

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

In the Matter of

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Connect America Fund

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WC Docket No. 10-90

**COMMENTS
OF
GVNW CONSULTING, INC.**

July 18, 2019

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I. INTRODUCTION & SUMMARY

GVNW Consulting, Inc. (“GVNW”) submits these comments to address the Wireline Competition Bureau (“WCB”) request for comments relating to Adjustment Location Procedures for ACAM I and ACAM II carriers in the Public Notice¹ issued by the WCB in June 2019 in the above-captioned proceeding.

There are at least three potential issues that may occur in the ACAM I or ACAM II (hereafter referred to as “ACAM Recipients”) model offer relating to model-funded census block locations. These issues include 1) locations within model-funded census blocks in the service area that simply do not exist; 2) model-funded census blocks that overlap a carrier’s service area boundary and some or all of the locations are outside the carrier’s service area; and 3) model-funded census blocks with supported locations that are completely outside a carrier’s service area. These three potential issues regarding model-funded locations could cause some carriers to have difficulty meeting their buildout obligations under ACAM I or ACAM II.

¹ Wireline Competition Bureau Public Notice, DA-19-504, released June 5, 2019.

GVNW believes that carriers can identify whether locations actually exist in funded census blocks within the service area and whether locations in funded census blocks are either in funded census blocks that overlap the carrier's service area boundary with some or all of the locations being outside the service area, or are in funded census blocks that are entirely outside the carrier's service area. Further, GVNW believes that the WCB can set forth procedures where carriers can identify these issues and then seek an adjustment of their model locations and, depending on the particular situation relating to why a carrier cannot serve the identified locations, to some extent reduce the support for these locations. However, in some instances, carriers can also seek approval from the WCB for the carriers to either provide service to locations outside the service area or report supported locations that are outside the service area in the HUBB so that the locations count toward their overall ACAM buildout obligations with no reduction in support.

II. The Wireline Competition Bureau Has Authority To Set Up A Process To Address Location Discrepancies for ACAM Recipients.

The Commission has delegated authority to the WCB to address location discrepancies in model-determined funded locations “by adjusting the number of funded locations downward and reducing associated funding levels.”² Therefore, GVNW agrees with the WCB that what is needed are Adjustment Location Procedures for location discrepancies. As previously noted, these location discrepancies can arise where locations do not exist in funded census blocks within the service area, or where the funded census blocks overlap a recipient's service area boundary and some or all of the locations are outside the area, or where funded census blocks lie completely outside an ACAM recipient's service area.

² *Connect America Fund et al.*, WC Docket No. 10-90 et al., Report and Order, Order and Order on Reconsideration and Further Notice of Proposed Rulemaking, 31 FCC Rcd 3087, 3102, para. 34 (2016).

Adjustment location procedures for ACAM Recipients will allow carriers to have a standardized approach that will allow a carrier to seek an adjustment from the WCB of the overall number of funded or capped locations and reduce to some extent the support for those locations, while setting new buildout obligations that will be attainable for the carrier. GVNW outlines below a possible process in which the WCB can adjust location obligations for requesting ACAM Recipients by reducing the number of locations downward and, depending on why the locations cannot be in service, possibly reducing the associated funding to some extent.

III. Where ACAM Recipients Cannot Identify Enough Model Funded Locations Within Census Blocks In The Service Area.

Some ACAM Recipients may determine that there are simply not enough supported locations within funded census blocks in their area to meet their location obligations. In short, even when the carrier provides the requisite service to all existing supported locations in the funded census blocks, there simply is not enough existing supported locations in the funded census blocks to meet their location obligations. These carriers rightfully would have some concern that there would not be enough existing locations to serve to meet their buildout obligations.

