



April 29, 2020

Ex Parte Letter

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

**Re: Rural Digital Opportunity Fund, WC Docket No. 19-126
Frontier Communications Census Block Eligibility Challenge**

Dear Ms. Dortch:

NTCA–The Rural Broadband Association (“NTCA”)¹ hereby responds to the Frontier Communications Corporation (“Frontier”) challenge² to the list of census blocks deemed initially eligible for the Rural Digital Opportunity Fund (“RDOF”) Phase I auction (“Auction 904”).³ As a long-standing advocate for data-driven challenge processes,⁴ and given the curiously timed and substantial nature of Frontier’s filing in particular, NTCA requests that the Federal Communications Commission (the “Commission”) undertake a thorough review to ensure that the applicable standards for service have been met.

At the same time, it is essential that such vetting of the Frontier Challenge take place without delay or disruption to the anticipated Auction 904 timeline. The rural consumers that are the intended beneficiaries of the RDOF have waited far too long already for the promise of a robust broadband Internet access connection. Recent events that have forced tens of millions of

¹ NTCA represents approximately 850 independent, community-based telecommunications companies and cooperatives and more than 400 other firms that support or are themselves engaged in the provision of communications services in the most rural portions of America.

² Letter from Diana Eisner, Frontier, WC Docket No. 19-126, (fil. Apr. 10, 2020) (“Frontier Challenge”).

³ *Wireline Competition Bureau Releases Preliminary List and Map of Eligible Areas for the Rural Digital Opportunity Fund Phase I Auction*, Public Notice, AU Docket No. 20-34, WC Docket Nos. 19-126 and 10-90, DA 20-275 (rel. Mar. 17, 2020).

⁴ Comments of NTCA, WC Docket Nos. 19-126 & 10-90 (fil. Sep. 20, 2019), pp. 36-39 (supporting a robust challenge validation process, based on “facts on the ground,” for identifying those areas eligible for RDOF funding); Reply Comments of NTCA, WC Docket No. 10-90, et al. (fil. Apr. 9, 2019), pp. 3-8 (supporting a data-driven challenge process for any competitive overlap process for the RLEC high-cost program); Comments of NTCA, WC Docket No. 10-90, WT Docket No. 10-208 (fil. Apr. 26, 2017), pp. 3-4 (supporting the use of a data-driven challenge process for the Mobility Fund).

Americans to work, educate their children, and remain in touch with family and friends solely via robust broadband-capable networks should demonstrate, if it was somehow not clear before, that robust connectivity is a necessity in the age in which we live.

Numerous NTCA members serve rural areas in the same states as Frontier and, indeed, they frequently field pleas from consumers living in the latter's service area in need of access to robust broadband service. This experience – and their decades of experience in serving sparsely-populated rural areas of the nation more generally – have caused NTCA members to question whether the filing accurately reflects conditions on the ground changing so quickly in so many places in such a short time. Simply put, as the Wireless Internet Service Providers Association and the National Rural Electric Cooperative Association noted, “it is difficult to believe that Frontier was able to provide voice and 25/3 Mbps service in each of these 16,000 census blocks in just eight months.”⁵ Such incredulity is compounded by the fact that Frontier operated under the specter of a looming bankruptcy during this period, making it difficult to envision deployment to such a large number of locations within just several months' time after years with little meaningful progress. Indeed, as WISPA and NRECA correctly point out, Frontier just four months ago alerted the Commission to the likelihood that it would be unable to meet its interim deployment milestones to which it was beholden pursuant to broadband commitments made in 2015.⁶ Moreover, Frontier's financial disclosures, again as WISPA and NRECA reference, showed an operator losing subscribers and working with a financial structure that would appear to have severely limited its ability to invest capital in broadband deployment.⁷

It may be possible that Frontier did precisely what was necessary to meet the standards for reporting significant increased deployment during this eight-month period in the face of years of historical inaction in these areas, admitted shortcomings on interim universal service buildout obligations, and increasing financial struggles. However, such a remarkable achievement warrants validation and verification given the implications. NTCA therefore urges the Commission to immediately investigate the claims of coverage made in the Frontier Challenge. This should not and need not be a process that delays Auction 904 in any way. Commission staff are thoroughly versed in such processes through years of effort in the context of other high-cost universal service programs, and NTCA would anticipate that a detailed review of the Frontier Challenge can still be completed consistent with the currently envisioned auction timeline.

Thank you for your attention to this correspondence. Pursuant to Section 1.1206 of the Commission's rules, a copy of this letter is being filed via ECFS.

⁵ *Ex parte* letter, Wireless Internet Service Providers Association (“WISPA”) and the National Rural Electric Cooperative Association (“NRECA”), WC Docket No. 19-126 (fil. Apr. 27, 2020), p. 1.

⁶ *Id.*, p. 2, citing Letter from AJ Burton, Frontier, WC Docket No. 10-90 (fil. Jan. 15, 2020).

⁷ *Id.*, fn. 5.

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Respectfully submitted,



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