

STEPHEN L. GOODMAN, PLLC

ATTORNEY AT LAW

532 NORTH PITT STREET

ALEXANDRIA, VA 22314

TELEPHONE (202) 607-6756

EMAIL: stephenlgoodmanllc@gmail.com

Admitted in D.C. and Florida

July 23, 2019

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

Re: *Ex Parte Presentation – Rural Digital Opportunity Fund, WC Docket No. 19-126;*
Connect America Fund, WC Docket No. 10-90

Dear Ms. Dortch:

On July 11th, the Commission released a Draft Order addressing a Notice of Proposed Rulemaking to establish the Rural Digital Opportunity Fund (“*Draft NPRM*”) to be voted on at the Commission’s August 1st meeting. ADTRAN supports the Commission’s efforts to expand broadband to unserved and underserved areas, and will comment on the *NPRM* after it is adopted and published in the Federal Register. ADTRAN takes this opportunity, however, to propose one improvement to that *Draft NPRM* prior to its consideration by the Commission.

ADTRAN previously addressed the issue of assessing the quality of the high-latency option for subsidized broadband services, and sought clarification of the prior decision establishing the CAF Phase II, because the relevant ITU standard (Recommendation P.800) offers two options -- a conversational-opinion test and a listening-opinion test.¹ ADTRAN explained that use of the listening-opinion test does not adequately capture the quality of a conversation, because it is asking the testers simply to evaluate the sound quality of a recording of a transmission, not to actually engage in a conversation. The Commission ultimately agreed with ADTRAN in specifying the performance measurement metrics for CAF Phase II, making clear that a conversational-opinion test must be used.²

In the *Draft NPRM*, the Commission proposes that for the high-latency option in the Rural Digital Opportunity Fund, the providers must be able to demonstrate a Mean Opinion Score of four or higher under the ITU standard, citing the Commission’s CAF Phase II Order.³

¹ ADTRAN Petition for Reconsideration in WC Docket No. 10-90, filed July 5, 2016.

² *CAF Performance Measurements Order*, 33 FCC Rcd 6509, 6524-26 (2018).

³ *Draft NPRM* at ¶ 23, fn. 36.

Ms. Marlene H. Dortch
Secretary, Federal Communications Commission
July 23, 2019
Page 2

The Commission later in the *Draft NPRM* does apply generally the subsequent clarification decision specifying use of the conversational-opinion test.⁴ However, in order for the Commission to avoid any claim of ambiguity or inadequate notice with regard to requiring the use of the conversational-opinion test,⁵ ADTRAN suggests the Commission include a cite to the *CAF Performance Measurements Order* in footnote 36 of the *Draft Order* as well. Such an edit would make clear the Commission's intent to require that eligibility to receive Rural Digital Opportunity Fund subsidies requires the capability to support high-quality voice services, as specified in the Communications Act.

Sincerely,

/s/

Stephen L. Goodman
Counsel for ADTRAN, Inc.

cc: Donald Stockdale
Kris Monteith
Julius Knapp

⁴ *Draft NPRM* at ¶ 26.

⁵ *Cf.*, Hughes, Petition for Clarification, or in the Alternative, Reconsideration, WC Docket No. 10-90, filed September 19, 2018.