

**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 COMPETITIVE CARRIERS ASSOCIATION

Competitive Carriers Association (“CCA”)¹ writes in response to the record and the Federal Communications Commission’s (“FCC” or “Commission”) recent Public Notice seeking comment on procedures and technical implementation for the Mobility Fund II (“MF II”) challenge process,² which represents another critical step toward distribution of MF II support to areas that need it most. CCA applauds the Commission’s objective to expand LTE coverage in hard-to-serve markets across the United States,³ and joins industry stakeholders in recommending tailored ways to achieve this mutual goal.

¹ CCA is the nation’s leading association for competitive wireless providers and stakeholders across the United States. CCA’s membership includes nearly 100 competitive wireless providers ranging from small, rural carriers serving fewer than 5,000 customers to regional and national providers serving millions of customers. CCA also represents associate members including vendors and suppliers that provide products and services throughout the mobile communications supply chain.

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) (“*Challenge Process Public Notice*”).

³ *Id.*

The Mobility Fund was created to preserve and expand consumers' access to mobile broadband service and technology. This will specifically focus on consumers residing in underserved and unserved rural areas. CCA's rural and regional carriers have historically served these rural and hard-to-reach areas, even when the business case is weak. CCA supports comments in the record encouraging the Commission to be mindful of the burdens placed on challenging parties, particularly rural and regional providers.⁴ CCA agrees that the FCC should avoid precluding meaningful participation in the challenge process, especially by rural and regional providers, and thus must be wary of requirements that could be cost-prohibitive and constrain already-limited resources. For example, CCA echoes calls in the record asking the FCC to be mindful of geographic restrictions⁵ and weather constraints,⁶ particularly in rural areas.

As CCA has reiterated, challengers will incur disproportionately large labor and travel costs based on the carrier's network footprint and the eligible map areas,⁷ and unique challenges could make it difficult for small and regional carriers to file documentation within the challenge

⁴ See Comments of ATN International, Inc., WC Docket No. 10-90 & WT Docket No. 10-208 (filed Nov. 8, 2017) ("ATN Comments"); Comments of NTCA – The Rural Broadband Association, WC Docket No. 10-90 & WT Docket No. 10-208 (filed Nov. 8, 2017) ("NTCA Comments"); Comments of The Rural Wireless Association, Inc., WC Docket No. 10-90 & WT Docket No. 10-208 (filed Nov. 8, 2017) ("RWA Comments").

⁵ See ATN Comments at 3.

⁶ See NTCA Comments at 4-5.

⁷ See Comments of Competitive Carriers Association at 3-4, WC Docket No. 10-90 & WT Docket No. 10-208 (filed Apr. 26, 2017); Letter from Rebecca Murphy Thompson, EVP and General Counsel, CCA, to Ms. Marlene H. Dortch, Secretary, FCC, at 4, WC Docket No. 10-90 & WT Docket No. 10-208 (filed July 27, 2017).

period adopted in the *MF II Challenge Process Order*. As the record reflects, certain areas of the United States, particularly areas likely to experience unreliable mobile broadband service, are subject to extreme weather conditions and rugged terrain, and the FCC should be cognizant of the ripple effects caused by data collection in these areas.⁸ While balancing the need to expeditiously move forward with the Mobility Fund II program, the Commission must be mindful of extraneous circumstances affecting certain providers' ability to participate in the challenge process.⁹ The Commission should not impose undue burdens that will negatively impact the consumers that need it most.

Additionally, CCA agrees that the Commission should refrain from “allow[ing] a challenged party to submit data that identify a particular device that a challenger used to conduct its speed tests as having been subjected to reduced speeds, along with the precise date and time the speed reductions were in effect on the challenger’s device.”¹⁰ As the record explains,

⁸ CCA has previously advocated that sound, reliable data will ensure that MF II support delivers mobile broadband services to consumers in rural and hard-to-reach areas. What’s more, NTCA – The Rural Broadband Association’s recent filing shows that future network investment could be reduced by over 50% if Universal Service Fund support is improperly distributed. The Commission must therefore ensure that all providers wishing to participate in the challenge process have adequate time to collect and submit relevant data in their service footprint. *See* Letter from Michael Romano, Senior Vice President – Industry Affairs & Business Development, NTCA – The Rural Broadband Association, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 10-90 (filed Nov. 22, 2017) (“NTCA Ex Parte”).

⁹ *See* Comments of Competitive Carriers Association, WC Docket No. 11-10 at 2 (filed Oct. 10, 2017) (“the FCC should ensure information gathered in the MF II one-time data collection is appropriately weighed and accurate”). *See also*, NTCA Comments at 3-5 (noting that “all rural providers must be provided reasonable opportunity to test the claimed service territory”). To that end, the Commission also should clarify whether subsidized providers in an area must submit data in the MF II one-time collection. *See* CCA Comments at 4.

¹⁰ *See Challenge Process Public Notice* ¶ 14; NTCA Comments at 3.

submitting this data would inject uncertainty into the challenge process, could lead to unnecessary challenges,¹¹ and would be “burdensome for respondents to review all tests to determine whether they were subject to reduced speeds.”¹² Instead, the Commission should provide for a “robust, targeted challenge process that efficiently resolves disputes about areas eligible for MF II support,”¹³ and allow challenging and challenged parties to submit data according to similar parameters and devices.

Finally, the FCC should heed concerns in the record that coverage and service results may differ based upon the operating system in use on particular handsets. As Mosaik Solutions notes, “[l]imiting device-based testing to iOS-run equipment will drastically reduce the amount of information that challenging parties may be able to collect.”¹⁴ As CCA has previously advocated, the Commission should take an aggregate approach to coverage speeds, which is fully consistent with its goals, and not allow challenged parties to use the differences in operating systems as a loophole to the challenger’s data results. In advancing this goal, CCA reiterates commenters’ recommendations that the Commission also avoid any bias in favor of, or against, particular application- or software- based testing platforms.¹⁵

¹¹ See NTCA Comments at 2-3.

¹² See Verizon Comments at 5.

¹³ *Connect America Fund, Universal Service Reform – Mobility Fund*, Report and Order and Further Notice of Proposed Rulemaking, 32 FCC Rcd. 2152, ¶ 226 (Mar. 7, 2017) (“*MF II Report and Order*” or “*MF II Further Notice*”). See also *Connect America Fund, Universal Service Reform – Mobility Fund*, Order on Reconsideration and Second Report and Order, 32 FCC Rcd. 6282, ¶ 27 (Aug. 3, 2017) (“*MF II Challenge Process Order*”) (“we adopt a streamlined challenge process that will efficiently resolve disputes about areas deemed presumptively ineligible for MF II support.”).

¹⁴ Comments of Mosaik Solutions, WC Docket No. 10-90 & WT Docket No. 10-208 at 3 (filed Nov. 8, 2017) (“Mosaik Comments”).

¹⁵ See CCA Comments at 4; Mosaik Comments at 4.

CCA urges the FCC to heed the above recommendations to ensure that the MF II challenge process allows for adequate participation where necessary, prevents frivolous claims, and delivers accurate results. Together, these proposals will help to lessen the burden on challenging parties while ensuring that the Commission's eligibility determinations target MF II support to areas that need it most.

Respectfully submitted,

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