

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

In the Matter of)	
)	WC Docket No. 10-90
Connect America Fund)	

COMMENTS OF CINCINNATI BELL TELEPHONE COMPANY LLC

On November 6, 2017, the Commission issued a Public Notice seeking to update the record regarding performance measures for certain Connect America high-cost universal service support recipients providing broadband service to fixed locations.¹ Among other things, the Commission sought comment on a proposal made by USTelecom.² Cincinnati Bell Telephone Company LLC (“CBT”) is a price cap carrier and a recipient of Connect America Fund (“CAF”) model-based Phase II high-cost universal support for broadband deployment and offers these comments.

I. SERVICE PROVIDERS SHOULD BE ALLOWED A CHOICE OF TESTING TOOL

CBT encourages the Commission to offer service providers flexibility in selecting the testing tools to be deployed. For some service providers, the Whitebox solution may be optimal at this time, while others may be able to deploy a software tool on the residential gateway or an attachment thereto, as discussed by USTelecom. Regardless of which solution a provider initially uses, providers should also be given the ability to change solutions should an alternative tool become preferable. For example, currently CBT does not have an available software solution and would expect to use Whiteboxes initially, but in the event a viable software solution

¹ Public Notice, DA 17-1085 (released November 6, 2017).

² USTelecom’s proposal is outlined in its May 23, 2017 Ex Parte, filed in *Connect America Fund*, WC Docket No. 10-90.

becomes more cost effective in the future, it should be permitted to switch to that approach. Moreover, CBT encourages the Commission to implement a Whitebox MBA-like program for CAF support recipients for whom an individual software or hardware testing solution is not feasible or cost-effective. CBT believes this could be particularly useful for smaller carriers who may not yet be able to adapt software-based solutions to their networks and for whom individually contracting for a Whitebox solution would be cost prohibitive relative to the amount of support they are receiving. It would also ensure that for carriers choosing to participate in this solution that the testing methodology is sound and these carriers would not have the added burden of demonstrating that their chosen testing solution is reliable.

II. A SMALLER SAMPLE SIZE SHOULD BE USED IN STATES WITH FEWER THAN 2,000 CAF SUPPORTED LOCATIONS

USTelecom has proposed that the number of locations tested each year by carrier per state should be the lesser of (a) 20 percent of the High Cost Universal Service Broadband Portal (“HUBB”) input locations with subscribers or (b) 50 subscribers in each state. CBT agrees with USTelecom that testing should only be required for locations with active subscribers since it would obviously not be possible to test at locations where there are no active subscribers. However, CBT is concerned that, at least for carriers opting to use a Whitebox solution for testing, which is dependent upon subscribers volunteering to install the device, USTelecom’s recommendation regarding the number of locations to be tested is unrealistically high for carriers with a relatively small number of CAF locations in a state. Based on its experience as a participant in the Measuring Broadband America (“MBA”) program in which less than 10 percent of the subscribers that it contacted have volunteered to install a Whitebox, CBT believes it would be difficult to recruit 20 percent of its CAF customers in a state to deploy a Whitebox.

This would be even more problematic if carriers must select an entirely new sample each year.³ Instead, CBT recommends that the Commission reaffirm its original decision that “[f]or those states in which a provider receives model-based support for 2,000 or fewer lines, a provider must conduct measurements for at least 20 randomly-selected customer locations, rather than 50.”⁴ Nonetheless, for carriers with less than 100 active subscribers, CBT believes it might even be difficult for a carrier to recruit 20 volunteers. Thus, for carriers with less than 100 active subscribers in a state, CBT recommends that a carrier’s sample size should be considered sufficient if it has a sample size of at least 10 percent of active subscribers and demonstrates that it has made good faith efforts to recruit volunteers for the testing program.

III. THE COMMISSION SHOULD CLARIFY THE SAMPLE SELECTION PROCESS

Neither the current requirements⁵ nor USTelecom’s proposal are clear whether each year’s sample population is to be selected from all HUBB locations with active subscribers or only from customers from newly deployed CAF locations in a given year. CBT recommends that each year’s sample should be selected from all HUBB locations with active subscribers. Moreover, CBT recommends that carriers using the Whitebox solution should not be required to select an entirely new sample each year, but rather be permitted to keep existing volunteers in all subsequent years’ samples and “top off” its sample with volunteers from newly deployed CAF locations. This is consistent with how the MBA testing is conducted whereby customers with existing Whiteboxes remain in the sample for the next year and new volunteers are recruited to replace those that have dropped out. If carriers must select an entirely new sample each year,

³ See *infra*, III. *The Commission Should Clarify the Sample Selection Process*

⁴ *Connect America Fund, Report and Order*, WC Docket No. 10-90, Report and Order, 28 FCC Rcd 15060 (Wireline Comp. Bur. 2013) at 15071, n. 64 (*Phase II Price Cap Service Obligation Order*).

⁵ *Phase II Price Cap Service Obligation Order*

carriers with a relatively small state CAF deployment obligation would probably not have luck recruiting an entirely new set of volunteers each year to meet the sample size requirement and their customers could be confused and frustrated if they are contacted each year by their provider asking them to participate in the Whitebox program. By selecting from newly deployed CAF locations to top off the sample, carriers would only be recruiting from customers who had not previously been contacted. In addition, this approach would minimize the cost of the testing program by minimizing the number of Whiteboxes deployed.

IV. THE COMMISSION SHOULD CLARIFY THAT TESTING IS NO LONGER REQUIRED AFTER A CARRIER SATISFIES ITS FULL CAF DEPLOYMENT

CBT also requests that the Commission clarify when the performance measuring obligation terminates. CBT recommends that if a carrier completes its CAF buildout in a state prior to 2020 that it would no longer be required to conduct performance measurement testing and submit test results once its buildout is complete and it has certified compliance with the performance requirements.

V. THE USTELECOM PROPOSAL FOR TIMING OF TESTING IS REASONABLE

CBT supports the proposed test methodology advocated by USTelecom. CBT agrees that the 18-hour testing window proposed by USTelecom would ensure that the test reflects the different usage cycles of both business and residential customers. Testing at multiple times throughout the day would also help the carrier determine whether any performance issues are due to network congestion or specific problems impacting an individual customer. However, CBT would propose that carriers who participate in the MBA program and use Whiteboxes for their CAF performance testing should also have the option of using the MBA methodology, which tests during the peak hours of 7:00 p.m. to 11:00 p.m. Regardless of what the Commission

decides relative to the timing of the test, it is imperative that delivering service to the customer takes priority over testing, so the rules regarding test timing should not be so prescriptive as to be in conflict with the former.

VI. THE COMMISSION SHOULD ADOPT A TIERED PERFORMANCE COMPLIANCE APPROACH

CBT urges the Commission to adopt the USTelecom proposed approach to compliance testing and certification. Utilizing Form 481 for reporting and certification would satisfy the Commission's desire for transparency by making the information publicly available. Further, USTelecom's proposed five-tier compliance structure, which gives carriers the opportunity to correct any subpar performance, is consistent with the tiered approach the Commission has already established for carriers that miss the interim buildout benchmarks. In addition, as with the existing measures that give price cap carriers that have not satisfied their buildout obligation by the end of the CAF Phase II Model buildout period in 2020 an additional 12 months to do so before incurring penalties, carriers should also be given 12 months after the end of the buildout period to demonstrate that they are in full compliance with the performance obligations.

VII. CONCLUSION

CBT urges the Commission to adopt the USTelecom proposal as a framework for broadband performance measurement and compliance reporting, with the modifications proposed by these comments.

Respectfully submitted,

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