

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

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

COMMENTS OF COMPETITIVE CARRIERS ASSOCIATION

Competitive Carriers Association (“CCA”)¹ submits these comments in response to the Federal Communications Commission’s (“FCC” or “Commission”) Notice of Proposed Rulemaking (“NPRM”) to modify the timeframe for collecting speed test data in support of Mobility Fund II (“MF II”) eligibility challenges.² CCA applauds the Commission and Bureaus for their continued work to properly allocate MF II support to identify unserved areas to expand access to broadband services in all corners of the nation and to close the digital divide.³ To achieve this laudable goal, however, the FCC needs to ensure unsubsidized carrier coverage data reflects consumers’ experiences on the ground. CCA has long stated that the FCC’s coverage data, as based on Form 477, does not reflect on-the-ground coverage,⁴ and as Congress has

¹ 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.

² *Universal Service Reform – Mobility Fund*, Notice of Proposed Rulemaking, WT Docket No. 10-208 (rel. Aug. 30, 2018) (“NPRM”).

³ *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).

⁴ *See id.*; Letter from Rebeca Murphy Thompson, EVP & GC, CCA to Marlene H. Dortch, Secretary, FCC, WT Docket No. 10-208 (filed Feb. 7, 2018).

rightly stated, “you cannot manage what you cannot measure.”⁵ CCA therefore supports the FCC’s proposal to accept data collected through the challenge process on or after February 27, 2018, until November 26, 2018, to ensure the extended challenge process filing deadline does not unduly burden challenge process participants, as well as the FCC’s proposal to expand the response timeframe for participants to ensure the Commission collects a robust and reliable set of data.

I. MODIFYING SPEED TEST DATA SPECIFICATIONS WILL UNIFY TESTING PARAMETERS AND AVOID UNDUE HARDSHIP ON CHALLENGE PARTICIPANTS

The MF II program was created to preserve and expand consumers’ access to mobile technology, and as such, the challenge process must be efficient and support the FCC’s approach that challengers submit data that “is reliable... [] and can be analyzed quickly and efficiently.”⁶ CCA therefore supports procedures to ensure the process strikes a reasonable balance that avoids overly burdening challengers and adequately identifies areas eligible for MF II funds. Specifically, the Commission should adopt its proposal to modify initial requirements that speed test data be collected within six months of the scheduled close of the relevant challenge or response window, and in particular, to accept data collected on or after February 27, 2018, until

⁵ House Energy and Commerce Committee Subcommittee on Communications and Technology Chairman Blackburn (R-TN) has noted that, “we must accurately collect and aggregate data ... but doing so is a fool’s errand without precise data. This will ensure that private and federal investments are targeted at unserved areas.” *See*, Opening Statement of Hon. Marsha Blackburn, Subcommittee on Communications and Technology, “Broadband: Deploying America’s 21st Century Infrastructure” (115 Cong.) (Mar. 21, 2017), *available at* <http://docs.house.gov/meetings/IF/IF16/20170321/105740/HHRG-115-IF16-MState-B001243-20170321.pdf>. *See also*, Modernizing the FCC Form 477 Program, Further Notice of Proposed Rulemaking, WC Docket No. 11-10 (rel. Aug. 4, 2017).

⁶ *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*”).

the new close of the challenge window on November 26, 2018.⁷ Competitive carriers invest significant capital to provide services in rural and remote areas, and coupled with targeted MF II support, will continue to provide new services for consumers in all corners of the United States. It is critically important that the FCC continue its efforts to produce a map that accurately depicts which geographic areas are eligible for MF II support. Adopting an extended data submission timeframe will help to achieve this goal by preserving good faith efforts, and resources previously expended to comply with the challenge process, while supporting the Commission's interest in collecting accurate data that reflects consumers' experience.

