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VIA ECFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
455 12th Street SW
Washington, DC 20554

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**Re: Modernizing the Form 477, WC Docket No. 11-10
Rural Digital Opportunity Fund, WC Docket No. 19-126**

Dear Ms. Dortch,

On July 2, 2019, Steve Morris and Jennifer McKee of NCTA – The Internet & Television Association, Beth Choroser of Comcast, Jennifer Prime on behalf of Cox Communications, Christianna Barnhart of Charter Communications, and Christine Sanquist of Jenner & Block, on behalf of Charter Communications, met with Preston Wise, Special Counsel to Chairman Pai, and Travis Litman, Chief of Staff to Commissioner Rosenworcel, to discuss the above-referenced proceedings.¹ Ms. McKee and Ms. Sanquist joined the meeting with Mr. Litman by phone; Ms. Choroser and Ms. Barnhart joined both meetings by phone.

In the meetings, NCTA explained that there is broad support for its proposal² to reform the Form 477 reporting system to require that providers report broadband availability by submitting polygon shapefiles (i.e., electronic coverage maps) that represent the geographic area where a provider offers service.³ We described how moving to a reporting regime based on polygon shapefiles would address the overstatement of coverage that results under the Commission's current census block approach in a manner that providers, as well as the Commission, should be able to implement in a timely manner.

We also discussed NCTA's proposal to incorporate crowdsourcing to supplement the review of Form 477 filings by Commission staff. We explained that feedback from consumers can be useful in refining the accuracy of any maps the Commission produces, but that such information, particularly online speed test data, may not accurately represent the performance or availability of the service

¹ *Modernizing the Form 477 Data Program*, WC Docket No. 11-10, Further Notice of Proposed Rulemaking, 32 FCC Rcd 6329 (2017); Public Notice, *New Docket for Rural Digital Opportunity Fund*, WC Docket No. 19-126, DA 19-361 (Apr. 30, 2019).

² See Letter from Steve Morris, NCTA, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 11-10 (Feb. 28, 2019) (NCTA Proposal).

³ See, e.g., Letter from Rosa Mendoza, ALLvanza, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 11-10 (May 29, 2019); Letter from Brent Legg, Connected Nation to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 11-10 (May 17, 2019); Letter from Michael Romano, NTCA – The Rural Broadband Association, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 11-10 (Apr. 30, 2019).

provided and therefore should be used to inform future filings by providers only where it proves to be accurate. We view the submission of such consumer data and any review process as more informal than, and separate from, the type of challenge process the Commission may decide to conduct in anticipation of distributing support.

NCTA also addressed the relationship between our proposal for reform of the Form 477 reporting regime and the proposal advanced by the Broadband Mapping Consortium to create a broadband location fabric that can be used as a background for displaying broadband availability data.⁴ We emphasized that the decision whether the Commission should devote time and money to creation of the proposed location fabric is separate from the reporting questions identified in the Form 477 proceeding and that are addressed by NCTA's proposal. We also explained that existing tools in use at other federal agencies, including RUS and NTIA, already can provide significant information regarding the location of homes and businesses in unserved areas through the use of satellite imagery.⁵

While the proposed location fabric is ostensibly designed to provide more precise latitude and longitude information on the location of unserved homes and businesses than existing tools, it does so at significant cost to the Commission and it will take a significant period of time for the Commission to develop. We also noted that there are numerous unresolved questions regarding how the proposed location fabric will work in the real world including, but not limited to, what process will be used for verifying the accuracy of the roughly 150 million locations that will be catalogued and how that data will be updated on a consistent and accurate basis.

NCTA expressed concern that waiting for the completion of the location fabric before moving ahead with reforms to the reporting requirements would mean that distribution of the Rural Digital Opportunity Fund (RDOF) would either be delayed or hampered by the use of inadequate data. We expressed strong support for the creation of this new funding mechanism on a schedule that would end the Connect America Fund Phase II in 2020 as scheduled.⁶ Given that the Commission has not yet issued a Notice of Proposed Rulemaking to create the RDOF, we explained that the Commission should have sufficient time to reform the Form 477 reporting regime as we have proposed and then use the resulting data in support of the RDOF.

Respectfully submitted,

/s/ Steven F. Morris

Steven F. Morris

cc: P. Wise
T. Litman

⁴ See Letter from Lynn Follansbee, USTelecom, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 11-10 (Mar. 21, 2019).

⁵ See, e.g., U.S. Department of Agriculture, Mapping Tool, <https://www.usda.gov/reconnect/mapping-tool>.

⁶ *Connect America Fund*, WC Docket Nos. 10-90, 14-58, and 14-192, Report and Order, 29 FCC Rcd 15644, 15656, ¶ 31 (2014).