

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

In the Matter of	)	
	)	
Protecting Against National Security Threats	)	WC Docket No. 18-89
to the Communications Supply Chain Through	)	
FCC Programs	)	

Request for Extension of Time to Report Supply Chain Security Information

The Rural Wireless Association, Inc. (“RWA”)<sup>1</sup> hereby requests that the Federal Communications Commission’s (“FCC” or “Commission”) Wireline Competition Bureau and Office of Economics and Analytics (“Bureaus”) grant an extension of time for certain eligible telecommunications carriers (“ETCs”) to report supply chain security information pursuant to the FCC’s February 26 *Public Notice*.<sup>2</sup> Specifically, due to disruption to normal business practices as a result of the coronavirus (“COVID-19”) pandemic as well as the need for clarification from the Bureaus with respect to certain information it is requesting, RWA requests that ETCs who utilize the equipment or services of Huawei or ZTE be afforded an additional eight weeks (until June 22) to respond to the data collection.

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<sup>1</sup> 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 in rural America. RWA’s members are small businesses serving or seeking to serve secondary, tertiary, and rural markets. Each of RWA’s member companies serves fewer than 100,000 subscribers.

<sup>2</sup> *Wireline Competition Bureau and Office of Economic and Analytics Open Reporting Portal for Supply Chain Security Information Collection*, Public Notice, WC Docket No. 18-89 (rel. Feb. 26, 2020) (“*Public Notice*”).

There is good cause for grant of the requested extension. The COVID-19 pandemic currently infecting the nation has caused tremendous disruption to RWA members as well as the entire nation. Among other things, the pandemic has caused RWA member ETCs to devote substantial time and resources away from compliance with regulatory reporting obligations to numerous pandemic-related urgent new activities. In addition to having to devote resources to their own business continuity issues, including shifting as many employees as possible to teleworking status in order to meet the governmental and societal demand for social distancing, ETCs have had to reconfigure their networks to accommodate the increased demand for telecommunications service from subscribers who are seeing their own demand for such services shift as many transition to telework and telestudy, and college students return home placing more use on their rural wireless broadband networks for academic and entertainment purposes.

RWA members have also taken Chairman Pai's "Keep Americans Connected Pledge."<sup>3</sup> Pursuant to this pledge, these companies have pledged for at least the next 60 days to: "(1) not terminate service to any residential or small business customers because of their inability to pay their bills due to the disruptions caused by the coronavirus pandemic; (2) waive any late fees that any residential or small business customers incur because of their economic circumstances related to the coronavirus pandemic; and (3) open its Wi-Fi hotspots to any American who needs them."<sup>4</sup> This has meant such companies have had to modify their

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<sup>3</sup> *Chairman Pai Launches the Keep Americans Connected Pledge*, FCC News Release (March 13, 2020). To date, 390 broadband and telephone service providers have taken the Pledge. *250 More Broadband and Telephone Service Providers Take Keep Americans Connected Pledge*, FCC News Release (March 19, 2020).

<sup>4</sup> *Id.*

accounting systems and their web sites to allow for such systemic changes to be effectuated. On the technical side, these companies have had to make changes to their networks to accommodate the substantial increase in demand from customers and students now working from home rather than business and campus locations with built in additional capacity. Some of these changes include adding additional spectrum, which must be loaded into the base stations and cores. In light of the urgent public need to stay connected to loved ones, medical facilities, and their workplaces during this extremely trying period, ETCs are devoting virtually all of their efforts to ensuring that all customers are able to stay connected.<sup>5</sup>

The timing of the supply chain reporting deadline is particularly challenging, not only due to the need for ETC staff to focus on keeping their communities connected, but because the time required in order to complete the report is substantial. RWA member companies who have begun the process estimate that the report will require 85 person hours, just to complete the portion dealing with sunk costs. For example, in order to determine the costs incurred through the end of 2019 for services and equipment, one company has approximately 700 mostly multi-page invoices to review, line by line, and then determine which of the five reporting buckets (i.e., “access layer equipment,” “distribution layer equipment,” “core layer equipment,” “software,” and “services”) that the cost of each line item needs to be attributed

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<sup>5</sup> The Cybersecurity and Infrastructure Security Agency (CISA), part of the Department of Homeland Security, recognizes employees engaged in maintenance of communications infrastructure, as well as customer and support staff who “provide support to transitioning employees to set up and maintain home offices, who interface with customers to manage or support service environments and security issues, including payroll, billing, fraud, and troubleshooting,” as “essential to continued critical infrastructure viability.” *Memorandum on Identification of Essential Infrastructure Workers During COVID-19 Response*, from Christopher C. Krebs, Director, Cybersecurity and Infrastructure Security Agency, March 19, 2020 (emphasis added).

to. As discussed further below, this is not an easy determination in many cases due to issues of interpretation, and therefore can be extremely time intensive.

