

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 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 VERIZON¹

Verizon supports the proposed procedures for the Mobility Fund challenge process outlined in the *Public Notice*,² including the proposal to require challengers to submit the results of all speed tests. However, the Commission should make a few targeted changes in order to improve the efficiency and reliability of the challenge process. Specifically, the Commission should (1) require challengers to report information about the server used for speed testing; (2) clarify that respondents may submit technical data without using the proposed templates; and (3) require challengers to conduct all speed tests using devices that are not subject to reduced speed under the terms of the challenger’s service plan.

¹ The Verizon companies participating in this filing are the regulated, wholly owned subsidiaries of Verizon Communications Inc.

² *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 (rel. Oct. 18, 2017) (“*Public Notice*”).

I. The Commission Should Require Challengers to Report All Speed Tests and Information About the Server Used for Testing

The Commission should ensure that challenges include all of the key information that is necessary for Commission staff to adjudicate challenges. First, the Commission should adopt its proposal to require challengers to submit all of their speed test results, including tests showing a speed greater than or equal to 5 Mbps.³ Given the variable nature of wireless signals, a challenger may – by performing enough speed tests at different times or in slightly different places within a grid cell – be able to obtain a sub-5 Mbps measurement even in an area that has good coverage. Although the challenged carrier could respond with its own speed tests showing above-5 Mbps coverage, the 30-day response window provides very little time for carriers to evaluate challenges and conduct their own tests. The proposed requirement that the challenger submit all test results, coupled with a clear statement that the Commission will consider the challenger’s above-5 Mbps test results when adjudicating challenges,⁴ will deter frivolous challenges in areas with good coverage and thus limit the burdens on respondents and the Commission. To ensure that respondents have all of the information that the Commission will use to adjudicate a challenge, the Commission should require USAC to provide challenged parties with all of the submitted speed tests for their coverage area, including the above-5 Mbps speed tests.

Second, the Commission should require challengers to report information about the server that they used for speed and latency testing. The location of the server and other attributes

³ *Id.*, ¶ 10.

⁴ *Id.*, ¶ 10 n.32 (“All evidence submitted may be considered by Commission staff when adjudicating challenges using the preponderance of the evidence standard.”).

of the server will affect the measured latency and may affect the measured speed as well.⁵ In particular, a challenger’s selection of a distant server makes it more likely that the measured speed will be affected by factors other than the challenged carrier’s LTE coverage.⁶ In order to ensure that the challenger’s test results are not distorted by the use of an inappropriate server, the Commission should require challengers to use servers located close to the tested network. The Commission should also modify the proposed speed test reporting template to require challengers to report the identity and location of the server used for testing.

II. The Commission Should Clarify That Respondents May Submit Technical Data Without Using the Proposed Templates

The Commission should clarify that respondents may submit technical data that does not conform to the templates proposed in the *Public Notice*. The *Public Notice* contemplates that respondents will submit one of two kinds of response data – speed tests or transmitter monitoring software data – and also contemplates that respondents will submit data using standard templates that will be processed by the USAC system.⁷

A requirement that all responses use standard templates that can be processed by the USAC system is inconsistent with the *MF-II Challenge Process Order*.⁸ In that order, the

⁵ See, e.g., FCC OET & CGB, “2016 Technical Appendix – Measuring Broadband America Fixed Broadband,” at 71-72. <http://data.fcc.gov/download/measuring-broadband-america/2016/Technical-Appendix-fixed-2016.pdf>.

⁶ See *id.* at 71 (“It is critical that these test nodes be deployed near to the customer.... The further the test node is from the customer, the higher the latency and the greater the possibility that third party networks may need to be traversed, making it more difficult to isolate the individual ISP’s performance.”).

⁷ *Public Notice*, ¶¶ 13-16, and Appendix D, §§ 2.2-2.4.

⁸ *Connect America Fund; Universal Service Reform – Mobility Fund*, Order on Reconsideration and Second Report and Order, 32 FCC Rcd 6282 (2017) (“*MF-II Challenge Process Order*”).