II. THE FCC SHOULD EXTEND CURRENT FILING DEADLINES

Additionally, to further enhance the map and ensure the proper distribution of finite resources where needed, CCA supports the Commission's proposal, based on submissions in the record,⁸ to extend the response timeframe for challengers and respondents. Specifically, CCA supports Verizon's request that the FCC "extend the response window by at least 30 days and delegate to the Wireline Competition Bureau and Wireless Telecommunications Bureau the authority to further extend the response window if necessary."⁹ The Commission's Challenge Process Procedures Public Notice adopted a bespoke data collection of providers' 4G LTE service alongside certain evidentiary standards by which challenging parties and respondents must submit data to reflect "actual consumer experience throughout the entire challenged area."¹⁰

⁷ NPRM ¶ 11.

⁸ Letter from Alan Buzacott, Executive Director – Federal Regulatory Affairs, Verizon, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 10-208 (filed July 27, 2018).

⁹ *Id.*

¹⁰ Public Notice, *Procedures for the Mobility Fund Phase II Challenge Process*, WT Docket No. 10-208 ¶¶ 19, 36 (rel. Feb. 27, 2018) ("Challenge Process Procedures PN"); Universal Service Reform – Mobility Fund, *Order on Reconsideration and Second Report and Order*, WT Docket No. 10-208, (rel. Aug. 4, 2017) ("Second Report and Order").

Despite these parameters, however, the FCC’s current map of areas presumptively eligible for MF II support fails to accurately identify which areas are sufficiently served.¹¹ And while recent filings in the record pronounce coverage fallacies,¹² CCA believes that these submissions make clear that the problem lies with coverage parameters that the FCC adopted during this proceeding.¹³ In other words, the parameters that the FCC adopted were both too general and inconsistent with real-world network utilization to allow carriers to provide actionable coverage probabilities.¹⁴ Hence, carriers’ data submitted through this challenge process is, even if compliant with the FCC’s requirements, neither consistent nor precise enough to reliably measure which geographic areas are eligible for MF II support. And the lack of sufficiently standardized data exacerbates the burden of relying on challenges to correct the FCC’s determination of eligible areas.

For these reasons, the Commission should adopt its proposal to provide respondents with a similar data timing requirement as that provided to challenging parties.¹⁵ As Verizon notes on record, “[n]either the Commission nor the challenged carriers will know the ultimate number and reach of challenges until the end of the extended challenge window in late November 2018. However, it is clear that a longer challenge window may increase the number of potential challenges, and likewise the need for respondents to evaluate and test any challenges that are

¹¹ Public Notice, *Updated Version of Map of Areas Presumptively Eligible for Mobility Fund Phase II Now Available*, WT Docket No. 10-208 (rel. Aug. 1, 2018) (“FCC MF II Map”).

¹² Informal Request of Rural Wireless Association, WT Docket No. 10-208 (filed Aug. 6, 2018).

¹³ Letter from Rebecca Murphy Thompson, EVP & GC, CCA to Marlene H. Dortch, Secretary, FCC, WT Docket No. 10-208 (filed July 27, 2018). *See also*, Letter from Alan Buzacott, Executive Director – Federal Regulatory Affairs, Verizon, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 10-208 (filed July 27, 2018).

¹⁴ *See id.*

¹⁵ NPRM ¶ 11.

filed.”¹⁶ In lieu of this change, CCA agrees that providing respondents with a similar timing requirement “appropriately balances interests” and furthers the Commission’s goal to receive “recently collected data.”¹⁷ Adopting smart policies like those proposed within the NPRM will help to close the digital divide while ensuring finite funds are allocated to areas where support is most needed.

III. CONCLUSION

The Commission should foster policies that ensure it is collecting accurate coverage data to avoid varying submissions by challengers or challenged parties. CCA therefore encourages the FCC to modify data specification parameters and extend the response timeframe for all challenge process participants.

Respectfully submitted,

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¹⁶ See, Letter from Alan Buzacott, Executive Director – Federal Regulatory Affairs, Verizon, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 10-208 (filed Aug. 14, 2018).

¹⁷ NPRM ¶ 11.