The instructions to the reporting portal for supply chain security information collection leave many questions unanswered. The resulting ambiguity jeopardizes the ability of ETCs to complete the information collection on time, due to the additional time required to determine exactly what is required. For example, the following issues raised by the information collection require clarification.

- How are invoiced costs that cover both hardware and software supposed to be broken down and allocated?
- How are licenses to be allocated? Are they considered software? A service? Part of the core or access costs?
- Are all service costs reportable? E.g., installation charges, training, RF design, RF engineering, drive testing and analysis.
- Are service costs limited to fees paid directly to Huawei or ZTE, or would they also include payments to third parties in support of their equipment?
- Are other costs associated with the network reportable? E.g., costs in developing auto provisioning network platforms.
- How should internal labor costs of installation be treated?
- Are replacement costs based on current networks? What if current networks can't be replicated? To what extent can replacement networks be "future proofed"?
- Are service expenses to be reported an annual or average monthly expenses?

To resolve these and other issues, RWA urges the Bureaus to hold a webinar or provide an online tutorial to assist ETCs in gathering and providing the desired information. Until clarification is provided, ETCs are unable to provide vendors, with any degree of certainty, the information needed to provide the estimates required for the data collection. And if such information is provided, a second estimate may ultimately need to be requested if the request was based on an incorrect interpretation of the FCC's terminology.

In addition to the additional time needed for ETCs to request vendor estimates for replacement equipment and services, additional delay is anticipated in receiving such estimates from the vendors. RWA understands that many vendors are less responsive than usual as a result of the larger number of carriers requesting replacement estimates and larger carriers needing vendor attention for their own capacity issues. There is no guarantee, even if ETCs prioritize responding to the Bureaus' data collection over their public interest responsibilities in serving their customers during this national emergency, that they will be able to obtain the vendor information in time to complete their reporting.

There is good cause for the requested eight week extension and it will serve the public interest. The FCC has extended other reporting deadlines in recognition of its belief that, during the coronavirus pandemic, "all communications service providers . . . must prioritize helping their subscribers with getting connected and staying connected to voice and broadband services." *See, e.g., Lifeline and Link Up Reform and Modernization, Order, WC Docket No. 11-42 (rel. March 20, 2020)*. In addition to allowing ETCs to focus on their critical responsibilities, an extension will result in more accurate and meaningful data being provided to the Commission. The request is narrowly tailored and such extension need only apply to ETCs that

obtain equipment or services from Huawei or ZTE and to non-ETCs that choose to voluntarily participate in the data collection.<sup>6</sup> It does not at this time need to extend to ETCs that do not use Huawei or ZTE equipment since their filing will be extremely abbreviated.<sup>7</sup>

For the foregoing reasons, RWA respectfully requests that the Bureaus grant the relief requested herein.

Respectfully submitted,

**RURAL WIRELESS ASSOCIATION, INC.**

*/s/ Carri Bennet*

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<sup>6</sup> Non-ETCs may participate in the information collection on a voluntary basis, including both service providers with ETC designation petitions pending or contemplated, and other Universal Service Fund recipients.

<sup>7</sup> RWA notes that the recent passage of the Secure and Trusted Communications Act of 2019 that authorizes reimbursement for impacted carriers with 2 million or fewer customers regardless of whether they are ETCs may also require additional data collection by the FCC. “Secure and Trusted Communications Act of 2019,”; Pub. L. 116-124, 133 Stat. 158 (2020, <https://www.congress.gov/bill/116th-congress/house-bill/4998/actions>). Accordingly, once this law is implemented, the FCC may find itself needing to collect additional data at a later time.