



March 21, 2018

Via ECFS

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

RE: NOTICE OF EX PARTE
WT Docket No. 10-208: *Universal Service Reform – Mobility Fund*
WC Docket No. 10-90: *Connect America Fund*

Dear Ms. Dortch,

The Rural Wireless Association, Inc. (RWA) has reviewed the Mobility Fund Phase II Challenge Process Public Notice¹ with great interest.

In particular, RWA is very concerned about the Bureau's decision to move forward with the use of a square kilometer grid cell as a part of its "multi-step geospatial-data-processing approach."² Specifically, the Bureau "will determine whether a challenger's speed test points substantially cover a challenged area (i.e., cover at least 75 percent of the challenged area) by buffering each speed test point that reports a downstream speed less than 5 Mbps, calculating the buffered area, and then comparing the area of the buffered points to the challengeable area within a 1 km by 1 km grid cell."³

In the majority of rural America, roads are situated directly on the borders of a one *mile* by one *mile* grid. RWA⁴ and other parties⁵ expressed serious concerns about the use of a one square

¹ *Procedures for the Mobility Fund Phase II Challenge Process*, Public Notice, WC Docket No. 10-90, WT Docket No. 10-208, DA 18-186 (Feb. 27, 2018) (*Public Notice*).

² *Public Notice* at ¶ 20.

³ *Id.*

⁴ [Comments](#) of the Rural Wireless Association, Inc., *Universal Service Reform – Mobility Fund*, WC Docket No. 10-90, WT Docket No. 10-208, at p. 3 (Nov. 8, 2017) (*RWA Comments*); [Reply Comments](#) of the Rural Wireless Association, Inc., *Universal Service Reform – Mobility Fund*, WC Docket No. 10-90, WT Docket No. 10-208, at p. 5 (Nov. 29, 2017).

⁵ [Comments](#) of ATN International, Inc., *Universal Service Reform – Mobility Fund*, WC Docket No. 10-90, WT Docket No. 10-208, at p. 4 (Nov. 8, 2017); [Reply Comments](#) of United States Cellular Corporation, *Universal Service Reform – Mobility Fund*, WC Docket No. 10-90, WT Docket No. 10-208, at p. 10 (Nov. 29, 2017); [Reply Comments](#) of NTCA – The Rural

kilometer grid to determine challenge areas, noting that a square kilometer grid cell could be entirely encapsulated within a square mile road grid cell, leaving no access to drive any portion of a single kilometer-based grid cell.⁶ The Bureaus' decision to ignore this reality has yielded a challenge scheme in which thousands of kilometer grid squares lack the necessary roads to access and test the claimed coverage using drive tests.

Now that the *Public Notice* has been released and RWA members are preparing to mount challenges, the true scope of this issue has become obvious. Page 1 of Attachment A depicts portions of Oklahoma and Kansas divided into one square kilometer grid cells, utilizing a ¼ kilometer buffer. The green grid cells are those with roads sufficient to meet the 75% coverage requirement for testing. The red areas are those without sufficient roads to meet the threshold and are not drive testable. In this particular area, 80.3 percent of the kilometer grid squares would be unmeasurable using drive tests. Utilizing a one square mile grid, as previously suggested by numerous commenters, with a ¼ mile buffer would alleviate this problem considerably. As page 2 of Attachment A shows clearly, only 46 percent of the same area would be unmeasurable using drive tests on a mile grid square.

The view from the Oklahoma Panhandle is similar. Page 1 of Attachment B shows that 82.3 percent of the kilometer grid squares with a ¼ kilometer buffer would be unmeasurable using drive tests. In the same area using mile grid squares and a ¼ mile buffer shown on page 2 of Attachment B, that figure could be reduced to 43.6 percent.

