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VIA ECFS

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

Re: *Ex Parte* Communication of ACA Connects – America's Communications Association; *Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket No. 17-59; *Call Authentication Trust Anchor*, CG Docket No. 17-97; *Connect America Fund*, WC Docket No. 10-90; *Modernizing the FCC Form 477 Data Program*, WC Docket No. 11-10; *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84; *Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs*, WC Docket No. 18-89; *Rural Digital Opportunity Fund*, WC Docket No. 19-126; *Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as Amended by the Cable Television Consumer Protection and Competition Act of 1992*, MB Docket No. 05-311; *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, WT Docket No. 17-79; *Expanding Flexible Use of the 3.7 GHz to 4.2 GHz Band*, GN Docket No. 18-122; *Expanding Flexible Use in Mid-Band Spectrum Between 3.7 and 24 GHz*, GN Docket No. 17-183 (Inquiry Terminated as to 3.7-4.2 GHz); *Petition for Rulemaking to Amend and Modernize Parts 25 and 101 of the Commission's Rules to Authorize and Facilitate the Deployment of Licensed Point-to-Multipoint Fixed Wireless Broadband Service in the 3.7-4.2 GHz Band*, RM-11791; *Fixed Wireless Communications Coalition, Inc., Request for Modified Coordination Procedures in Band Shared Between the Fixed Service and the Fixed Satellite Service*, RM-11778; *2018 Quadrennial Regulatory Review—Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, MB Docket No. 18-349; *Amendment of Section 73.3555(e) of the Commission's Rules, National Television Multiple Ownership Rule*, MB Docket No. 17-318; *Applications of Tribune Media Company and Nexstar Media Group, Inc. for Consent to Transfer Control of Licenses and Authorizations*, MB Docket No. 19-30.

Dear Ms. Dortch:

On June 25, 2019, Matthew Polka (President and CEO, ACA Connects—America’s Communications Association (“ACA Connects”)) and I (Senior Vice President of Government Affairs, ACA Connects) (collectively, the “ACA Connects Representatives”) met with Commissioner Geoffrey Starks and his Acting Legal Advisor for Media and Consumer Protection, Michael Scurato.

ACA Connects Representatives began the meeting by providing background on the association and its members. ACA Connects’ members are smaller video providers that have evolved into broadband and voice providers passing about 18 million homes, mainly in rural areas, and serving over 7 million broadband subscribers with high performance (DOCSIS and fiber) broadband service. Our members continue to invest billions in broadband annually to upgrade their networks and services and to lower their prices on a per-megabit-per-second basis. They also provide Business Data services for commercial customers. Their fiber deployments also provide backhaul connectivity for 5G and other wireless services, including in rural areas that larger carriers are less inclined to serve.

ACA Connects Representatives then discussed numerous matters on which Commissioner Starks and his colleagues have been engaged, and that are important to ACA Connects members.

- Reducing Unwanted and Illegal Robocalls. ACA Connects recognizes that there is no “silver bullet” in the fight against robocalls, and that the Commission, industry, and other stakeholders must work together on many fronts to address this urgent problem. As ACA Connects Representatives discussed, we supported the Commission’s ruling that voice providers may offer robocall blocking technology by default, which should make it easier for providers to make popular robocall blocking tools available to their customers.¹ In addition, ACA Connects participates on the Secure Telephone Identity Governance Authority (“STI-GA”), the industry body that is leading implementation of the SHAKEN/STIR caller ID authentication framework. We are pleased that the STI-GA continues to make timely progress, and that major carriers have begun the process of testing and implementing SHAKEN/STIR capabilities.² As the technology matures, and vendor solutions become more readily available at competitive prices, we expect that

¹ See *Advanced Methods to Target and Eliminate Unlawful Robocalls* et al., CG Docket No. 17-59 et al., Declaratory Ruling and Third Further Notice of Proposed Rulemaking, FCC 19-51 (rel. June 7, 2019); see also Letter From Brian Hurley, ACA Connects, to Marlene H. Dortch, Secretary, FCC, CG Docket No. 17-59 et al. (filed May 31, 2019).

