

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

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

**REPLY COMMENTS OF AT&T**

AT&T Services, Inc., on behalf of its mobile wireless affiliates (collectively, AT&T), agrees with the sole commenter that the Commission should deny Rural Wireless Association, Inc.’s (RWA’s) request to switch from a kilometer to a mile grid area for Mobility Fund Phase II (MFII) challenges in its Application for Review of the *MFII Challenge Process Procedures Public Notice*.<sup>1</sup> However, based on a recent *ex parte* filing, it appears that RWA has backed away from that request, and instead now asks the Commission to increase the buffer radius for speed test measurements from 400 to 500 meters.<sup>2</sup> AT&T supports that revised request.

*Background.* In February, the Rural Broadband Task Force, with the Wireless Telecommunications Bureau and the Wireline Competition Bureau (Bureaus), issued a public notice establishing procedures for the MFII challenge process.<sup>3</sup> Among other things, the

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<sup>1</sup> Application for Review of the Rural Wireless Association, Inc., WC Docket No. 10-90, WT Docket No. 10-208 (filed March 29, 2018) (Appeal), appealing *Procedures for the Mobility Fund Phase II Challenge Process*, WC Docket No. 10-90, WT Docket No. 10-208, Public Notice, DA 18-186 (rel. Feb. 27, 2018) (hereinafter, *MFII Challenge Process Procedures PN*).

<sup>2</sup> Letter from Caressa Bennet, RWA, to Marlene Dortch, FCC, WT Docket No. 10-208, WC Docket No. 10-90, at 5 (filed April 30, 2018) (RWA April 30 *Ex Parte* Letter).

<sup>3</sup> *MFII Challenge Process Procedures PN*.

Bureaus determined that interested parties challenging claims that a particular area is served by unsubsidized, qualified 4G LTE must submit speed test measurements covering at least 75 percent of a one square kilometer area. Additionally, the Bureaus decided that speed test measurements within that one square kilometer grid area must be taken from points no more than one-half of one kilometer apart from one another.<sup>4</sup> In reviewing such challenges, the Universal Service Administrative Company (USAC) will create a buffer around each speed test point (that is, draw a circle of a fixed size around each test point) within which all locations will be deemed to have the same coverage as the point where the test was conducted.<sup>5</sup> In the *MFII Challenge Process Procedures PN*, the Bureaus set that buffer radius at one-quarter of one kilometer.<sup>6</sup> If the combined speed test buffer areas in a one square kilometer area cover less than 75 percent of that area, then the challenge will fail.<sup>7</sup>

RWA seeks review of the Bureaus' decision to use a one square kilometer challenge area with a one-quarter of one kilometer buffer radius around each speed test location. Instead, RWA argues that the Bureaus should have adopted a one square *mile* challenge area with a one-quarter of one mile buffer radius.<sup>8</sup> After RWA filed its Appeal, the Bureaus issued on their own motion an Order on Reconsideration, increasing the maximum distance between speed measurements to

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<sup>4</sup> *Id.* at ¶ 21.

<sup>5</sup> *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, ¶ 55 (2017) (*MFII Challenge Process Order*).

<sup>6</sup> *MFII Challenge Process Procedures PN* at ¶ 21.

<sup>7</sup> *MFII Challenge Process Order* at ¶ 55.

<sup>8</sup> Appeal at 2.