The results elsewhere are even more concerning. Page 1 of Attachment C depicts portions of Alabama divided into one square kilometer grid cells, utilizing a ¼ kilometer buffer. 86 percent of the kilometer grid squares would be unmeasurable using drive tests. Page 1 of Attachment D depicts portions of Montana, Wyoming, and North Dakota divided into one square kilometer grid cells, utilizing a ¼ kilometer buffer. 91 percent of the kilometer grid cells would be unmeasurable using drive tests. In each case, as shown on Page 2 of Attachments C and D, utilizing a one square mile grid with a ¼ mile buffer would more than double the number of grid cells that are measurable using drive tests.

Under the Commission's current rules, small rural carriers will be forced to mount challenges by testing on foot, or via drones, horseback, four-wheeler, or crop duster. The difficulty of doing so poses a significant deterrent to conducting such measurements. Given that many of the areas of concern are on private property, permission from the landowner(s) would also be required to conduct speed tests, permission which may be difficult, at best, to obtain. This is not the "robust challenge process" rural Americans have been promised.⁷ If unchanged, the challenge process parameters will impose significant and unnecessary costs on prospective challengers, and allow overstated mobile wireless coverage to stand unchallenged in most places. Rural consumers will

Broadband Association, *Universal Service Reform – Mobility Fund*, WC Docket No. 10-90, WT Docket No. 10-208, at p. 5 (Nov. 29, 2017).

⁶ *RWA Comments* at p. 4.

⁷ *Universal Service Reform – Mobility Fund*, [Report and Order and Further Notice of Proposed Rulemaking](#), WC Docket No. 10-90, WT Docket No. 10-208, FCC 17-11, at ¶ 39 (Mar. 7, 2017).

bear the consequences of these Commission decisions for the next decade. RWA joins Congressional leaders in urging the Commission to revisit its eligibility determinations⁸ and challenge process requirements before auctioning \$4.53 billion in MF-II support.

Pursuant to Section 1.1206 of the FCC's Rules,⁹ this *ex parte* is being filed electronically with the Office of the Secretary.

