

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

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

**COMMENTS OF
ITTA – THE VOICE OF MID-SIZE COMMUNICATIONS COMPANIES**

ITTA – The Voice of Mid-Size Communications Companies hereby submits its comments in response to the Public Notice issued by the Federal Communications Commission (“FCC” or “Commission”) on October 16, 2014 requesting comment on how to measure compliance with broadband performance obligations for entities receiving Connect America Fund (“CAF”) Phase II support to provide broadband service to fixed locations.¹ In addition, the Commission seeks comment on whether the same testing methodologies adopted for price cap carriers accepting model-based support should be applied to other recipients of CAF Phase II support, such as rate-of-return providers and those that are awarded CAF support through a competitive bidding process.²

¹ “Wireline Competition Bureau, Wireless Telecommunications Bureau, and the Office of Engineering and Technology Seek Comment on Proposed Methodology for Connect America High-Cost Universal Service Support Recipients to Measure and Report Speed and Latency Performance to Fixed Locations,” Public Notice, WC Docket No. 10-90, DA 14-1499 (rel. Oct. 16, 2014).

² *Id.* at ¶¶ 13-14.

ITTA agrees that the Commission should have appropriate assurances that CAF Phase II support is being utilized in a manner that is consistent with the goals and requirements of the CAF program. However, rather than adopting a specific methodology for testing broadband speed and latency requirements, ITTA suggests that the Commission focus on developing standardized data collection and certification requirements for all recipients of CAF Phase II support, and allow eligible telecommunications carriers (“ETCs”) some flexibility with respect to the precise testing methodology used to verify network performance so long as it is reasonable and produces reasonably reliable results based on the network technology the provider has in place. Although the Measuring Broadband America (or “SamKnows”) program may have been useful in improving consumers’ access to information about their broadband service, this approach would not be suitable for measuring compliance with CAF Phase II service obligations.

I. THE COMMISSION SHOULD FOCUS ON ADOPTING UNIFORM DATA COLLECTION AND CERTIFICATION REQUIREMENTS RATHER THAN A SPECIFIC TESTING METHODOLOGY FOR CAF PHASE II COMPLIANCE

Flexibility in testing methodologies, along with standardized data collection and certification requirements, are crucial aspects of any CAF Phase II compliance regime given the expanded universe of entities that will receive universal service support under CAF Phase II. Whereas the Commission’s efforts to date have largely focused on implementation of CAF mechanisms for price cap carriers, recipients of CAF Phase II support will include a diversity of voice and broadband providers, both large and small, that provide service over a variety of different technologies, including wireline, cable, fixed wireless, and possibly satellite platforms.

It is imperative that compliance testing be conducted in a manner that does not favor one particular technology over another and in a way that minimizes the burden and expense for ETCs. Specifying a particular hardware or software option may inhibit a provider from

employing a more cost effective alternative that is perfectly suitable for measuring compliance based on its size and/or the network technology it has deployed. The Commission also must be mindful that to the extent ETCs must incur costs to conduct network performance testing – which could be significant depending on the size or type of provider – those dollars cannot be directed to broadband investment in the rural, high-cost areas the CAF program is designed to reach.

Thus, it makes sense for the Commission to focus on applying the same set of data collection and certification requirements to all CAF Phase II recipients for purposes of verifying network performance, rather than adopting one specific testing methodology. It is important for the Commission to ensure that consumers are receiving a level of service that reasonably comports with the goals of the CAF program. Establishing reasonable, uniform data collection and certification requirements that apply universally to all CAF Phase II recipients would help ensure that all ETCs, regardless of technology, are meeting their service obligations.

In connection with adopting these data collection and certification requirements, it may be useful for the Commission to seek recommendations from technical experts (e.g., appropriate standards bodies) and industry stakeholders as to which testing options can reliably measure those requirements. While it does not make sense for the Commission to specify the precise testing methodology to be employed by all CAF Phase II recipients, it is advisable for the Commission to ensure that the methodology an ETC has in place provides accurate and reliable measurements of network performance based on the technology deployed.

II. THE MEASURING BROADBAND AMERICA APPROACH WOULD NOT BE APPROPRIATE IN THE CAF PHASE II COMPLIANCE CONTEXT

There are myriad reasons why applying the SamKnows approach would not be appropriate for determining compliance with broadband speed and latency obligations in the

CAF Phase II context. Among other things, the SamKnows program examines service offerings from the largest, primarily wireline, broadband providers using data on broadband service delivered to the homes of thousands of volunteer broadband subscribers nationwide. It is not clear that the equipment utilized for SamKnows would work for all network configurations, such as fixed wireless. In addition, it may be difficult to identify the required number of volunteers to participate in a SamKnows-like program in more sparsely populated rural areas, particularly those served by smaller carriers.

Moreover, SamKnows (which gathers data from providers that collectively account for more than 80 percent of all U.S. wireline broadband connections) was designed to gain insight into, and provide to the public an assessment of, the level of broadband service available on a national scale. The data collected in measuring compliance with the Commission's broadband speed and latency obligations for CAF Phase II should be limited to CAF-supported areas and should be used exclusively for CAF Phase II compliance purposes. It should not be publicly disseminated or be utilized for research efforts. Its sole purpose should be to allow ETCs to certify to USAC that they are providing service consistent with the Commission's performance standards under CAF Phase II.³

³ To the extent that any testing is required beyond the edge of an ETC's network, the Commission should take into account that providers can only be responsible for performance on networks they own or control and cannot be held liable for deficiencies in performance attributable to other portions of the network.

III. CONCLUSION

It is appropriate for the Commission to have measures in place to ensure that CAF Phase II support is being utilized in a manner that is consistent with the goals and requirements of the CAF program. Rather than adopting a specific methodology for compliance, the Commission should focus on developing standardized data collection and certification requirements for all recipients of CAF Phase II support, while allowing some flexibility with respect to the precise testing methodology used to verify network performance. While the SamKnows program may have been useful in providing information for consumers about their broadband service, this approach would not be suitable for measuring CAF Phase II compliance.

Respectfully submitted,

**ITTA – THE VOICE OF MID-SIZE
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