

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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

COMMENTS OF THE RURAL WIRELESS ASSOCIATION, INC.

The Rural Wireless Association, Inc. (“RWA”) files these Comments in response to the Federal Communications Commission’s Notice of Proposed Rulemaking¹ in which the Commission sought comment on its proposal “to modify the initially-adopted requirements that speed test data be collected within six months of the scheduled close of the relevant challenge or response window.”² RWA urges the Commission to adopt its proposal without delay so that prospective challengers will not be required to spend additional time and financial resources in order to re-take speed tests taken prior to May 28, 2018.

I. BACKGROUND

In the *MF-II Challenge Process Order*,³ the Commission stated that it was “concerned that speed measurements taken before the submission of updated coverage maps may not reflect the current consumer experience.”⁴ Thus, it would only accept “data that were collected after the publication of the initial eligibility map and within six months of the

¹ *Connect America Fund, Universal Service Reform – Mobility Fund*, Order, [Notice of Proposed Rulemaking, and Memorandum Opinion and Order](#), WC Docket No. 10-90, WT Docket No. 10-208 (Aug. 21, 2018) (“*NPRM*”).

² *Id.* at ¶ 10.

³ *Connect America Fund, Universal Service Reform – Mobility Fund*, [Order on Reconsideration and Second Report and Order](#), WC Docket No. 10-90, WT Docket No. 10-208 (rel. Aug. 4, 2017) (“*MF-II Challenge Process Order*”).

⁴ *Id.* at ¶ 51; *see also NPRM* at ¶ 9.

scheduled close of the challenge window.”⁵ The map of presumptively eligible areas was released on February 27, 2018,⁶ and this was six months before the initially scheduled close of the challenge process window on August 27, 2018.

However, on August 21, 2018, the Commission extended the MF-II challenge window by an additional 90 days until November 26, 2018.⁷ The Commission tentatively concluded that modifying the current data timing requirements will serve the public interest by preventing challengers from having to repeat speed tests, and that *not* doing so would prohibit challengers from using the speed tests conducted between February 27 and May 28 (i.e. tests conducted more than six months before the new November 26 deadline), thereby forcing such challengers to engage in more testing than they would otherwise have had to conduct.⁸

II. THE COMMISSION SHOULD MODIFY SPEED TEST DATA TIME FRAMES.

RWA agrees with the Commission’s tentative conclusion to modify the speed test data time frames. The Commission should accept speed test data in support of challenges collected at any time on or after February 27, 2018, the date of the publication of the map of presumptively eligible areas, through the new close of the challenge window, November 26, 2018.⁹

If the Commission fails to modify the speed test data specifications, any speed test measurements taken between February 27 and May 28 will need to be retaken. RWA members have been planning their MF-II challenge process strategy ever since the Commission confirmed

⁵ *MF-II Challenge Process Order* at ¶ 51; *see also NPRM* at ¶ 9.

⁶ [Public Notice](#), *Mobility Fund Phase II Initial Eligible Areas Map Available; Challenge Window Will Open March 29, 2018*, DA 18-187, WC Docket No. 10-90, WT Docket No. 10-208 (rel. Feb. 27, 2018)

⁷ *NPRM* at ¶ 1.

⁸ *Id.* at ¶ 11.

⁹ *Id.*

that there would *be* a challenge process. In order to make the best use of the time that they were given for the initial challenge window, many RWA members diligently began drive testing before May 28, 2018. For example, Panhandle Telecommunication Systems, Inc. (“PTSI”) began its drive tests on May 1, 2018.¹⁰ Between May 1, 2018 and June 22, 2018, PTSI drove 37,740 miles. If the Commission fails to modify the speed test data specifications, PTSI would have to re-drive more than half of those miles in order for the tests to be acceptable under the Commission’s parameters.

Similarly, RWA members like PTSI have spent considerable resources on challenge process participation. PTSI stated that it spent *thousands of dollars* in employee wages, fuel, and data to support its challenge process efforts prior to May 28, 2018.¹¹ PTSI and other RWA members have estimated that they will spend at least \$1 million to participate in the challenge process. If the Commission fails to modify the speed test data specifications, these costs will only rise.¹²

III. CONCLUSION

RWA is dedicated to helping its carrier members preserve and expand wireless broadband service throughout rural America, and is appreciative of the Commission and staff’s efforts in this proceeding. In light of record evidence that carriers would be forced to spend additional time and financial resources to re-take speed tests taken prior to May 28, 2018, RWA

¹⁰ [Ex Parte Letter](#) from Caressa D. Bennet, Partner, Womble Bond Dickinson (US) LLP, Counsel to Panhandle Telecommunication Systems, Inc., to Ms. Marlene H. Dortch, Secretary, FCC, WC Docket No. 10-90, WT Docket No. 10-208, at [Attachment](#) (July 11, 2018)

¹¹ *Id.*

¹² See, e.g., *Connect America Fund, Universal Service Reform – Mobility Fund, Informal Request of the Rural Wireless Association, Inc. For Commission Action*, WC Docket No. 10-90, WT Docket No. 10-208, Declarations of Jana Wallace, COO, Panhandle Telecommunication Systems, Inc., Jerry Kadavy, Vice President of Network Operations of Cellular Network Partnership d/b/a Pioneer Cellular, and Jerry D. Tilley, COO, Nemont Telephone Cooperative, Inc., (Aug. 6, 2018).

urges the Commission to modify its initially-adopted requirements that speed test data be collected within six months of the scheduled close of the challenge window and accept speed test data in support of challenges collected at any time on or after February 27, 2018 through the new close of the challenge window, November 26, 2018.

Respectfully submitted,

RURAL WIRELESS ASSOCIATION, INC.

By: */s/ Caressa D. Bennet*

Caressa D. Bennet, General Counsel
Erin P. Fitzgerald, Regulatory Counsel
5185 MacArthur Blvd., NW, Suite 729
Washington, DC 20016
(202) 857-4519
legal@ruralwireless.org

September 10, 2018