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August 31, 2018

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

Re: ***Modernizing the FCC Form 477 Data Program***  
***WC Docket No. 11-10***

Dear Ms. Dortch:

The Wireless Internet Service Providers Association (“WISPA”) submits this letter to address issues presented in the ex parte notice filed by Microsoft Corporation (“Microsoft”)<sup>1</sup> in the above-referenced docket.<sup>2</sup>

WISPA supports some of Microsoft’s proposals, but believes that others should not be adopted. Specifically, WISPA agrees that it would be beneficial for the Commission to defer completion of the *FNPRM* proceeding until after the National Telecommunications and Information Administration (“NTIA”) has completed its ongoing broadband mapping proceeding.<sup>3</sup> Further, WISPA believes that newly developed visualization and analytic tools such as those proposed by Microsoft could improve broadband reporting accuracy if implemented without imposing burdensome obligations and additional costs on Form 477 filers. However, as further discussed below, WISPA disagrees with Microsoft on two key issues: (1) reporting only census blocks where broadband has actually been “provisioned” presents a risk of under-reporting of broadband availability; and (2) FCC Form 477 data should continue to be collected semi-annually.

**1. Reporting Census Blocks Only Where Broadband Has Actually Been “Provisioned” Presents A Risk Of Under-Reporting Of Broadband Availability**

Microsoft recommends that the Commission only require reporting of census blocks where broadband has actually been deployed and eliminate reporting of areas where broadband could be deployed “within a service interval that is typical for that type of connection – that is, without extraordinary commitment of resources.”<sup>4</sup> Like Microsoft, WISPA believes the current

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<sup>1</sup> See Letter from Paul Garnett, et al., Microsoft, to Marlene H. Dortch, FCC Secretary, WC Docket No. 11-10 (filed Aug. 2, 2018) (“Microsoft Letter”).

<sup>2</sup> *Modernizing the FCC Form 477 Data Program*, Further Notice of Proposed Rulemaking, 32 FCC Rcd 6329 (2017) (“*FNPRM*”).

<sup>3</sup> *Improving the Quality and Accuracy of Broadband Availability Data*, Request for Comments, 83 Fed. Reg. 24747 (May 30, 2018) (“*NTIA RFC*”).

<sup>4</sup> Microsoft Letter at 3.

reporting requirement is vague and uses terms that are subject to varying interpretations, leading to different reporting practices by Form 477 filers.<sup>5</sup> This is especially true with respect to fixed wireless broadband signals that propagate in a number of spectrum bands from antennas located on towers, grain elevators, water tanks and other vertical infrastructure where the question of whether broadband “could” be provided “without extraordinary commitment of resources” necessarily requires some level of prediction. Future deployment may depend on the frequencies available at a particular site, equipment availability, business plans and other factors. In some cases, the ability to provide service “without extraordinary commitment of resources” cannot be determined until an installer is at the physical location given line-of-sight, mounting and other variables that may exist. Different providers also may have different views on what is “extraordinary” and what is not. In sum, the vague language coupled with a number of area-specific variables leads to inconsistent reporting that impacts the accuracy of broadband mapping.

Microsoft’s proposal to eliminate the predictive language is a good start, but it would not completely address the reporting problem. In fact, WISPA is concerned that requiring broadband providers to report census blocks only where service is “provisioned” is likely to over-correct the “systematic overstatement of where broadband is actually available.”<sup>6</sup> This is particularly true with respect to fixed wireless broadband technology which, for the reasons stated above, does not lend itself well to reporting in designated geographic areas such as census blocks. For these reasons, WISPA has recommended that the Commission allow fixed broadband providers the option of reporting broadband deployment data through the use of geospatial data of coverage areas.<sup>7</sup> In this same vein, Microsoft states that the “Commission could separately request filers to identify census blocks where they could provision service upon a reasonable request.”<sup>8</sup> This formulation is less vague and more consumer-focused than the current reporting requirement that is subject to a multitude of interpretations.

