

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

In the Matter of	)	
	)	
Inquiry Concerning Deployment of	)	GN Docket No. 19-285
Advanced Telecommunications	)	
Capability to All Americans in a	)	
Reasonable and Timely Fashion	)	



**COMMENTS**

**I. INTRODUCTION & SUMMARY**

ACA Connects hereby submits comments in response to the Federal Communications Commission (“Commission”) Notice of Inquiry (“NOI”) issued in the above-captioned proceeding.<sup>1</sup> The NOI commences the annual inquiry on broadband deployment required under Section 706 of the Telecommunications Act of 1996. Each year the Commission must determine whether “advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion.”<sup>2</sup> In its previous two reports the Commission answered “yes,” citing evidence that the Commission’s efforts on many fronts to encourage and facilitate broadband deployment were having

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<sup>1</sup> See *Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion*, GN Docket No. 19-285, FCC 19-102 (rel. Oct. 23, 2019).

<sup>2</sup> See 47 U.S.C. § 1302(b).

their desired effect. ACA Connects supported these findings, and it submits that the Commission has more than sufficient evidence to answer the Section 706 inquiry again in the affirmative.

## **II. ROBUST BROADBAND DEPLOYMENT CONTINUES, INCLUDING FROM ACA CONNECTS MEMBERS**

In the NOI, the Commission proposes once again to evaluate fixed broadband deployment at a variety of speed tiers, while maintaining “25/3 Megabits per second (‘Mbps’)”<sup>3</sup> as the benchmark for whether a fixed broadband service provides “advanced telecommunications capability.”<sup>4</sup> ACA Connects supports this approach. In applying it, as demonstrated by the evidence supplied herein, the Commission should no doubt reach the conclusion that the “reasonable and timely deployment” standard of Section 706 continues to be met.<sup>5</sup>

ACA Connects members are contributing significantly to this deployment progress. The small and medium-sized providers that ACA Connects represents are expanding and upgrading their networks in smaller markets and rural communities across America, often delivering service that vastly exceeds the 25/3 benchmark. Here are just a few examples of ACA Connects members’ broadband deployment milestones over the past year:

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<sup>3</sup> A broadband service meets the “25/3 Mbps” benchmark if it provides download speeds of at least 25 Mbps and upload speeds of at least 3 Mbps.

<sup>4</sup> See NOI, ¶ 9. The Commission also proposes once again measuring mobile broadband deployment at two speed tiers – 5 Mbps/1 Mbps and 10 Mbps/3 Mbps – without setting either as an advanced telecommunications capability benchmark.

<sup>5</sup> See Comments of American Cable Association, GN Docket No. 18-238 at 7 (filed Sept. 17, 2018) (“Whether broadband ‘is being deployed to all Americans in a reasonable and timely fashion’ is clearly a question of progress over time, one that reasonably incorporates some prediction of how current policies will affect future deployment.”) (“ACA Connects 2018 NOI Comments”).

- Atlantic Broadband is completing buildout of a fiber-to-the-home network in King William County, Va., and surrounding communities, which will deliver 1 Gigabit per second (“Gbps”) broadband speeds. The project also includes construction of fiber backbone connectivity.<sup>6</sup>
- Armstrong partnered with Harford Co., Md., to seek federal grants to support broadband buildout in sparsely populated areas within the county.<sup>7</sup>
- BendBroadband in central Oregon announced that is offering a 1 Gbps Internet tier for both residential and business customers, with residential packages starting at 100 Mbps and business packages at 50 Mbps.<sup>8</sup>
- Comporium announced service upgrades in its Kershaw and Heath Springs, S.C., service area, which will make available speeds up to 750 Mbps.<sup>9</sup>
- C-Spire announced it will extend its residential fiber-to-the-home service to three towns in Mississippi: Saltillo, Gulfport, and Biloxi.<sup>10</sup>
- GCI is partnering with Ericsson to bring to Anchorage, Alaska, one of the first “standards-based 5G data network[s]” in the world.<sup>11</sup>
- Great Plains Communications has been expanding its fiber footprint in Nebraska, including “into rural areas of Creighton, Ponca, Rushville, Scribner, Stapleton and Wisner.”<sup>12</sup>

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<sup>6</sup> See Atlantic Broadband Expands Services in VA & Opens New Office, Light Reading (Nov. 13, 2019), [https://www.lightreading.com/cable/atlantic-broadband-expands-services-in-va-and-opens-new-office/d/d-id/755622?\\_mc=RSS\\_LR\\_EDT](https://www.lightreading.com/cable/atlantic-broadband-expands-services-in-va-and-opens-new-office/d/d-id/755622?_mc=RSS_LR_EDT).