GVNW believes that in situations where the model-funded census blocks do not contain enough existing locations to meet a carrier's obligation, that a carrier should be able to seek an adjustment of its location obligations from the WCB. However, GVNW does not believe that a pro rata reduction in support should occur where not enough supported locations exist to meet the buildout obligations since most of the cost of deploying broadband in a carrier's service area lies in the network facilities, not, in general, in deploying broadband to locations. Instead, GVNW believes that no reduction of support should occur when a carrier shows that it is providing service to all existing locations in the funded census blocks, and the carrier commits to deploy broadband to additional supported locations as they identify them. Alternatively, if the WCB requires a

reduction of support associated with the reduced locations obligation, GVNW believes where locations are shown not to exist within funded census block in the service area that the reduction in support should not be a pro rata reduction but only a set percentage (no more than 10% of the support for the location) of the funding for those locations should be reduced. This will allow the carrier to receive the majority of the support funding for locations so that the funding can go toward the network facilities while some reduction does take place for the inability to serve locations that do not exist.

IV. Where Census Blocks With Model Funded Locations Overlap The ACAM Recipient's Service Area Boundary And Some Or All Of The Supported Locations Lie Outside The Service Area.

Some ACAM Recipients may determine that they have model-funded census blocks with supported locations that overlap their service area boundary and that some or all of the locations are outside their service area. Since some or all of these supported locations would be outside the carrier's service area, these carriers would also have some concern that these locations would not count toward their buildout obligations and that the inability to service these locations could cause the carrier to not meet its buildout obligations.

GVNW believes that in situations where the model-funded census blocks overlap a carrier's service area, that the carrier should be able to request that the WCB allow the ACAM Recipients to either serve the locations broadband service or be allowed to report the ability to serve the supported locations within ten business days, with the carrier retaining all the funding for those supported locations.

V. Where Model-Funded Census Blocks With Supported Locations Are Completely Outside An ACAM Recipient's Service Area.

Some ACAM Recipients may determine that they have model-funded census blocks with supported locations that are completely outside their service area. Similar to the other situations,

these carriers would have some concern that there would not be enough locations within their service area to serve to meet their buildout obligations.

GVNW believes that in situations where the model-funded census blocks are completely outside a carrier's service, that the carrier should also be able to seek an adjustment of its location obligations from the WCB. GVNW does believe that where the funded census blocks are completely outside an ACAM Recipient's service area that a pro rata reduction in support should occur. This is the case because the funded census blocks that contain the supported locations are completely outside the carrier's service area and should not have been included in the ACAM funding for that carrier. Further, the network used by a carrier to deploy broadband was not intended to serve locations completely outside the carrier's service area.

VI. The Process.

1. Petition For Adjustment of Location Obligations and Funding.

An ACAM recipient could petition the WCB seeking adjustment of its location obligations and, depending on the reason why the locations cannot be served, to some extent a reduction in the support for those locations. The WCB could grant a petition seeking an adjustment to its buildout obligations where a carrier shows that 1) enough supported locations to meet its buildout obligations in its service area do not exist; or 2) funded census blocks overlap the service area boundary and the support locations are outside the service area; or 3) where the funded census blocks and the locations within them are entirely outside the service area boundary. Alternatively, the WCB could allow ACAM Recipients to seek the ability to serve broadband to supported locations outside a carrier's service or to report the ability to serve the supported locations outside the service area within ten business days.

2. Evidence Needed For Adjustment.

Evidence that can clearly show that the census blocks with funded locations are entirely outside a carrier's service area boundary could include maps (i.e. Google Earth in a KMZ file or Maps in Shapefiles or Illustrations of Maps) of the census blocks and locations along with a map of the service area boundary. The visible evidence would clearly show where the locations are located in comparison to the carrier's service area boundary.

VII. CONCLUSION

For the reasons set forth herein, GVNW believes that the WCB can establish a standardized procedure for making adjustments to location obligations of ACAM Recipients where there is not enough supported locations in funded census blocks within a carrier's service area, where model-funded locations in census blocks that overlap a recipient's service area boundary and some or all of the locations lie outside the service area, and where model-funded locations are within census blocks outside a service area. The WCB, depending on the reason for the supported locations not being able to be served, could allow carrier to retain the funding or reduce the funding to some extent, or allow ACAM Recipients to commit to deploying broadband to newly identified supported locations or report the ability to serve the supported locations within ten business days that are in census blocks that overlap the service area boundary.

Respectfully submitted,
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