800 meters and the associated buffer radius to 400 meters.<sup>9</sup> The Bureaus issued the *Order on Reconsideration* after they reviewed data submitted by RWA in March, which the Bureaus found “illustrated the considerable increase in area covered by speed test measurements resulting from using a radius of one-quarter of one mile rather than a radius of one-quarter of one kilometer.”<sup>10</sup> The Bureaus concluded that increasing the buffer radius from 250 meters to 400 meters, “will significantly reduce the burden on potential challengers. . . .”<sup>11</sup>

The same day that the Bureaus released their *Order on Reconsideration*, RWA filed an *ex parte* letter stating that it “believes that the use of a one square kilometer grid cell and accompanying longer buffer radius will give prospective challengers the ability to more meaningfully participate in the MF-II challenge process.” In that same letter, RWA recommends that the Bureaus set that buffer at 500 meters, not 400 meters.<sup>12</sup>

*Discussion.* Granting RWA’s Appeal (*i.e.*, changing the challenge areas from one square kilometer grids to one square mile grids) would be too disruptive to the MFII Auction and, for that reason, the Commission should deny it. As Verizon, the sole commenter, explained, “to implement RWA’s proposal, the Commission would have to reprocess the carrier coverage maps using a one square mile grid, generate a new map of presumptively eligible areas, and . . . direct USAC to modify its challenge process software to accept challenges based on one square mile

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<sup>9</sup> *Connect America Fund; Universal Service Reform – Mobility Fund*, WC Docket No. 10-90, WT Docket No. 10-208, Order on Reconsideration, DA 18-427 (rel. April 30, 2018) (*Order on Reconsideration*).

<sup>10</sup> *Id.* at ¶ 4.

<sup>11</sup> *Id.*

<sup>12</sup> RWA April 30 *Ex Parte* Letter at 5.

grid cells.”<sup>13</sup> All of these work efforts would significantly delay the start of the MFII Auction.<sup>14</sup> Moreover, the purported benefit of changing from kilometers to miles – to reduce burdens on prospective challengers – can effectively be addressed by modifying the buffer radius, as the Bureaus recently did, on their own motion.

AT&T supports RWA’s April 30 *ex parte* request to increase the buffer radius size to 500 meters, while maintaining the kilometer-based grid scheme.<sup>15</sup> In this *ex parte* filing, RWA showed increasing the buffer radius from 400 meters to 500 meters would significantly decrease the percentage of land that is unmeasurable using drive tests. AT&T believes that increasing the buffer radius to 500 meters will reduce the costs and burdens on prospective challengers, thus furthering the Commission’s interest in improving the map of MFII-eligible areas. To be sure, increasing the buffer radius will affect the accuracy of challenges, as Verizon rightly observed.<sup>16</sup> But, establishing a workable challenge process requires that the Commission strike an appropriate balance between the accuracy of speed test data and the burden of producing that data on potential challengers. We believe that increasing the buffer radius by 100 meters to 500 meters, as requested by RWA, strikes an appropriate balance between the need for accuracy and encouraging interested parties to test and challenge coverage claims. As the Bureaus found in their *Order on Reconsideration*, “applying . . . a slightly larger buffer radius will significantly reduce the burden on potential challengers while not unduly compromising the Commission’s

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<sup>13</sup> Verizon Comments, WC Docket No. 10-90, WT Docket No. 10-208, at 4 (filed April 27, 2018).

<sup>14</sup> *Id.*

<sup>15</sup> RWA April 30 *Ex Parte* Letter at 5.

<sup>16</sup> Verizon Comments at 3 (arguing that increasing the buffer radius makes it less likely that a test point would provide a reliable proxy for coverage throughout the buffer area).

interest in collecting accurate data that reflects consumers' experience."<sup>17</sup> And, of course, service providers like Verizon Wireless and AT&T Mobility will have the ability to respond to challenges with their own data, demonstrating that they do indeed provide 4G LTE at speeds greater than or equal to 5 Mbps download in the challenged area. This opportunity to refute challengers' data should help mitigate Verizon's data accuracy concerns.

For the reasons provided above, the Commission should deny RWA's Appeal but grant its April 30 *ex parte* request to increase the buffer radius to 500 meters from the current 400 meters. Ruling in this manner will ensure that there will be no unnecessary delays to the commencement of the MFII Auction and interested parties will have a meaningful opportunity to participate in the challenge process.

Respectfully Submitted,

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<sup>17</sup> *Order on Reconsideration* at ¶ 4.