<sup>7</sup> See David Anderson, “Harford County partner to obtain USDA grants to expand cable, Internet service in northern Harford,” Baltimore Sun (June 24, 2019), <https://www.baltimoresun.com/maryland/harford/aegis/ph-ag-armstrong-cable-agreement-0621-story.html>

<sup>8</sup> See “Bend Broadband goes gigabit,” Broadband Technology Report (Oct. 25, 2019), <https://www.broadbandtechreport.com/docsis/article/14069364/bendbroadband-goes-gigabit>.

<sup>9</sup> See Comporium, “Comporium Upgrades Broadband Services in Kershaw and Heath Springs,” (Aug. 1, 2019), <https://about.comporium.com/comporium-upgrades-broadband-services-in-kershaw-and-heath-springs/>.

<sup>10</sup> See “C-Spire launching FTTH in three MS towns,” Broadband Technology Report (Oct. 29, 2019), <https://www.broadbandtechreport.com/fiber/article/14069536/c-spire-launching-ftth-in-3-ms-towns>.

<sup>11</sup> See Elwood Brehmer, “Anchorage, Alaska, to Reap the Benefits of 5G Network,” Government Technology (June 21, 2019), <https://www.govtech.com/network/Anchorage-Alaska-to-Reap-the-Benefits-of-5G-Network.html>.

<sup>12</sup> See “Great Plains Communications Begins Construction to Extend Fiber Network,” Globe Newswire (Apr. 18, 2019), <https://www.globenewswire.com/news-release/2019/04/18/1806644/0/en/Great-Plains-Communications-Begins-Construction-to-Extend-Fiber-Network.html>.

- Liberty Puerto Rico recently increased the speeds offered to new subscribers, with its 150 Mbps tier now delivering 200 Mbps.<sup>13</sup>
- MCTV, after purchasing a cable system from the village of Woodfield, Ohio, in October 2018, made significant upgrades, and now offers speeds up to 100 Mbps.<sup>14</sup>
- Mediacom upgraded its network in Southern California to make its DOCSIS 3.1 “Gigasphere” 1 Gigabit service available to 20,000 new customers.<sup>15</sup>
- MetroNet announced plans to invest \$75 million to build a fiber-optic network in Tallahassee, Fla.<sup>16</sup>
- RCN continues to add to the communities it serves with high-speed broadband in Massachusetts, including Everett, Revere and Peabody.<sup>17</sup>
- Shentel launched Glo Fiber, which “will support multi-gigabit symmetrical speeds over a 100% fiber-optic network,” with an initial focus on markets in Virginia.<sup>18</sup>
- Sparklight (formerly known as Cable One) announced a “roughly \$14 million plan” to construct a fiber-optic network in Payson, Ariz.<sup>19</sup>

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<sup>13</sup> See “Liberty Puerto Rico Reports Solid Revenue and Subscriber Growth for Q3 and Ytd 2019,” The Weekly Journal (Nov. 6, 2019), [https://www.theweeklyjournal.com/business/liberty-puerto-rico-reports-solid-revenue-and-subscriber-growth-for/article\\_ed92b498-00d2-11ea-ac51-0f32f47249fb.html](https://www.theweeklyjournal.com/business/liberty-puerto-rico-reports-solid-revenue-and-subscriber-growth-for/article_ed92b498-00d2-11ea-ac51-0f32f47249fb.html).

<sup>14</sup> See MCTV, “MCTV Expands to the Village of Woodfield,” (Oct. 31, 2018), <https://www.mctvohio.com/mctv-expands-to-the-village-of-woodsfield>.

<sup>15</sup> See “Mediacom expands gigabit internet deployment to VC, Pauma,” Valley Road Runner (Sept. 27, 2019), <https://www.valleycenter.com/articles/mediacom-expands-gigabit-internet-deployment-to-vc-pauma/>.

<sup>16</sup> See TaMaryn Walters, “Metronet bringing high-speed fiber optic option to Tallahassee,” Tallahassee Democrat (Oct. 17, 2019), <https://www.tallahassee.com/story/news/money/2019/10/17/metronet-brings-its-fiber-optic-network-tallahassee/4007205002/>.