WISPA shares Microsoft’s concerns that inaccurate Form 477 data impairs the objectives of the Connect America Fund (“CAF”) and the Mobility Fund.<sup>9</sup> But this concern applies both to over-reporting as well as under-reporting of broadband availability. Broadband providers that have deployed service – especially unsubsidized service – should not face the prospect of a competing subsidized provider deploying service where it is already available. The use of geospatial data depicting coverage, in either polygon or raster format, would mitigate costly burdens on small providers while simultaneously giving the Commission and the public a more accurate view of a provider’s service area when it establishes support rules.

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<sup>5</sup> See *id.* at 2.

<sup>6</sup> See *id.*

<sup>7</sup> See Comments of WISPA, WC Docket No. 11-10 (filed Oct. 10, 2017), at 6-11.

<sup>8</sup> Microsoft Letter at 3.

<sup>9</sup> See *id.* at 3.

## **2. Form 477 Should Continue To Be Submitted Semi-Annually To Prevent Reliance On Out-Of-Date Data**

The *FNPRM* sought comment on the impact of collecting Form 477 data on a twelve-month cycle rather than a semi-annual cycle.<sup>10</sup> Microsoft states that “the diminution in data quality . . . is not significant, while the reduction in burden for carriers would be significant.”<sup>11</sup> WISPA respectfully disagrees. Reducing Form 477 reporting to an annual filing schedule would not keep pace with the continuing growth in broadband deployment, especially with respect to fast-growing fixed wireless broadband that can be deployed more quickly than wireline technologies. The Commission has recognized that residential fixed wireless connections quadrupled from June 2012 to June 2016, the largest percentage increase of any terrestrial broadband technology.<sup>12</sup> This trend is expected to continue – the Carmel Report forecasts a doubling of customer growth in the next five years.<sup>13</sup> Annual reporting will necessarily lag behind reporting cycles, a problem that would be exacerbated by the combination of faster deployment and less frequent annual reporting. As a result, the Commission would necessarily be making decisions regarding allocations of CAF support on less current data. WISPA is concerned that reliance on outdated information will increase the risk that future CAF support being allocated to locations where it should not, disproportionately harming fixed wireless providers. The Commission can avoid this result by retaining its current semi-annual filing requirement.

## **3. The Commission Should Wait Until NTIA Has Completed Its Proceeding On Improving Broadband Availability Data**

WISPA agrees with Microsoft that the Commission should defer the adoption of final rules in this proceeding until NTIA has completed its proceeding. As Microsoft notes, it appears that NTIA is considering novel ways of analyzing broadband availability data.<sup>14</sup> For that reason, WISPA agrees that it would be beneficial for the Commission to wait until NTIA identifies third-party data sources for increased accuracy of broadband availability before finalizing rules. Ideally, both the Commission and NTIA (and other agencies such as the Rural Utilities Service) should cooperate on designing common broadband definitions and a uniform reporting method and verification approach that uses the same speed, latency and other performance metrics, a result that would harmonize criteria and priorities for subsidy, grant, loan and loan guarantee programs.

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<sup>10</sup> See *FNPRM* at 6348.

<sup>11</sup> Microsoft Letter at 5.

<sup>12</sup> See *Internet Access Services: Status as of June 30, 2016*, Industry Analysis and Technology Division, Wireline Competition Bureau (April 2017) (“*2017 Internet Access Report*”) at 18, Fig. 16 (speeds of at least 3 Mbps downstream and 768 kbps upstream as reported on FCC Form 477).

<sup>13</sup> See The BWA Industry Report, *Ready for Takeoff: Broadband Wireless Access Providers Prepare to Soar with Fixed Wireless*, THE CARMEL GROUP (2017) at 10, Fig. 4.

<sup>14</sup> See Microsoft Letter at 5.

**4. WISPA Does Not Oppose Online Visualization And Analytics Tools To Improve Data Accuracy So Long As There Is Flexibility For Providers In Their Use Of Such Tools**

WISPA does not oppose Microsoft's proposal to utilize online visualization and analytical tools to improve data accuracy so long as the use of such tools is optional and, if mandated, required use of such tools does not impose additional costs on Form 477 filers.<sup>15</sup>

Pursuant to Section 1.1206 of the Commission's Rules, this letter is being filed electronically via the Electronic Comment Filing System in the above-captioned proceedings.

Respectfully submitted,

/s/ Claude Aiken  
President & CEO

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<sup>15</sup> See *id.* at 4.