

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
	)	

**REPLY COMMENTS OF VERIZON<sup>1</sup>**

Verizon supports the challenge procedures described in the *Public Notice*,<sup>2</sup> but the Wireline Competition Bureau and Wireless Telecommunications Bureau (the Bureaus) should make the targeted changes outlined in Verizon’s comments.<sup>3</sup> The Bureaus should not adopt other commenters’ proposals that would weaken the standards for a successful challenge, delay the start of the challenge process, or impose additional burdens on respondents.

**I. The Commission Should Not Weaken the Challenge Standards**

As Verizon explained in its initial comments, the Bureaus should improve the reliability and efficiency of the challenge process by making a few targeted changes to the procedures proposed in the *Public Notice*. Specifically, the Bureaus should require challengers to report information about the server used for speed testing; clarify that respondents may submit technical

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

<sup>2</sup> *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. October 18, 2017) (“*Public Notice*”).

<sup>3</sup> See Verizon Comments at 1.

data without using the proposed templates; and 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.<sup>4</sup>

The Bureaus should reject proposals that would weaken the standards for a successful challenge. First, the Bureaus should reject proposals that would allow parties to challenge an area without conducting speed tests throughout the area.<sup>5</sup> Those proposals are inconsistent with the *MF-II Challenge Process Order*'s requirement that speed tests "substantially cover the entire challenged area."<sup>6</sup> The Bureaus are conducting this proceeding pursuant to the Commission's direction,<sup>7</sup> and do not have the authority to adopt procedures that are inconsistent with the *MF-II Challenge Process Order*. Rather, the Bureaus' authority is limited to implementing the challenge process rules adopted in that order, i.e., to specifying the "instructions, deadlines, and requirements for filing a valid challenge, including file formats, parameters, and other specifications for conducting speed tests."<sup>8</sup>

ATN and RWA argue that the Bureaus should adopt their proposals so that parties can challenge areas where drive testing is not feasible.<sup>9</sup> However, the Commission determined in the *MF-II Challenge Process Order* that speed tests must substantially cover the challenged area "regardless of whether any part of the area is inaccessible due to terrain, private property, or other

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<sup>4</sup> *Id.*

<sup>5</sup> Rural Wireless Association (RWA) Comments at 3-4 (proposing to allow a challenger to challenge grid cells without any speed testing, provided that neighboring cells have been successfully challenged); ATN Comments at 3-4 (proposing to allow a challenger to challenge an area using measurements on the perimeter of that area).

<sup>6</sup> *Connect America Fund; Universal Service Reform – Mobility Fund*, Order on Reconsideration and Second Report and Order, 32 FCC Rcd 6282, ¶ 56 (2017) ("*MF-II Challenge Process Order*").

<sup>7</sup> *Id.*, ¶¶ 33, 52.

<sup>8</sup> *Id.*, ¶ 33.

<sup>9</sup> See ATN Comments at 3-4; RWA Comments at 3-4.

reason.”<sup>10</sup> The Commission found that relieving parties of the obligation to provide speed test data for a challenged area “would increase the likelihood of gamesmanship” and would be inconsistent with the Commission’s goal of conducting a “fair and efficient challenge process in a timely manner.”<sup>11</sup>

The Bureaus should also reject ATN’s alternative proposal to set the radius of the buffer area around speed test points at one-half mile, rather than the one-quarter kilometer radius proposed in the *Public Notice*.<sup>12</sup> Because ATN’s proposal would draw a much larger buffer area around each test point, and because a challenger could therefore cover the challenged area with fewer tests, ATN’s proposal would lead to far less reliable results than would the *Public Notice*’s proposal. Under the *Public Notice* proposal, challengers would need at least four sub-5 Mbps speed tests in order to challenge a one square kilometer grid cell.<sup>13</sup> Under ATN’s proposal, by contrast, a single sub-5 Mbps speed test would be sufficient to challenge a one square mile grid cell.<sup>14</sup> Given that signal strength varies from place to place, a single test point is not sufficient to provide reliable evidence of coverage for an entire one square mile grid cell. The Bureaus should reject ATN’s proposal and adopt a buffer radius no greater than the one-quarter kilometer radius proposed in the *Public Notice*.

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<sup>10</sup> *MF-II Challenge Process Order*, ¶ 56.

<sup>11</sup> *Id.*

<sup>12</sup> See ATN Comments at 4. Pursuant to the *MF-II Challenge Process Order*, the USAC challenge process system will create a buffer by drawing a circle around each counted speed test point; challenges will be deemed to be presumptively successful if the total buffer area exceeds 75 percent of the challenged area. See *MF-II Challenge Process Order*, ¶ 55

<sup>13</sup> Because a circle with a radius of one-quarter kilometer has an area of 0.196 square kilometers, a minimum of four test points would be needed to cover at least 75 percent of a one square kilometer grid cell.

