommunications services providers, not just to ILECs.

⁹ Indeed, the Telecommunications Act of 1996 included restrictions on the Bell Operating Companies’ telecommunications equipment manufacturing activities. 47 U.S.C. § 273. The Commission issued an NPRM to implement that section of the law, *In the Matter of Implementation of Section 273 of the Communications Act of 1934, as Amended in the Telecommunications Act of 1996*, Notice of Proposed Rulemaking, CC Docket No. 96-254, 11 FCC Rcd 21784 (1996), but seven years later terminated that proceeding without adopting any rules. *In the Matter of Implementation of Section 273 of the Communications Act of 1934, as Amended in the Telecommunications Act of 1996*, 18 FCC Rcd 18896 (2003).

Applying Streamlined Notice Procedures for Force Majeure Events to All Network Changes

The *Further NPRM* also seeks comment on extending the streamlined treatment of network changes due to *force majeure* and other unforeseen events to all types of network changes, not just copper retirements.¹⁰ ADTRAN supports this proposal. The factors that justify grant of the waiver in the context of copper retirements would apply to other network upgrades as well. By definition, *force majeure* events are beyond the control of the service providers, and thus cannot be seen as a manipulative “end run” around the Commission’s normal procedures. Such waivers will expedite restoration of service, as well as service upgrades. Thus, the Commission should adopt this proposed extension of the *force majeure* waiver policy.

Further Streamlining of the Section 214(a) Discontinuance Process for Legacy Voice Services

The *Further NPRM* raises the issue of whether there are further steps the Commission should take to streamline the service discontinuance process for legacy voice services.¹¹ Verizon suggests that the Commission can streamline legacy voice discontinuance or forbear from Section 214 approval requirements if the service provider certifies “(1) that it provides interconnected VoIP service throughout the affected service area; and (2) that at least one other alternative voice service is available in the affected service area.”¹² ADTRAN supports this proposal. Consumers have already demonstrated that these newer voice services are a more than adequate substitute for legacy voice services.

¹⁰ *Further NPRM* at ¶ 167.

¹¹ *Further NPRM* at ¶¶ 171-175.

¹² *Further NPRM* at ¶ 171.

Indeed, legacy voice services offered by the incumbent local exchange carriers now comprise a minority of voice customers.¹³ Customers have “voted with their wallets,” and clearly find the alternatives to legacy voice services to be more than acceptable substitutes. Thus, where these alternatives are available, streamlined treatment of legacy voice service discontinuance would be appropriate.

Eliminating Outreach Requirements Adopted in the 2016 Technology Transitions Order

The *Further NPRM* also asks whether commenters support the ITTA proposal to eliminate the outreach requirements specified in the 2016 Technology Transitions Order.¹⁴ ADTRAN agrees with ITTA that the outreach specifications are unnecessary. The service providers already have very strong incentives for educating their customers, because they want to retain those customers, and as noted above, customers have shown no hesitancy in switching over to competitors. But service providers have ongoing relationships with their customers, and thus are in the best position to judge which particular outreach programs are likely to be most effective. Mandating Commission-specified outreach obligations could impose unnecessary costs on the service providers, without any countervailing benefits. ADTRAN thus urges the Commission to adopt ITTA’s proposal.

In sum, ADTRAN applauds the Commission’s efforts to accelerate wireline broadband deployment by eliminating regulatory delays and avoiding unnecessary burdens. Minimizing the

¹³ According to the most recent report on voice services -- “Voice Telephone Services: Status as of June 30, 2016, Industry Analysis and Technology Division Wireline Competition Bureau, Figure 1, April 2017 (available at <https://www.fcc.gov/voice-telephone-services-report>) – of the retail voice telephone connections in the United States, only 13.5% were legacy switched access lines. Of the remaining lines, 73.4% were mobile voice subscriptions, and 13.1% were interconnected VoIP subscriptions.

¹⁴ *Further NPRM* at ¶¶ 176-177.

