

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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

REPLY TO OPPOSITIONS OF VERIZON¹

As Verizon showed in its Application for Review,² the Commission should vacate the *Challenge Procedures Reconsideration Order*.³ That order increased the buffer radius for Mobility Fund challenges from 250 meters to 400 meters, allowing challengers to successfully challenge a one square kilometer area with as few as two speed test points. As Verizon explained, this result is inconsistent with the Commission’s requirement that challengers submit speed tests with “sufficient density to reflect actual consumer experience throughout the entire challenged area.”⁴ The 400-meter buffer radius could result in widespread false positives, i.e., presumptively successful challenges of large areas that are in fact well-served by 4G LTE, particularly if providers cherry-pick test points with an aim of minimizing actual coverage.

¹ The Verizon companies participating in this filing are the regulated, wholly owned subsidiaries of Verizon Communications Inc.

² Verizon Application for Review, WC 10-90 & WT 10-208 (June 21, 2018).

³ *Universal Service Reform – Mobility Fund*, Order on Reconsideration, WC Docket No. 10-90, WT Docket No. 10-208; DA 18-427 (WTB/WCB April 30, 2018) (“*Challenge Procedures Reconsideration Order*” or “*Order*”).

⁴ *Connect America Fund; Universal Service Reform – Mobility Fund*, Order on Reconsideration and Second Report and Order, 32 FCC Rcd 6282, ¶ 51 (2017) (“*Challenge Process Order*”).

Three parties – the Rural Wireless Association (RWA), NTCA-The Rural Broadband Association (NTCA), and Smith Bagley – filed oppositions to Verizon’s Application for Review. The oppositions claim that the *Challenge Process Order* gave the Wireline Competition Bureau and Wireless Telecommunications Bureau (“the Bureaus”) the authority to pick any buffer radius up to one-half of a mile (about 800 meters), and that the selection of a 400-meter buffer radius is therefore within the Bureaus’ authority.⁵

The oppositions’ claim is without merit. While it is true that the *Challenge Process Order* capped the buffer radius at one-half of a mile, it did not give the Bureaus unfettered authority to pick any buffer radius as long as it was below the cap. Rather, the *Challenge Process Order* imposed an additional and independent requirement that the test points must “substantially cover the entire area.”⁶ Consequently, as the Bureaus determined in the *Challenge Procedures PN*, the Bureaus are required to adopt a buffer radius that will ensure challengers submit speed tests with “sufficient density to reflect actual consumer experience throughout the entire challenged area.”⁷

The 400-meter buffer radius does not provide “sufficient density to reflect actual consumer experience throughout the entire challenged area,”⁸ and is therefore inconsistent with the authority delegated to the Bureaus in the *Challenge Process Order*. As Verizon showed in its Application for Review, the 400-meter buffer radius will allow challengers to submit a

⁵ See, e.g., RWA Opposition at 3-5 (July 13, 2018); NTCA Opposition at 3 (July 13, 2018).

⁶ *Challenge Process Order*, ¶ 51.

⁷ *Procedures for the Mobility Fund Phase II Challenge Process*, Public Notice, 33 FCC Rcd 1985, ¶ 19 (2018) (“*Challenge Procedures PN*”).

⁸ *Id.*

presumptively successful challenge with fewer than two sub-5 Mbps speed tests per grid cell.⁹ Because wireless signal strength can vary considerably across a one square kilometer grid cell, due to signal attenuation, clutter, and terrain, two test points do not provide “sufficient density” to represent the actual consumer experience “throughout” an area of that size.¹⁰

Notably, the oppositions do not dispute Verizon’s showing that the 400-meter buffer radius will allow presumptively successful challenges that are based on just two sub-5 Mbps speed tests per grid cell. Nor do the oppositions even attempt to refute Verizon’s showing that two test points are insufficient to represent the consumer experience throughout a one square kilometer grid cell.

The oppositions nonetheless contend that the 400-meter buffer radius will yield “more accurate coverage data.”¹¹ They claim, in particular, that the 400-meter buffer radius will improve the accuracy of the challenge process because it will encourage parties to challenge more areas.¹² That claim is unfounded. While increasing the buffer radius will make it easier for challengers to challenge an area, the coverage data itself will be less, not more, accurate. As discussed above, the presumptively successful challenges will be based on just two test points – too few to provide a reliable and accurate picture of coverage in the challenged cell. Thus, more areas will be shown as successfully challenged, but the challenges will not be meaningful because they will not reliably show that the challenged areas lack 4G LTE coverage.

⁹ See Verizon Application for Review at 5-6.

¹⁰ *Id.* at 6.

¹¹ RWA Opposition at 7.

¹² RWA Opposition at 5-7; NTCA Opposition at 3-4.

Because the 400-meter buffer radius will not produce meaningful coverage data, the Commission should vacate the *Challenge Procedures Reconsideration Order* and direct the Bureaus to reinstate the 250-meter buffer adopted in the *Challenge Procedures PN*.

Respectfully submitted,

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