Respectfully submitted,

/s/ Caressa D. Bennet

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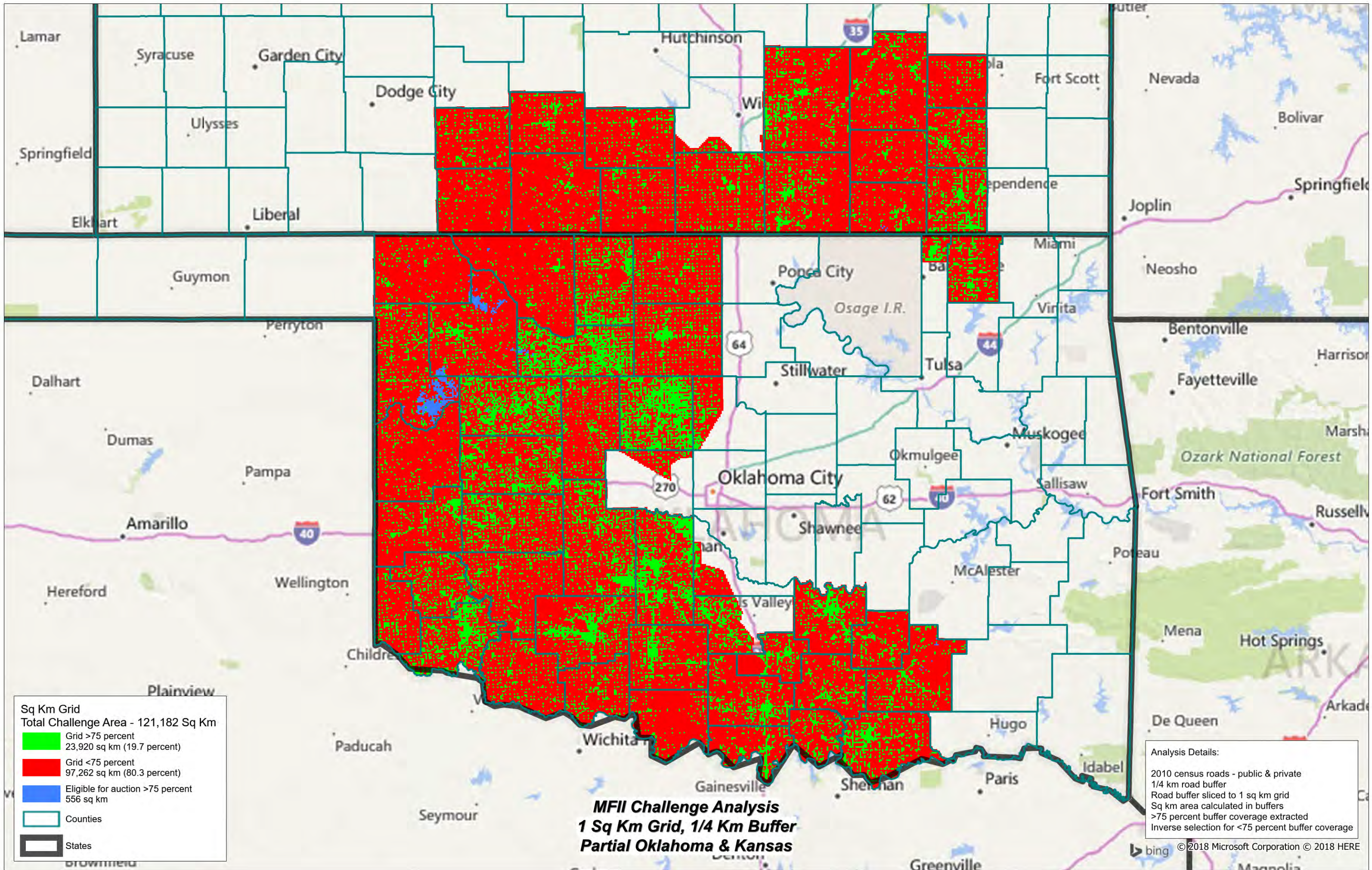
(202) 857-4519

