

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 20554**

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

**REPLY OF COMPETITIVE CARRIERS ASSOCIATION**

Competitive Carriers Association (“CCA”)<sup>1</sup> hereby submits this Reply to Oppositions to Verizon Communications, Inc.’s (“Verizon”) Application for Review (“AFR”)<sup>2</sup> requesting that the Federal Communications Commission (“FCC” or “Commission”) vacate an order in which the Wireless Telecommunications Bureau and Wireline Competition Bureau (collectively, the “Bureaus”) increased the maximum distance between speed test measurements to 800 meters (approximately one-half of one mile) and the associated buffer radius to 400 meters (approximately one quarter of one mile) for the Mobility Fund II (“MF II”) challenge process. CCA supports comments in the record asking the FCC to deny Verizon’s request and maintain a 400-meter buffer for speed test measurements in the MF II challenge process.<sup>3</sup>

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<sup>1</sup> CCA is the leading association for competitive wireless providers and stakeholders across the United States. CCA’s membership includes nearly 100 competitive wireless providers ranging from small, rural carriers serving fewer than 5,000 subscribers to regional and national providers serving millions of customers. CCA also represents associate members consisting of small businesses, vendors, and suppliers that provide products and services throughout the mobile communications supply chain.

<sup>2</sup> Application for Review of Verizon, WT Docket No. 10-208 (filed June 21, 2018) (“Verizon AFR”).

<sup>3</sup> As explained herein, on April 30, 2018, the Bureaus released an Order on Reconsideration on their own motion that increased the speed measurement distance to 800 meters, which, in turn, increased the buffer radius from one-quarter (1/4) kilometer to 400 meters (or four-tenths (4/10) of a kilometer). *Connect America Fund; Universal Service Reform – Mobility Fund*, Order on

CCA applauds the Commission and Bureaus for their continued work to properly allocate MF II support to expand access to broadband services in all corners of the nation in an effort to close the digital divide.<sup>4</sup> CCA likewise supports the FCC’s efforts to identify unserved areas that are currently ineligible for the MF II program. This is an important step towards ensuring no American is left behind as the Commission leads the nation forward into the digital age of 5G technologies and the new economic opportunities it brings. To that end, CCA reiterates its support for the Bureau’s decision that a 400-meter buffer would best serve the public interest and requests that the Commission deny Verizon’s AFR.<sup>5</sup>

**I. A 400-METER BUFFER WILL HELP TO APPROPRIATELY IDENTIFY AREAS ELIGIBLE FOR MF II SUPPORT**

CCA reiterates that the challenge process must be efficient and supports the FCC’s approach that challengers submit data that “is reliable, accurately reflects consumer experience in the challenged area, and can be analyzed quickly and efficiently.”<sup>6</sup> Indeed, the MF II program was created to preserve and expand consumers’ access to mobile technology and to specifically focus on expanding broadband services to consumers residing in rural and remote areas. The challenge process is an important component to ensuring that stakeholders submit data demonstrating underserved and unserved areas. It is critical, therefore, that the FCC affirm

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Reconsideration, DA 18-427, WC Docket No. 10-90, WT Docket No. 10-208 (rel. Apr. 30, 2018) (“Challenge Procedures Order on Reconsideration”).

<sup>4</sup> See, e.g., Comments of Competitive Carriers Association, WT Docket No. 10-208 (filed Apr. 26, 2017); Reply Comments of Competitive Carriers Association, WT Docket No. 10-208 (filed May 11, 2017).

<sup>5</sup> See, Reply of Competitive Carriers Association, WT Docket No. 10-208 (filed May 7, 2018) (“CCA Reply”).

<sup>6</sup> *Comment Sought on Mobility Fund Phase II Challenge Process Procedures and Technical Implementation*, Public Notice, WC Docket No. 10-90 & WT Docket No. 10-208, DA 17-1027 ¶ 6 (rel. Oct. 18, 2017) (“Challenge Process Public Notice”).

procedures to ensure the process strikes a reasonable balance to avoid overly burdening small carriers and to adequately identify areas eligible for MF II funds.

Specifically, CCA supports the Bureaus' recent Order on Reconsideration that increased the speed measurement distance to 800 meters, which, in turn, increased the buffer radius from one-quarter (1/4) kilometer to 400 meters (or four-tenths (4/10) of a kilometer).<sup>7</sup> The Bureaus previously established procedures to implement the challenge process framework adopted in the MF II Challenge Process Order,<sup>8</sup> and explained that challenges would be assessed using a uniform grid with cells of one (1) square kilometer and a "buffer" with a radius equal to one-half of the maximum distance parameter. The Order on Reconsideration found that the modified parameters will reduce the number of speed test measurements needed to file a successful challenge,<sup>9</sup> and "will significantly reduce the burden on potential challengers while not unduly compromising the Commission's interest in collecting accurate data that reflects consumers' experience."<sup>10</sup>

CCA agrees that a 400-meter buffer will result in more accurate mapping while avoiding overly burdensome challenge process procedures. Indeed, CCA has previously highlighted recent research and analysis filed by stakeholders which demonstrates the enormous burden

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<sup>7</sup> Of note, the Bureaus' Order on Reconsideration did not directly address RWA's Application for Review, including the request to increase the grid size to one mile and the buffer zone to a quarter (1/4) mile. *Connect America Fund; Universal Service Reform – Mobility Fund*, Order on Reconsideration, DA 18-427, WC Docket No. 10-90, WT Docket No. 10-208 (rel. Apr. 30, 2018) ("Challenge Procedures Order on Reconsideration"). CCA filed in support of RWA's Application for Review. *See, e.g.*, CCA Reply.

