



June 11, 2019

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

**Re: *Ex Parte* Communications: WC Docket No. 10-90**

Dear Ms. Dortch:

On June 7, 2019, Genny Morelli and the undersigned of ITTA met separately with Preston Wise of the Office of Chairman Pai, and Suzanne Yelen, Gilbert Smith, Jesse Jachman, and Nissa Laughner<sup>1</sup> of the Wireline Competition Bureau (Bureau) regarding the Petition for Clarification or Declaratory Ruling filed by several Iowa companies in the above-referenced proceeding.<sup>2</sup>

The Petition requests that the Commission address discrepancies between Commission rules and releases defining the scope of “locations” for purposes of fulfilling A-CAM deployment obligations and contradictory guidance issued by USAC.<sup>3</sup> We asserted that the USAC guidance is overly restrictive in two fundamental respects. First, the Commission consistently has maintained that broadband service is available, i.e., the location counts towards fulfillment of deployment obligations, if the carrier could provide qualifying broadband service to the location “within ten (10) business days upon request.”<sup>4</sup> Requiring that a home-based business *already* have separately subscribed in order to be counted separately from a residence goes far beyond the Commission’s broadband service availability definition.

Second, it is common practice for carriers “to install one fiber drop per physical address, with multiple fiber strands within that drop to meet the capacity requirements of the residents and businesses within that physical address. This practice is much more cost effective than installing multiple drops with single fiber strands for each resident and business within a physical location.”<sup>5</sup> Accordingly, the “separate facilities” component of USAC’s guidance would require

---

<sup>1</sup> Mr. Jachman and Ms. Laughner participated by telephone.

<sup>2</sup> Petition for Clarification or Declaratory Ruling on the Definition of Location for Home Offices Under the Connect America Fund-Alternative Connect America Cost Model, WC Docket No. 10-90 (filed May 6, 2019) (Petition).

<sup>3</sup> See *id.* at 4.

<sup>4</sup> See *id.* at 3-4 (quoting, e.g., *Wireline Competition Bureau Provides Guidance to Carriers Receiving Connect America Fund Support Regarding Their Broadband Location Reporting Obligations*, Public Notice, 31 FCC Rcd 12900, 12903 (WCB 2016)).

<sup>5</sup> *Id.* at 5.

Ms. Marlene H. Dortch  
June 11, 2019  
Page 2

carriers to wastefully install multiple drops in order to ensure that a home-based business is properly counted as a separate location. In response to concerns regarding the opportunity for gaming of broadband deployment obligations through claiming that shell businesses constitute separate “locations,” we suggested safeguards for the carrier to demonstrate that the subject business operates in good standing. We also urged the Bureau to release a separate public notice specifically seeking comment on the Petition.<sup>6</sup>

We also briefly discussed the June 5<sup>th</sup> Public Notice seeking comment more generally on how to count the actual number of locations that A-CAM support recipients can serve.<sup>7</sup> We urged the Commission to expeditiously resolve the “locations conundrum” in a manner that will significantly minimize A-CAM carriers’ exposure to enforcement penalties for not meeting deployment obligations and committed to work with the Commission on the issue.

Please do not hesitate to contact the undersigned with any questions regarding this submission.

Respectfully submitted,

/s/

Michael J. Jacobs  
Vice President, Regulatory Affairs

cc: Preston Wise  
Suzanne Yelen  
Jesse Jachman  
Gilbert Smith  
Nissa Laughner  
Alex Minard

---

<sup>6</sup> See 47 CFR § 1.2(b) (“The bureau or office to which a petition for declaratory ruling has been submitted or assigned by the Commission . . . should seek comment on the petition via public notice”).

<sup>7</sup> See *Wireline Competition Bureau Issues Corrected Alternative Connect America Model II Offers to 37 Companies, Extends the Election Deadline, and Seeks Comment on Location Adjustment Procedures*, Public Notice, DA 19-504, at 2-3 (WCB June 5, 2019).