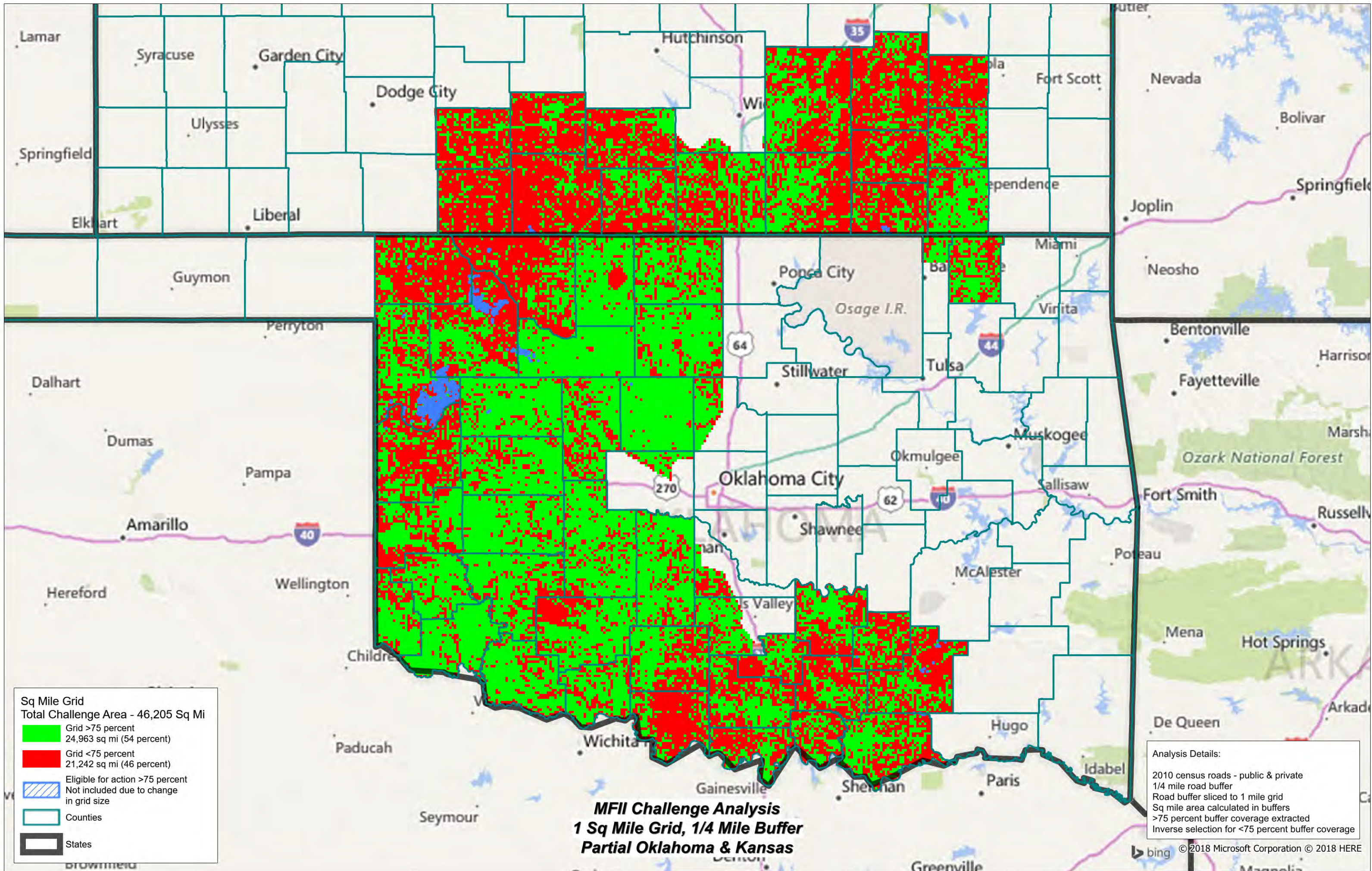
legal@ruralwireless.org

⁸ [Letter](#) to Federal Communications Chairman Ajit Pai from U.S. Senators Wicker, Hassan, Gardner, King, Moran, Klobuchar, Roberts, Peters, Blunt, and Tillis (Mar. 8, 2018).

⁹ 47 C.F.R. § 1.1206.

Attachment A





Attachment B



Sq Km Grid

Total Challenge Area - 15,109 Sq Km

Grid >75 percent

2,681 sq km (17.7 percent)

Grid <75 percent

12,428 sq km (82.3 percent)

Eligible for auction >75 percent

130 sq km

Counties

States

Analysis Details:

2010 census roads - public & private

1/4 km road buffer

Road buffer sliced to 1 sq km grid

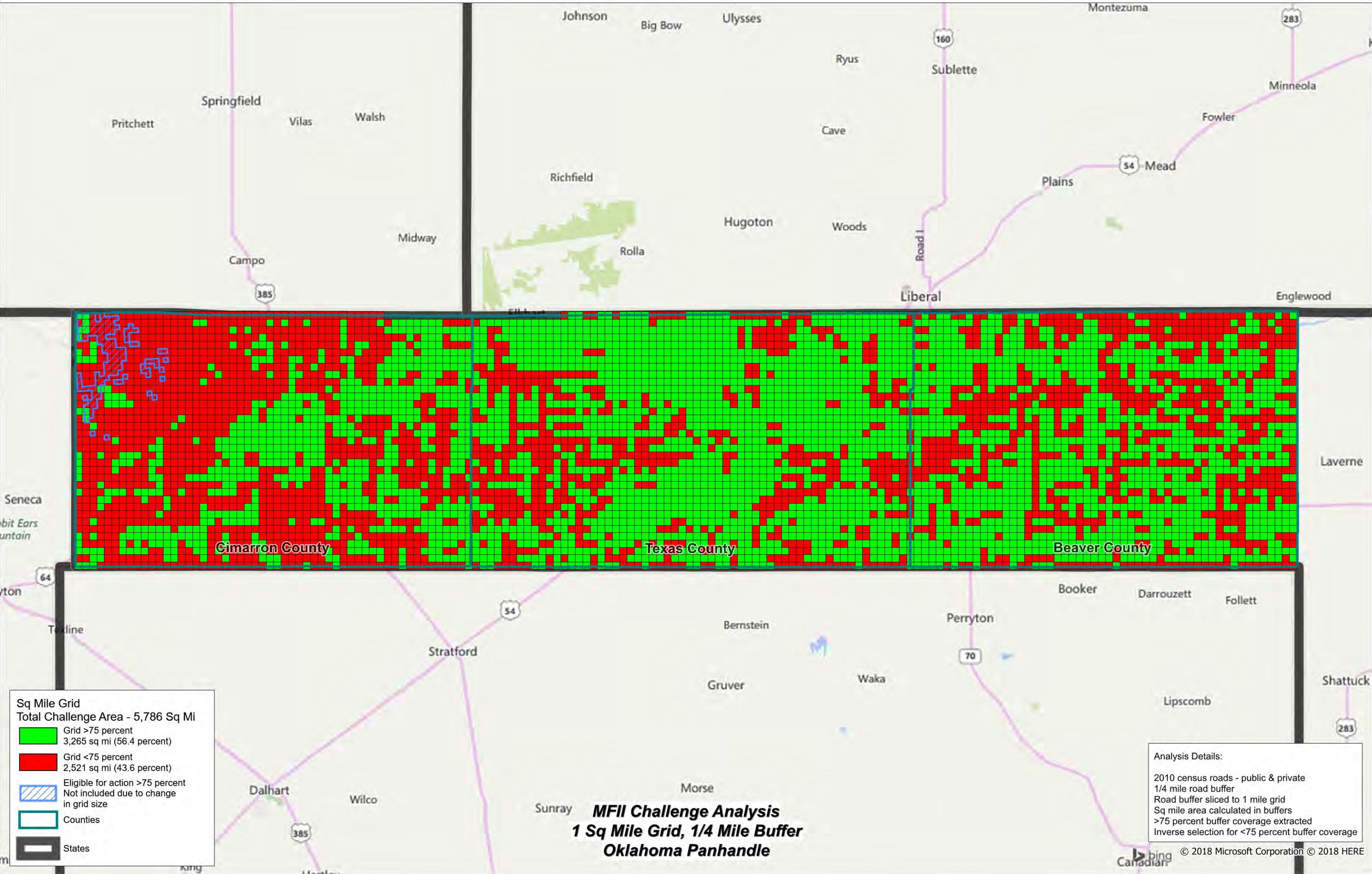