Commission decided that respondents could submit any “technical data,” provided that it is “probative regarding the validity of the challenger’s tests” and “reliable and credible.”⁹ The Commission “decline[d] to require a specific level of response from challenged parties”¹⁰ and also decided that response data “will not be subject to USAC’s automatic system validation process.”¹¹ Because the Commission declined to require “a specific level of response” and declined to require “automatic system validation,” the Commission should make clear that respondents have the option of submitting data that does not conform to the proposed templates and is therefore not validated by the USAC system. It should also make clear that Commission staff will take all response data – including data that was not processed by USAC’s system – into account when adjudicating challenges.¹²

III. The Commission Should Require Challengers to Conduct All Speed Tests Using Devices That Are Not Subject to Reduced Speeds

The Commission should modify the proposed procedures for addressing service plans that may reduce the tested speed. Pursuant to the *MF-II Challenge Process Order*, challengers are required to purchase an “appropriate service plan” from the challenged carrier and to conduct speed tests using a device specified by the challenged carrier.¹³ To address instances in which “providers may reduce the speed of data on their networks for network management purposes,” the *Public Notice* proposes to allow the challenged carrier to file a “speed reduction report” that

⁹ *Id.*, ¶¶ 60-61.

¹⁰ *Id.*, ¶ 60.

¹¹ *Id.*

¹² *Id.*, ¶¶ 60, 63. *See also Public Notice*, ¶ 10 n.32 (“All evidence submitted may be considered by Commission staff when adjudicating challenges using the preponderance of the evidence standard.”).

identifies a device that a challenger used to conduct its speed tests as having been subjected to reduced speeds.¹⁴ The USAC system would use the speed reduction reports to adjust the presumptive adjudication status of a challenged area.¹⁵

Although Verizon supports the proposal to allow respondents to submit speed reduction reports, it would be burdensome for respondents to review all tests to determine whether they were subject to reduced speeds. Rather than rely solely on speed reduction reports, the Commission should require challengers to conduct speed tests at “full network performance,” consistent with the *MF-II Challenge Process Order*.¹⁶ Specifically, the Commission should require challengers either to (1) conduct all testing using service plans that do not include specific speed reduction terms; or (2) conduct all testing with devices that are not subject to the plan’s specific speed reduction terms. For example, for plans that subject a device to potential speed reduction once a monthly usage threshold is reached, the Commission should permit challengers to submit speed tests conducted only before the usage threshold is met. This rule would improve the reliability of the submitted speed tests and thus reduce the number of cases in which speed reduction reports are needed.

In addition, the Commission should modify the template for the speed reduction report. The *Public Notice* proposes that the respondent submit a .csv file with four fields: (1) the device; (2) the date and time that speed reduction started; (3) the date and time that speed reduction

¹³ *Id.*, ¶ 50.

¹⁴ *Public Notice*, ¶ 14.

¹⁵ *Id.*, Appendix B at 21.

¹⁶ *MF-II Challenge Process Order*, ¶ 50 n.150 (“An appropriate service plan would allow for speed tests of full network performance, e.g., an unlimited high-speed data plan.”)

ended; and (4) the speed that the device was reduced to.¹⁷ The proposed template may be appropriate for a service plan that reduces the subscriber's speed to a specific value once a monthly usage threshold is met. However, under some service plans, such as Verizon's "Beyond Unlimited" plan, data speeds may be slowed temporarily in times of congestion once a monthly usage threshold is met.¹⁸ Although the carrier can determine that the device was subject to speed reductions (meaning that it was eligible for a speed reduction in times of congestion), it may not have data to indicate that congestion occurred on a particular cell site (and the relevant time) and that the device's speed was actually reduced. The Commission should revise the proposed speed reduction report template to use more general language that would accommodate different kinds of service plans. Specifically, the Commission should (1) define the start date as the date on which the device became "subject to speed reduction" rather than the date that "speed reduction started" (and should make a corresponding change to the end date field); and (2) permit the respondent to leave the device speed field blank if the service plan's terms allow the speed to be slowed but do not specify the speed.

¹⁷ *Public Notice*, Appendix D, section 2.4.

¹⁸ See <https://www.verizonwireless.com/support/beyond-unlimited-faqs/>.

IV. Conclusion

The Commission should make targeted changes to the proposed procedures in order to improve the efficiency of the challenge process and deter frivolous challenges.

Respectfully submitted,

By: /s/ Tamara L. Preiss

William H. Johnson
Of Counsel

Tamara L. Preiss
1300 I Street NW
Suite 500-East
Washington, DC 20005
(202) 515-2540

November 8, 2017