



Advocates for Rural Broadband

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

**RE: Connect America Fund, WC Docket No. 10-90
Rural Digital Opportunity Fund, WC Docket No. 19-126
Establishing the Digital Opportunity Data Collection, WC Docket No. 19-195
Modernizing the FCC Form 477 Data Program, WC Docket No. 11-10**

Dear Ms. Dortch:

On Tuesday, September 24, 2019, Jerry Piper and James Wescott of CTC Telecom (Idaho); Kip Wilson of Direct Communications (Idaho, Utah, Colorado and Louisiana); and Kelly Worthington, Derrick Owens, Eric Keber, Bill Durdach and Gerry Duffy representing WTA – Advocates for Rural Broadband (“WTA”) met with Joseph Calascione, Legal Advisor to Commissioner Brendan Carr, to discuss performance testing requirements for rural telecommunications companies (“Rural LECs”), the proposed Rural Digital Opportunity Fund (“RDOF”) reverse auctions, and the Digital Opportunity Data Collection.

WTA indicated that its members are trying to prepare for performance testing but are becoming increasingly concerned as the end of September approaches: (a) that there is not yet a Commission order that sets a specific testing schedule for Rural LECs and resolves various issues regarding the pending applications for review and petitions for reconsideration, and (b) that much of the promised vendor testing software is not yet finalized and available. WTA members have been counting on a significant informal testing period during which they would have the opportunity to discover and address problems with testing hardware and software, customer participation and equipment, middle mile service and other testing matters before formal testing is required to begin and their high-cost support is subjected to potential reduction in the event of testing problems.

Mr. Piper indicated that his company has been performing preliminary testing and finding many instances where speed and latency data could not be collected because customers were using much more than 64 kbps of bandwidth for television, video streaming, cameras, appliances and other applications. His company has also encountered inability to test in a significant number of instances where customers had turned off the power to their gateways and modems. Whereas Mr. Piper’s company expected problems with incompatible or deteriorating customer premises equipment (“CPE”) and with speed reductions due to multiple applications running at the same time, it has been surprised at the large and unanticipated number of times when testing could not take place due to high-volume usage above the 64 kbps standard or due to customer CPE being turned off.

Mr. Wilson raised a different performance testing problem – the fact that the perceived experience of customers is very likely to differ significantly from the results of the broadband speed tests conducted by carriers. Whereas a carrier will test to the customer’s gateway or modem, many customers are likely to note or measure their service speed while using a cellphone in a more remote part of the house where their signal is more likely to be slowed by other applications that are running.

Both Mr. Piper and Mr. Wilson emphasized their willingness to conduct performance testing and their confidence that they have constructed and deployed their broadband networks to provide the required speed and latency. However, they cannot control what CPE their customers purchase and use, or how many applications their customers elect to run at the same time. WTA pointed out that some Rural LECs have similar concerns regarding middle mile routes and services over which they have no control. It emphasized that Rural LECs are going to need substantial time -- after the Commission finalizes its performance testing rules and schedules and after vendors deliver completed testing equipment -- to conduct the informal testing required to find and address both suspected and unanticipated testing problems.

WTA noted that it had recently filed its initial comments in the RDOF rulemaking. Its main point is that there is a very substantial difference between the wholly “unserved” areas lacking any high-speed broadband service that were included in the 2018 CAF Phase II Auction and the asserted “unserved” areas that lack 25/3 Mbps service (but are likely to have significant 10/1 Mbps service) that are proposed to be included in the RDOF reverse auctions. The presence of existing 10/1 Mbps services raises serious consumer satisfaction and protection issues that the CAF Phase II Auction procedures are not equipped to handle – including loss of 10/1 services and service providers that customers like, potential requirements for customers to purchase more expensive higher-speed services before they need or want to do so, requirements for customers to learn how to use different broadband interfaces and technologies, and requirements for customers to replace CPE that is still functional. RDOF reverse auctions are also likely to take support away from price cap carriers before they have fully recovered the cost of the broadband infrastructure that they were required to deploy as part of their CAF Phase II build-out obligations and before some can fully repay construction loans they took out for such deployments. WTA has proposed that the CAF Phase II Auction procedures be revised significantly prior to use in RDOF auctions in order to account for the very different circumstances of existing 10/1 Mbps services, customers and networks. WTA has proposed: (a) a 25 percent bid credit for existing CAF Phase II recipients that have met their 10/1 build-out requirements (and also for areas ineligible for CAF Phase II support due to previous 10/1 Mbps deployment); and (b) additional weighted tiers or weighting factors for: (i) evolving base line service (*e.g.* 25/3 Mbps for first 5 years, 50/6 Mbps for years 6 to 10); (ii) symmetric service (*e.g.*, 25/25 Mbps); (iii) unlimited usage allowances; (iv) prompt localized maintenance service; (v) voice service with E911 capabilities; and (vi) very low latency (*e.g.*, 25 milliseconds).

WTA supports the Commission’s goal of discouraging potential strategies by some RDOF bidders to meet the speed tier requirements that they selected by limiting the number of broadband customers they serve. However, WTA and many of its members believe that the contemplated 50-to-70 percent subscribership milestones are not attainable at this time even by many Rural LECs that actively market their broadband services. WTA is willing to work with the Commission to develop other solutions.

WTA has also filed its initial comments in the Digital Opportunity Data Collection rulemaking. WTA supports replacement of the flawed FCC Form 477 filings with more granular and standardized shape files and possibly an ultimate broadband location fabric. However, whatever mapping data is collected and used by the Commission needs to be examined and verified via a thorough challenge process. Whereas crowdsourced data can be useful to detect potential problem areas and inaccurate data, it is not sufficient by itself to establish the accuracy of the broadband maps upon which the Commission and industry need to rely. WTA has also proposed that the data collection include: (a) fiber connections to schools in order to avoid duplication or overbuilding of such facilities; (b) latency data; and (c) more accurate coverage standards for fixed wireless service (including rejection of inapplicable mobile wireless standards).

Pursuant to Section 1.1206(b) of the Commission's Rules, this submission is being filed for inclusion in the public record of the referenced proceeding.

Respectfully submitted,
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