Sq km area calculated in buffers

>75 percent buffer coverage extracted

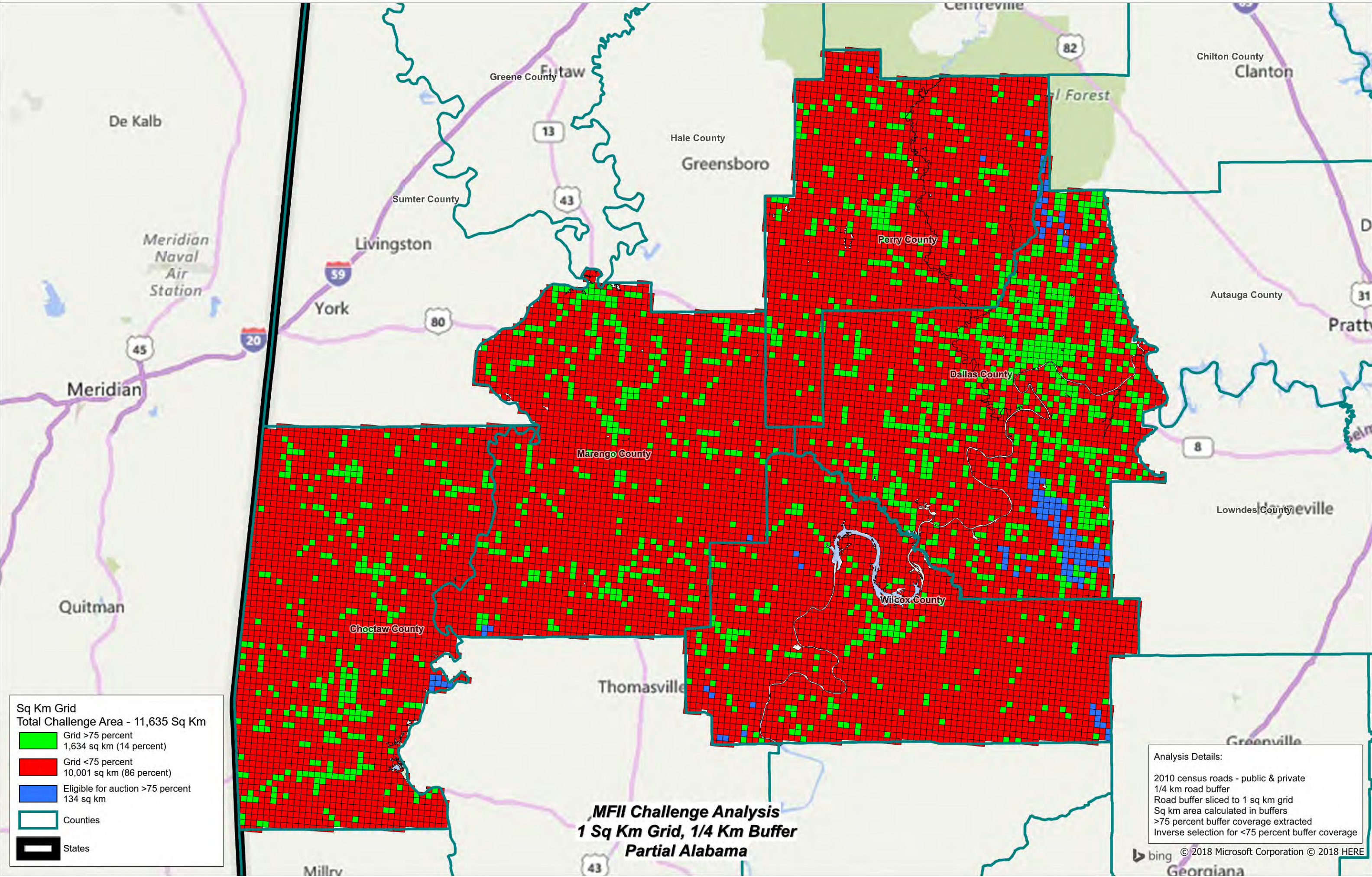
Inverse selection for <75 percent buffer coverage