² See, e.g., AT&T, “AT&T and Comcast Announce Anti-Fraud Milestone Believed to be the Nation’s First,” Mar. 20, 2019, https://about.att.com/story/2019/anti_robocall.html; T-Mobile, “T-Mobile’s Network Protects Customers Network From Over 10 Billion Spam Calls, Expands STIR/SHAKEN Protection,” Mar. 6, 2019, <https://www.t-mobile.com/news/10b-scram-likely-calls>.

smaller operators will follow suit. ACA Connects is closely monitoring developments in this market and keeping members informed. We want to ensure that our members and their customers can receive the benefits of SHAKEN/STIR as soon as possible while making informed choices in their purchase of necessary equipment and technology.

- Promoting Public Safety and Homeland Security. ACA Connects Representatives applauded the Commissioner’s focus on network security. They explained that ACA Connects shares the Commissioner’s concerns and actively helps its members with public safety and homeland security matters. ACA Connects Representatives explained how ACA Connects passes along to our members information we gather from being a member of the Communications Sector Coordinating Council (CSCC) and the Communications Information Sharing and Analysis Center (COMM-ISAC). ACA Connects has also been privileged to serve on the Communications Security, Reliability, and Interoperability Council (CSRIC). Moreover, they explained that ACA Connects has done numerous webinars educating its members about supply chain risks, cybersecurity threats, preparing for weather emergencies, and similar issues. ACA Connects Representatives reported that very few ACA Connects cable operator members use equipment procured from Chinese vendors that have been identified as posing a national security threat.
- Eliminating Barriers to Broadband Infrastructure Deployment. ACA Connects Representatives applauded the Commission for adopting decisions last year to facilitate access to investor-owned utility poles³ and public rights-of-way.⁴ They asked that the Commission conclude the “Cable Franchising” Notice of Proposed Rulemaking by adopting both of its tentative conclusions: that the mixed-use network ruling applies to incumbent cable operators, and thus prohibits local franchising authorities from regulating the provision of non-cable services offered over incumbents’ cable systems; and that “franchise fees” include cable-related in-kind contributions.⁵
- Reallocating C-Band for 5G Uses. ACA Connects members rely on satellites operating in the C-Band for delivery of video programming, and therefore, as earth station users, they would be greatly affected by reallocating spectrum from current uses to terrestrial

³ See *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment et al.*, WC Docket No. 17-84 *et al.*, Third Report and Order and Declaratory Ruling, 33 FCC Rcd 7705 (2018).

⁴ See *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment et al.*, WC Docket No. 17-79 *et al.*, Declaratory Ruling and Third Report and Order, 33 FCC Rcd 9088 (2018).

⁵ See *Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as Amended by the Cable Television Consumer Protection and Competition Act of 1992*, MB Docket No. 05-311, Second Further Notice of Proposed Rulemaking, (rel. Sept. 25, 2018).

wireless services as proposed in the Notice of Proposed Rulemaking.⁶ ACA Connects has already made clear in filings with the Commission that it supports clearing as much C-Band spectrum as reasonably feasible, but only if the immediate and long term harms to incumbent earth station users are properly and fully addressed.⁷ ACA Connects Representatives explained that they have been following the numerous filings and proposals made by other stakeholders in the docket and plan to continue to engage in the proceeding.

- Providing Support for Closing the Digital Divide. As discussed in a recent meeting with Commission staff, ACA Connects supports moving forward promptly with Chairman Pai's proposed Rural Digital Opportunity Fund ("RDOF") reverse auction.⁸ The RDOF presents an opportunity to build upon the success story of Connect America Phase II auction, which demonstrated clearly that using competitive bidding to award support will result in the delivery of higher performance broadband service to unserved locations far more cost effectively than relying on the Connect America Fund Cost Model. To determine eligible census blocks for RDOF, ACA Connects recommends that the Commission combine the most recent Form 477 data available with a tailored challenge process.⁹ ACA Connects also supports the Commission's concurrent efforts to improve the Form 477 data collection, and it looks forward to the Commission acting on this issue at its August meeting.¹⁰ At the same time, longer term efforts to improve the granularity

⁶ See *Expanding Flexible Use of the 3.7 to 4.2 GHz Band* et al., GN Docket No. 18-122 et al., Order and Notice of Proposed Rulemaking, 22 FCC Rcd 6915 (2018).

