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August 27, 2015

## COMMENTS FOR WIRELINE COMPETITION BUREAU PUBLISHES PRELIMINARY DETERMINATION OF RATE-OF-RETURN STUDY AREAS 100 PERCENT OVERLAPPED BY UNSUBSIDIZED COMPETITORS WC Docket No. 10-90

Wireline Competition Bureau  
FCC Headquarters  
445 12th St., SW, Room TW-A325,  
Washington, DC 20554

The Utah Governor's Office of Economic Development (GOED) would like to provide comments on Docket No. 10-90 "Preliminary Determination of Rate-of-Return Study Areas 100 Percent Overlapped by Unsubsidized Competitors." From 2010 to 2014, the State of Utah managed the Utah Broadband Project through the National Telecommunications and Information Administration (NTIA) and is now operating the Utah Broadband Outreach Center, a state-funded broadband mapping and planning program. Working with broadband providers, federal agencies, state and local governments and businesses has given our office a unique perspective on broadband deployment and we would like to provide recommendations to the FCC on the issues raised in the Docket. Our goal is to ensure those who live in high-cost broadband deployment areas have access to services that are comparable to services offered in urban areas.

GOED would like to offer comments on the following issues:

**Ensure that Competition is Fairly Evaluated** - In determining what would be considered "unsubsidized competition" for the purposes of this proceeding, the FCC should seriously evaluate its methodology to ensure that it does not eliminate funding to rural households on the basis that they are incorrectly classified as covered. The current FCC Form 477 model is limited in its ability to determine unserved households, particularly because it relies on census blocks as the smallest unit of measurement. Comparing SBI/NMB data to Form 477 Data shows a major discrepancy in coverage and illustrates that Form 477 is less accurate.

Beginning in the fall of 2014, the FCC began collecting broadband data directly from providers and changed the collection standard by aggregating all data to a census block level. Basing data collection, planning efforts and funding definitions on census blocks is problematic, particularly in blocks which are large, remote and include terrain that makes it difficult to install infrastructure. For example, within the State of Utah, the largest populated census block is 947 square miles. Under the current model, any census block that is partially covered would be considered fully covered, even if only a small percentage of households are covered.

The FCC should consider revising data and mapping efforts in order to collect actual provider footprints so that unserved residents are not denied services because they reside in a census block that is partially covered by broadband service. The state's mapping team recently developed maps to show the discrepancy between the previous NTIA data collection model being implemented by state broadband initiatives and the new FCC data model for cable, DSL, fiber, and fixed mobile wireless. The maps in Appendix A illustrate these discrepancies and highlight large geographic areas that will be negatively impacted by the new FCC data collection model.

Although SBI data is not being collected on a national level, several states are continuing to collect data on a more refined basis than the Form 477. This data should also be evaluated and considered in determining the level of competition. Utah, for example, has transitioned its data model to collect maximum advertised upload and download speeds that have not been grouped into predetermined speeds and is using actual provider footprints rather than aggregating data to the census block level.

**Identify an Objective Data Verification Mechanism** - GOED believes the Wireline Competition Bureau's new guidance regarding the evaluation of competition does not provide a standard and objective method to verify coverage data, particularly in disputed areas. We believe that as part of this challenge process, there should be an objective mechanism in place to further verify data that would test any relevant technologies, particularly if there is question as to whether an area is served or unserved.

For example, although fixed wireless technologies offer a level of competition in the marketplace and may be used to cover areas which are difficult to reach, there are also some limitations in evaluating the actual percentages these technologies may cover. Current propagation models can indicate a likelihood of coverage but cannot guarantee coverage because visual obstructions, such as buildings and trees, can prevent certain households from being able to benefit from services. For this reason, we recommend that the FCC establish a methodology to field test these services to verify the level of coverage and capacity.

Since the list of areas that are considered 99 to 100% covered is relatively small, we ask the FCC ensure that verification activities are conducted to determine that residences are adequately covered. These field tests should include an analysis of speed, latency and an evaluation of system capacity to serve the numbers of households in the area. Visual obstructions that would prevent 99 to 100% coverage should also be considered.

Since these factors can vary significantly from carrier to carrier, it is imperative that an objective method be used and implemented for each case in question. In order to conduct this testing, the FCC should consider a testing mechanism that tests the frequencies, locations and antennas at each access point, possibly using a drive test or spot test method. The field team should also consider obstructions, such as trees, hillsides and buildings that would interfere with coverage. The data collected should include geographic coordinates so it can be mapped for further analysis.

This verification should also include a mechanism for stakeholders to request that the FCC review any reported inaccuracies so that maps can be corrected. The FCC should also consider opening a public comment period specifically to gather information and input on methods to verify this data.

In light of the fact that the FCC has partially released data to determine the coverage levels mentioned in the Docket, we also ask that the Commission make all data sets that were submitted through the Form 477 process publicly available as soon as possible so that stakeholders can fully evaluate broadband needs on both a state and local level.