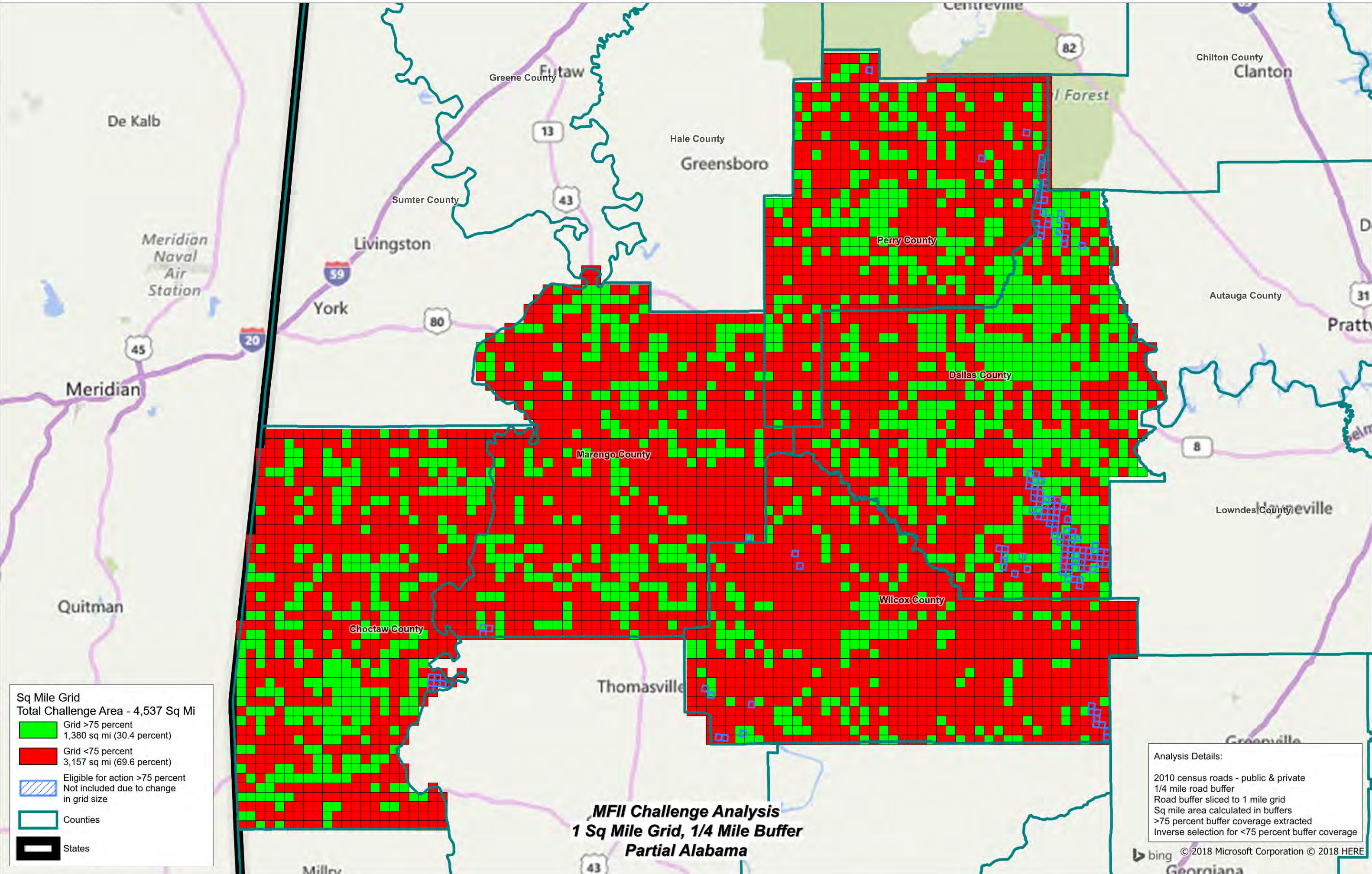
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MFII Challenge Analysis
1 Sq Km Grid, 1/4 Km Buffer
Oklahoma Panhandle



Attachment C





Sq Mile Grid
Total Challenge Area - 4,537 Sq Mi

| | |
|-------------|--|
| <div></div> | Grid >75 percent 1,380 sq mi (30.4 percent) |
| <div></div> | Grid <75 percent 3,157 sq mi (69.6 percent) |
| <div></div> | Eligible for action >75 percent Not included due to change in grid size |
| <div></div> | Counties |
| <div></div> | States |

MFI Challenge Analysis
1 Sq Mile Grid, 1/4 Mile Buffer
Partial Alabama

Analysis Details:

2010 census roads - public & private
1/4 mile road buffer
Road buffer sliced to 1 mile grid
Sq mile area calculated in buffers
>75 percent buffer coverage extracted
Inverse selection for <75 percent buffer coverage

Attachment D