<sup>14</sup> A circle with a radius of one-half mile has an area of 0.79 square miles, which exceeds the 75 percent threshold for a presumptively successful challenge of a one square mile grid cell.

## **II. The Commission Should Not Reimburse Challengers**

The Bureaus do not have the authority to adopt CCA’s proposal to reimburse challengers for the costs of mounting a successful challenge.<sup>15</sup> The Bureaus only have the authority to implement the challenge process rules that the Commission adopted in the *MF-II Challenge Process Order*.<sup>16</sup> Because the rules do not provide for reimbursement of challengers, CCA’s proposal falls outside the scope of the Bureaus’ authority.

There is, moreover, no merit to CCA’s suggestion that the challenge process would be “overly burdensome” unless challengers are reimbursed. As the Commission explained in the *MF-II Challenge Process Order*, the requirement that unsubsidized carriers file new coverage maps “should result in fewer, more targeted challenges,” which will minimize the burdens on challengers.<sup>17</sup>

## **III. The Commission Should Reject RWA’s Proposed Device Requirements**

The Bureaus do not have the authority to adopt RWA’s proposal that unsubsidized carriers remove usage limits from the devices that challengers use for speed testing.<sup>18</sup> RWA’s proposal is inconsistent with the *MF-II Challenge Process Order*, which requires challengers to purchase a standard service plan and rejects arguments that unsubsidized carriers should provide challengers with unlimited data.<sup>19</sup> Contrary to RWA’s assertion, it is not unduly burdensome for a challenger

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<sup>15</sup> Competitive Carriers Association (CCA) Comments at 3.

<sup>16</sup> *Public Notice*, ¶ 1. See also *MF-II Challenge Process Order*, ¶¶ 33, 52.

<sup>17</sup> *MF-II Challenge Process Order*, ¶ 32.

<sup>18</sup> RWA Comments at 7.

<sup>19</sup> *MF-II Challenge Process Order*, ¶ 50 n.150 (“We disagree with RWA that this requirement is a ‘costly barrier for small rural carriers seeking to mount a successful challenge’ and reject its

to ensure that it has not exceeded its service plan’s usage threshold; as RWA notes in its comments, a challenger could test over 500 square kilometers per month with a single device without raising concerns about reduced speeds (assuming a service plan with a 20 Gigabyte usage threshold).<sup>20</sup>

The Bureaus should also reject RWA’s proposal to limit the types of devices that an unsubsidized carrier may identify as appropriate for testing.<sup>21</sup> The *MF-II Challenge Process Order* requires only that the unsubsidized carrier submit a list of three “readily-available handsets.”<sup>22</sup> Because performance may vary between handset models, unsubsidized carriers should be permitted to specify the three readily-available devices that will most reliably measure coverage. The Bureaus should not impose constraints that could require unsubsidized carriers to exclude devices from the list based on factors other than performance, such as the device’s operating system or the cost of the device.

#### **IV. The Commission Should Not Further Delay the Challenge Process**

The Bureaus should not adopt NTCA’s proposal to further delay the start of the challenge window.<sup>23</sup> NTCA’s concerns about rural carriers’ ability to access “deeply rural” areas in winter and the potential impact of seasonal variations on speed testing are overstated. The Commission has given challengers a generous 150-day challenge window – longer than any party advocated in

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proposal to require unsubsidized carriers to provide challengers with test phones and unlimited data access.”).

<sup>20</sup> RWA Comments at 7.

<sup>21</sup> *Id.* at 8-9.

<sup>22</sup> *MF-II Challenge Process Order*, ¶ 50.

<sup>23</sup> NTCA Comments at 3-5.

the challenge process proceeding.<sup>24</sup> Even if the challenge window opens on the earliest possible date, at the beginning of February, the challenge window will include the entire spring and extend into July, allowing more than enough time for testing even in northern areas. The Bureaus should reject NTCA's proposal because further delay would be inconsistent with the Commission's "policy goal of proceeding expeditiously to an MF-II auction."<sup>25</sup>

## V. Conclusion

The Bureaus should not adopt proposals to weaken the challenge process standards, revise the *MF-II Challenge Process Order*'s device requirements, or further delay the challenge process.

Respectfully submitted,

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<sup>24</sup> See *MF-II Challenge Process Order*, ¶ 29 n.81.

<sup>25</sup> *MF-II Challenge Process Order*, ¶ 13.