<sup>17</sup> See “Despite customers’ cord-cutting, RCN’s expanding,” Boston Globe (Aug. 19, 2019), <https://www.bostonglobe.com/business/2019/08/19/despite-customers-cord-cutting-rcn-expanding/IeHuOaFbcBqIEKliHRs7YM/story.html>.

<sup>18</sup> See Mike Dano, “Shentel to Get Bigger Using Mix of Fiber, Cable & LTE Fixed Wireless,” Light Reading (Aug. 7, 2019), <https://www.lightreading.com/services/broadband-services/shentel-to-get-bigger-using-mix-of-fiber-cable-and-lte-fixed-wireless/d/d-id/753328>.

<sup>19</sup> See Peter Aleshire, “Cable One vows to bring blazing internet to Rim Country,” Payson Roundup (Apr. 23, 2019), [https://www.paysonroundup.com/news/arizona\\_state/cable-one-vows-to-bring-blazing-internet-to-rim-country/article\\_04c17fb9-f3b1-5533-8eeb-c9d8307ba2ba.html](https://www.paysonroundup.com/news/arizona_state/cable-one-vows-to-bring-blazing-internet-to-rim-country/article_04c17fb9-f3b1-5533-8eeb-c9d8307ba2ba.html).

- TDS Telecom announced it is deploying service to communities in suburban Knoxville, Tenn., that will provide gigabit download speeds and upload speeds up to 400 Mbps.<sup>20</sup>
- Vast Broadband rolled out gigabit broadband service to communities in southwestern Minnesota and eastern South Dakota, the culmination of \$60 million in investment over four years to deploy gigabit service across its footprint.<sup>21</sup>
- Vyve Broadband launched 200 Mbps broadband service in the rural Torrington, Wyo., market.<sup>22</sup>
- WOW! continues to edge out its broadband network, adding 14,000 homes passed in the third quarter of 2019 alone.<sup>23</sup>

As ACA Connects noted in its prior comments, Commission policies are helping fuel this growth.<sup>24</sup> Building on the efforts cited in previous reports, the Commission took another major step this year to promote broadband investment when it adopted rules that protect cable operators from unlawful cable franchising practices, including excessive fees and regulation of non-cable services, that inhibit deployment.<sup>25</sup> The Commission also continues to refine and improve its universal service programs that subsidize buildout in hard-to-serve areas. Last year's Connect America Fund ("CAF")

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<sup>20</sup> See Carl Weinschenk, "TDS Telecom Gigabit Expands in Knoxville Area," Telecompetitor (Oct. 23, 2019), <https://www.telecompetitor.com/tds-telecom-gigabit-expands-in-knoxville-area/>.

<sup>21</sup> See Jeremy Fugleber, "Vast Broadband rolls out 1 gig service in eastern South Dakota, southeastern Minnesota," Sioux Falls Argus Leader (Apr. 10, 2019), <https://www.argusleader.com/story/news/business-journal/2019/04/10/vast-broadband-rolls-out-1-gig-service-south-dakota-minnesota/3421690002/>.

<sup>22</sup> See Vyve Broadband, "Vyve Broadband Announces Launch of 200-Megabit-per-second Broadband Service in Torrington" (Mar. 27, 2019), [https://www.vyvebroadband.com/wp-content/uploads/Vyve-200-Release\\_Torrington-.pdf](https://www.vyvebroadband.com/wp-content/uploads/Vyve-200-Release_Torrington-.pdf).

<sup>23</sup> See Jeff Baumgartner, "WOW's Network 'Edge Outs' Spur Sub Growth in Q3," Light Reading (Nov. 4, 2019), [https://www.lightreading.com/cable/wows-network-edge-outs-spur-sub-growth-in-q3-/d/d-id/755370?\\_mc=RSS\\_LR\\_EDT](https://www.lightreading.com/cable/wows-network-edge-outs-spur-sub-growth-in-q3-/d/d-id/755370?_mc=RSS_LR_EDT).

<sup>24</sup> See ACA Connects 2018 NOI Comments at 5-6.

<sup>25</sup> See *Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as amended by the Cable Television Consumer Protection and Competition Act of 1992*, MB Docket No. 05-311, Report and Order, FCC 19-80 (rel. Aug. 2, 2019).