<sup>8</sup> *Connect America Fund; Universal Service Reform – Mobility Fund*, Order on Reconsideration and Second Report and Order, 32 FCC Rcd. 6282 (2017) ("MF II Challenge Process Order").

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

challengers will face to collect data based on a smaller grid size or associated buffer radius.<sup>11</sup>

But despite this evidence, Verizon argues that a 400-meter buffer radius is “inconsistent” with the Commission’s speed test parameters. This is simply untrue. Rather, CCA agrees that “[a] 400-meter buffer radius is an 800 meter, or half mile, distance between speed tests and is well within the one-mile maximum distance between speed tests established by the Commission.”<sup>12</sup>

CCA recognizes the FCC’s authority and prowess to increase the buffer radius to 400-meters and urges the Commission to affirm the decision.

## **II. A 250-METER BUFFER WILL PRODUCE LESS ACCURATE DATA AND INADVERTENTLY HARM CONSUMERS**

CCA believes that accurate data and rigorous participation are cornerstones of the MF II challenge process and applauds the Commission and the Bureaus for taking steps to maximize both. As Smith Bagley, Inc. (“SBI”) notes, “[a] principal objective of the [MF II] challenge process is to ensure that initial claims of unsubsidized mobile wireless coverage advanced by incumbent service providers are subjected to sufficient scrutiny to ensure the determinations of coverage are as accurate as possible.”<sup>13</sup> Yet meeting this objective requires that parameters on challenge submissions balance the need for accurate data against burdens imposed on challenge process participants.<sup>14</sup> As noted, the Bureaus adequately balanced these considerations when the FCC expanded the buffer radius from 250 to 400 meters, explaining that “applying...a slightly

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<sup>11</sup> See, CCA Reply at 4 (*citing*, letter from Caressa D. Bennet, General Counsel, Rural Wireless Association, to Marlene Dortch, Secretary, FCC, WC Docket No. 10-90, WT Docket No. 10-208 (filed Apr. 20, 2018)).

<sup>12</sup> Opposition of NTCA – The Rural Broadband Association, WT Docket No. 10-208 at 3 (filed July 13, 2018) (“NTCA Opposition”).

<sup>13</sup> Opposition of Smith Bagley, Inc., WT Docket No. 10-208 at 3 (filed July 13, 2018) (“SBI Opposition”).

<sup>14</sup> See *id.*

larger buffer radius will significantly reduce the burden on potential challengers while not unduly compromising the Commission’s interest in collecting accurate data that reflects the consumers’ experience.”<sup>15</sup>

Verizon claims that the Bureaus’ decision to use a 400-meter buffer erred in striking a balance because the test points “will be too far apart to produce a reliable picture of coverage in the challenged area” and that the Bureaus did not “analyze the impact of the larger buffer radius on accuracy and reliability of the challenge process.”<sup>16</sup> CCA agrees with commenters that these claims are unfounded.<sup>17</sup> There is no evidence on the record, neither proposed by Verizon nor another party, that indicates a 400-meter buffer radius less accurately measures the actual consumer experience and will therefore negatively impact the accuracy and reliability of the challenge process. To the contrary, the record is rich with data that indicates the increased buffer radius will increase participation in the challenge process and yield better results. For example, a 250-meter buffer radius would make measuring areas via drive tests more expensive and technically challenging.<sup>18</sup> This smaller buffer radius would increase the burden on carriers and result in fewer challenges therefore minimizing the amount of accurate data submissions the FCC receives in reviewing challenged areas. As another example, U.S. Cellular, has explained that “any small inaccuracies . . . will be more than offset by the increased accuracy that will accrue to the map by challengers having more opportunity to submit challenges – and a willingness to engage in the process. Even relatively small reductions in the cost of mounting a

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<sup>15</sup> Challenge Procedures Order on Reconsideration ¶ 4.

<sup>16</sup> Verizon AFR at 4.

<sup>17</sup> *See, e.g.*, NTCA Opposition; Opposition of the Rural Wireless Association, WT Docket No. 10-208 at 5 (filed July 13, 2018) (“RWA Opposition”).

<sup>18</sup> *See id.* at 6-7.

challenge will be more than repaid by increased participation in the challenge process, and a corresponding increase in map accuracy.”<sup>19</sup> The Bureaus properly relied on these established facts when making the decision to increase the buffer radius.<sup>20</sup> CCA recommends the Commission do the same and deny Verizon’s AFR.

Further, MF II funds are a means to achieve Chairman Pai’s goal of closing the digital divide. Indeed, the “nation’s remote rural areas require improved access to fixed and mobile broadband [in order] to drive advances in telemedicine, education, public safety, and economic development.”<sup>21</sup> CCA’s rural and regional carriers have historically served these rural and hard-to-reach areas, even when the business case is weak. MF II support will allow these carriers to not only continue to serve hard-to-reach areas, but also to expand their efforts to connect consumers living in all corners of the United States. When allocating MF II support, it is imperative that the Commission continues to promote the use of accurate data because any area incorrectly designated as ineligible will miss an opportunity to receive support that would have incentivized broadband deployment in that area. This will expand the digital divide and is contrary to the Commission’s and Chairman Pai’s goals. Instead, a robust challenge process will ensure that CCA’s members will continue to serve underserved and unserved rural areas, and the areas that MF II is meant to aid.

### **III. CONCLUSION**

CCA urges the Commission to recognize the appropriate balance struck by the Bureaus in adopting the 400-meter buffer radius. The Commission should deny Verizon’s AFR request in

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<sup>19</sup> Reply of US Cellular, WT Docket No. 10-208 (filed May 7, 2018).

<sup>20</sup> See, RWA Opposition at 1-3.

<sup>21</sup> See, SBI Opposition at 6.

an effort to promote more accurate data and minimize overly burdensome challenge process procedures.

Respectfully submitted,

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