⁷ See, e.g., Comments of the American Cable Association, GN Docket No. 18-122 et al. (Oct. 29, 2018); Reply Comments of the American Cable Association, GN Docket No. 18-122 et al. (Dec. 11, 2018); Letter from Pantelis Michalopoulos, Counsel for ACA, to Marlene Dortch, FCC, GN Docket No. 18-122 et al. (Mar. 25, 2019); Letter from Pantelis Michalopoulos, Counsel for ACA, to Marlene Dortch, FCC, GN Docket No. 18-122 et al. (Feb. 12, 2019); Letter from Pantelis Michalopoulos, Counsel for ACA, to Marlene Dortch, FCC, GN Docket No. 18-122 et al. (Dec. 20, 2018); Letter from Georgios Leris, Counsel for ACA, to Marlene Dortch, FCC, GN Docket No. 18-122 et al. (July 6, 2018); Letter from Pantelis Michalopoulos, Counsel for ACA, to Marlene Dortch, FCC, GN Docket No. 18-122 et al. (Apr. 30, 2018).

⁸ See Letter from Thomas Cohen, Counsel to ACA Connects, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 19-126 (June 14, 2019). See also Letter from ACA Connects, NTCA – The Rural Broadband Association, and the National Rural Electric Cooperative Association to The Honorable Ajit Pai, Chairman, Federal Communications Commission, WC Docket Nos. 10-90 and 11-10 (May 9, 2019).

⁹ ACA Connects supports more granular and more accurate broadband mapping, and it believes the NCTA's "shapefile" proposal and USTelecom Broadband Fabric approach have potential to advance these objectives. But, even with such measures in place, ACA Connects believes a challenge process will remain necessary to verify the accuracy of the data.

¹⁰ See *Modernizing the Form 477 Data Program*, WC Docket No. 11-10, Further Notice of Proposed Rulemaking, 32 FCC Rcd 6329 (2017).

and accuracy of broadband deployment data, while important, should not interfere with the Commission conducting a RDOF auction next year.

- Preventing Harmful Media Consolidation. ACA Connects has expressed concerns that vertically integrated distributors and content providers will act anti-competitively and raise prices for competing distributors.¹¹ ACA Connects also has raised concerns about horizontal consolidation, especially increased concentration in local television broadcast markets which can raise retransmission consent fees.¹² This too raises consumer prices. ACA Connects urged the Commission to account for these harms to consumer welfare when reviewing proposed transactions.¹³ ACA Connects also urged the Commission to keep in mind that further changes to its broadcast television ownership rules may push retransmission consent fees even higher, and to account for this predicted harm in its pending rulemakings.

This letter is being filed electronically pursuant to Section 1.1206 of the Commission's rules.¹⁴

Sincerely,



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¹¹ See, e.g., *USA v. AT&T, Inc.*, Proof Brief of Amici Professor William P. Rogerson and American Cable Association in Support of Appellant, No. 1:17-cv-2511 (D.C. Cir., filed Aug. 13, 2018) (describing concerns with AT&T's integration with Time Warner, Inc.), available at <https://www.americancable.org/wp-content/uploads/2018/08/Corrected-ACA-Rogerson-Brief-as-filed.pdf>.

¹² See, e.g., Comments of the American Television Alliance, MB Docket No. 18-349 (filed Apr. 29, 2019) (comments from group in which ACA Connects is a member expressing concerns about local consolidation); Comments of the American Cable Association, MB Docket No. 17-318 (filed Mar. 19, 2018) (expressing concerns with national consolidation).

¹³ See, e.g., Comments of the American Television Alliance, MB Docket No. 19-30 (filed Mar. 18, 2019) (comments from group in which ACA Connects is a member expressing concerns about proposed merger between Nexstar and Tribune).

¹⁴ 47 C.F.R. § 1.1206.

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cc: Commissioner Geoffrey Starks
Michael Scurato