Phase II auction was a landmark, “proving the concept” that competitive bidding can deliver higher performance broadband service with high-cost support more efficiently than legacy mechanisms.<sup>26</sup> The Commission is poised to build on this success with its forthcoming Rural Digital Opportunity Fund (“RDOF”) auction, under which the Commission has proposed distributing more than \$20 billion over ten years to support buildout of networks delivering 25/3 service or better.<sup>27</sup> As ACA Connects has commented, by adopting a series of improvements to its proposed rules, the Commission can make the process significantly more competitive and cost-effective.<sup>28</sup>

There are further steps the Commission can take to promote more robust deployment and close the digital divide. As noted in ACA Connects’ prior filings, smaller providers seeking to deploy broadband continue to face regulatory and marketplace barriers that merit Commission intervention.<sup>29</sup> And of course, the adoption of new rules to stimulate deployment is only the first step; the rules must then be implemented and enforced.<sup>30</sup> The Commission must also continually incorporate “lessons learned” into its

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<sup>26</sup> See ACA Connects, Press Release, “ACA: FCC’s First CAF Reverse Auction a Major Win for Broadband Consumers,” (Aug. 29, 2018), <https://acaconnects.org/aca-fccs-first-caf-reverse-auction-a-major-win-for-broadband-consumers/>.

<sup>27</sup> See *Rural Digital Opportunity Fund* et al., WC Docket No. 19-126 et al., Notice of Proposed Rulemaking, FCC 19-77 (rel. Aug. 2, 2019); see also Comments of ACA Connects, WC Docket No. 19-126 et al. (filed Sept. 20, 2019).

<sup>28</sup> See, e.g., Reply Comments of ACA Connects, WC Docket Nos. 19-126 et al. at 1-2 (filed Oct. 21, 2019).

<sup>29</sup> See ACA Connects 2018 NOI Comments at 7.

<sup>30</sup> ACA Connects encourages the Commission to monitor implementation of the significant pole attachment reforms and other infrastructure deployment rulings adopted in the last few years and to intervene if and when necessary to address any problems. See, e.g., *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, Report and Order and Declaratory Ruling, WC Docket No. 17-84, FCC 18-111 (rel. Aug. 3, 2018); see also Comments of ACA Connects on CTIA Petition for Declaratory Ruling, WC Docket No. 17-84 (filed Oct. 29, 2019) (supporting the Commission’s adoption of a declaratory ruling to clarify further the pole attachment rights of telecommunications and cable providers seeking to deploy broadband).

universal service programs to ensure that support is being targeted as effectively as possible to areas that there is no business case to serve. In sum, the Commission will need to remain active and vigilant to ensure that “reasonable and timely” broadband deployment progress continues.

### **III. FORM 477 DATA MUST GUIDE THIS YEAR’S INQUIRY, BUT THE DIGITAL OPPORTUNITY DATA COLLECTION WILL IMPROVE FUTURE ONES**

The Commission proposes once again to rely on Form 477 submissions as the primary data source to measure fixed broadband deployment, observing that these data—while imperfect—remain the best data to guide the annual inquiry that the statute requires. ACA Connects agrees.

As the Commission notes, it has approved the creation of a Digital Opportunity Data Collection under which broadband providers will submit “polygons” of their coverage areas rather than merely report deployment by census block on Form 477. ACA Connects believes that the Commission’s access to these more precise data will improve its ability in future annual inquiries to assess the extent of fixed broadband deployment and identify areas that remain unserved, which will help improve its policymaking to close the digital divide.<sup>31</sup>

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<sup>31</sup> See NOI, ¶ 18; see also Comments of ACA Connects, WC Docket No. 19-195 et al., (filed Sept. 23, 2019).

#### IV. CONCLUSION

ACA Connects appreciates the opportunity to participate in this proceeding, and it encourages the Commission to take its comments into consideration.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'B. Hurley', with a stylized flourish at the end.

Matthew M. Polka  
President and Chief Executive Officer  
ACA Connects – America's  
Communications Association  
Seven Parkway Center  
Suite 755  
Pittsburgh, Pennsylvania 15220  
(412) 922-8300

Brian Hurley  
Vice President of Regulatory Affairs  
Ross J. Lieberman  
Senior Vice President of Government  
Affairs  
ACA Connects – America's  
Communications Association  
2415 39th Place, NW  
Washington, DC 20007  
202) 573-6247

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