

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

In the Matter of)	
)	
Connect America Fund)	WC Docket No. 10-90
)	
Universal Service Reform – Mobility Fund)	WT Docket No. 10-208

REPLY OF UNITED STATES CELLULAR CORPORATION

The Commission should grant the application for review of the *MF-II Challenge Process Procedures Public Notice*¹ submitted by the Rural Wireless Association (“RWA”),² and reject an opposition to the Application submitted by Verizon,³ because the changes advocated by RWA are an improvement to the Commission’s challenge process.

RWA’s Application correctly pointed out that in many rural areas the Commission’s one square kilometer grid size and buffer radius greatly limit a challenger’s ability to perform enough tests to mount a successful challenge.⁴ In response, the Commission increased the minimum required distance between tests, by permitting a 400-meter buffer radius from each test point,⁵

¹ *Procedures for the Mobility Fund Phase II Challenge Process*, Public Notice, DA 18-186 (WTB/WCB Feb. 27, 2018) (“*MF-II Challenge Process Procedures Public Notice*” or “*Public Notice*”).

² Application for Review of the Rural Wireless Association, Inc., WC Docket No. 10-90, WT Docket No. 10-208 (filed Mar. 29, 2018) (“RWA Application” or “Application”).

³ Opposition of Verizon, WC Docket No. 10-90, WT Docket No. 10-208 (filed Apr. 27, 2018) (“Verizon Opposition”).

⁴ RWA Application at 3-4.

⁵ See, *Connect America Fund, Universal Service Reform – Mobility Fund*, WC Docket No. 10-90, WT Docket No. 10-208, Order on Reconsideration, DA 18-427 (Apr. 30, 2018) (“*Reconsideration Order*”), at para. 4.

lending credence to RWA's claims that the current process insufficiently permits challenges. Even with the FCC's recent buffer adjustment, significant issues remain because in most rural areas there are not enough drivable roads within a one square kilometer area to establish that 75% of the challengeable area has been tested.

U.S. Cellular has been examining the Commission's challenge maps throughout its service area in 23 states to determine where to conduct drive tests. U.S. Cellular has analyzed a variety of settings, from flat to mountainous terrain, and the result is always the same. The one square kilometer grid size makes it impossible for even a well-funded challenger to submit data to the Commission within the 150-day challenge process for the vast majority of rural areas in this country that may be incorrectly shown as ineligible because there simply are too few roads to meet the requirement that 75% of the challenged area be tested.

Based upon a review of 16 of its key states, U.S. Cellular observes that using a one kilometer grid size along with a 250-meter buffer zone will make it impossible for any challenger to submit data to the Commission within the challenge window for 78% of the areas involved because they lack sufficient roads to achieve the Commission's 75% area requirement. To make matters worse, in areas where only a single unsubsidized carrier claims coverage (those areas most likely to bring a successful challenge), less than 4% of those areas have enough roads to reach the 75% threshold.

U.S. Cellular is currently in the process of calculating how the Commission's new 400-meter buffer will affect these calculations and will submit data to the FCC in the near future. To be clear, in the vast majority of grid cells that U.S. Cellular intends to test, at least one test is going to require the tester to go "off road," to a location that would produce an acceptable test.

While the challenge process may not technically be limited to drive tests, it is completely impractical to conduct any other means of challenge (e.g., off-road excursions) on any sort of scale. U.S. Cellular, a company that is committed to vigorously participating in the challenge process, will only be able to conduct drive tests on public roads. If a tester needed to stop a test vehicle and hike to an appropriate location (assuming a property owner has granted permission, or the terrain is otherwise accessible), that one test will potentially add many additional hours to the overall testing process, depending upon the individual circumstances.

The problem grows exponentially if more off-terrain tests are necessary to reach the 75% threshold. It is therefore easy to see that vast areas are going to go untested either because, (i) it is impossible to conduct an adequate test, (ii) a diligent challenger does not have sufficient time or resources to undertake and complete necessary testing, or (iii) a company abandons the process because, after analyzing the size of the task and the limited opportunity for success, it cannot justify the undertaking.

Verizon claims that increasing the grid cell size to one square mile and increasing the buffer will make the FCC's challenge map less accurate.⁶ The Commission's recent action in the *Reconsideration Order* to increase the buffer size has mooted Verizon's concern. With respect to increasing the grid cell size, Verizon has provided no evidence that the small increase suggested by RWA would materially change the map's accuracy. Moreover, any small inaccuracies that could be caused by increasing the grid cell size will be more than offset by the increased

⁶ Verizon Opposition at 2-3.

accuracy that will accrue to the map by challengers having more opportunity to submit challenges – and a willingness to engage in the process. Even relatively small reductions in the cost of mounting a challenge will be more than repaid by increased participation in the challenge process, and a corresponding increase in map accuracy.⁷

There is an important public interest component to this challenge process. If this Commission is serious about accelerating broadband investment to areas that need it most, then it is critically important that areas needing investment are not blocked out due to maps that overstate coverage. Areas locked out of Mobility Fund II may see no federal investment dollars for a decade. Accordingly, a “measure once, cut twice” policy will have significant and negative consequences to any community closed off from Mobility Fund II investment solely because the

⁷ See *Connect America Fund, Universal Service Reform – Mobility Fund*, WC Docket No. 10-90, WT Docket No. 10-208, Order on Reconsideration and Second Report and Order, 32 FCC Rcd 6282, 6304 (paras. 42-43) (2017) (the Commission expresses an “interest [in] broad participation” in the challenge process, and encourages state and local government entities “to participate robustly in the challenge process to ensure that our information about where service is or is not available is as accurate as possible”).

maps were flawed and the challenge process too onerous for potential challengers to implement corrections.

Respectfully submitted,

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