**Ensure that Speed Tiers are Continually Evaluated to Meet Future Needs** - Since the Federal Communications Commission (FCC) has recently updated the definition of broadband to a minimum standard of 25 Mbps download and 3 Mbps upload, GOED recommends that this standard apply to all funding mechanisms that support residential broadband. We also recommend that in addition to the 25 Mbps download/3 Mbps or greater upload requirement, reviewing and adjusting speed tiers as technology continues to change and potentially requiring higher speeds will ensure that this funding mechanism meets the growing needs of citizens and communities. The FCC should seek comments and review the speed thresholds on a regular basis. The Commission should also continually evaluate and re-consider areas of funding eligibility for all federal programs that fund broadband to ensure that the services delivered using these funds in underserved regions are reasonably comparable to the services enjoyed by consumers in urban areas.

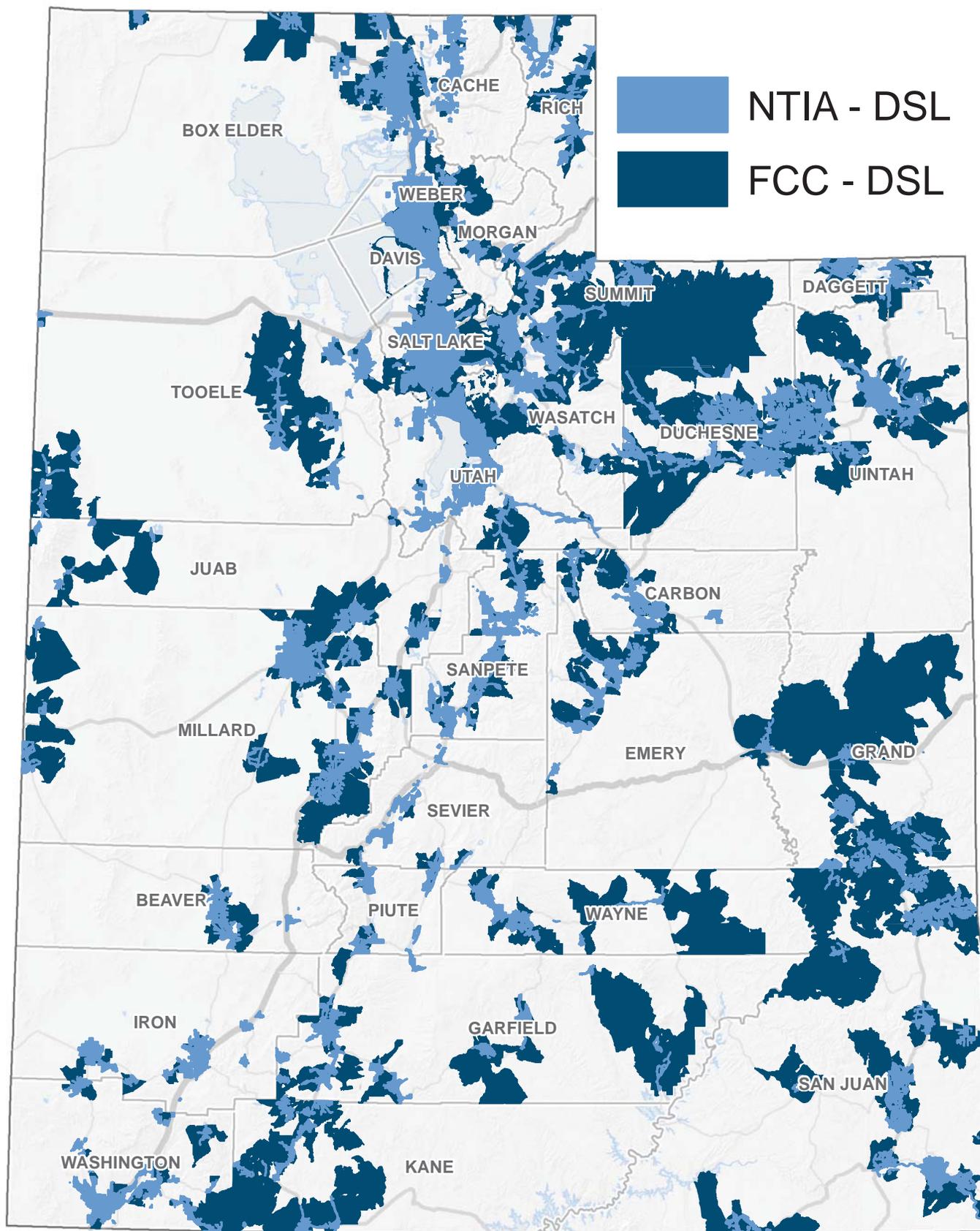
We respectfully ask the FCC to consider these comments when evaluating the levels of broadband service in rural America. We look forward to working closely with you in the future.

Sincerely,

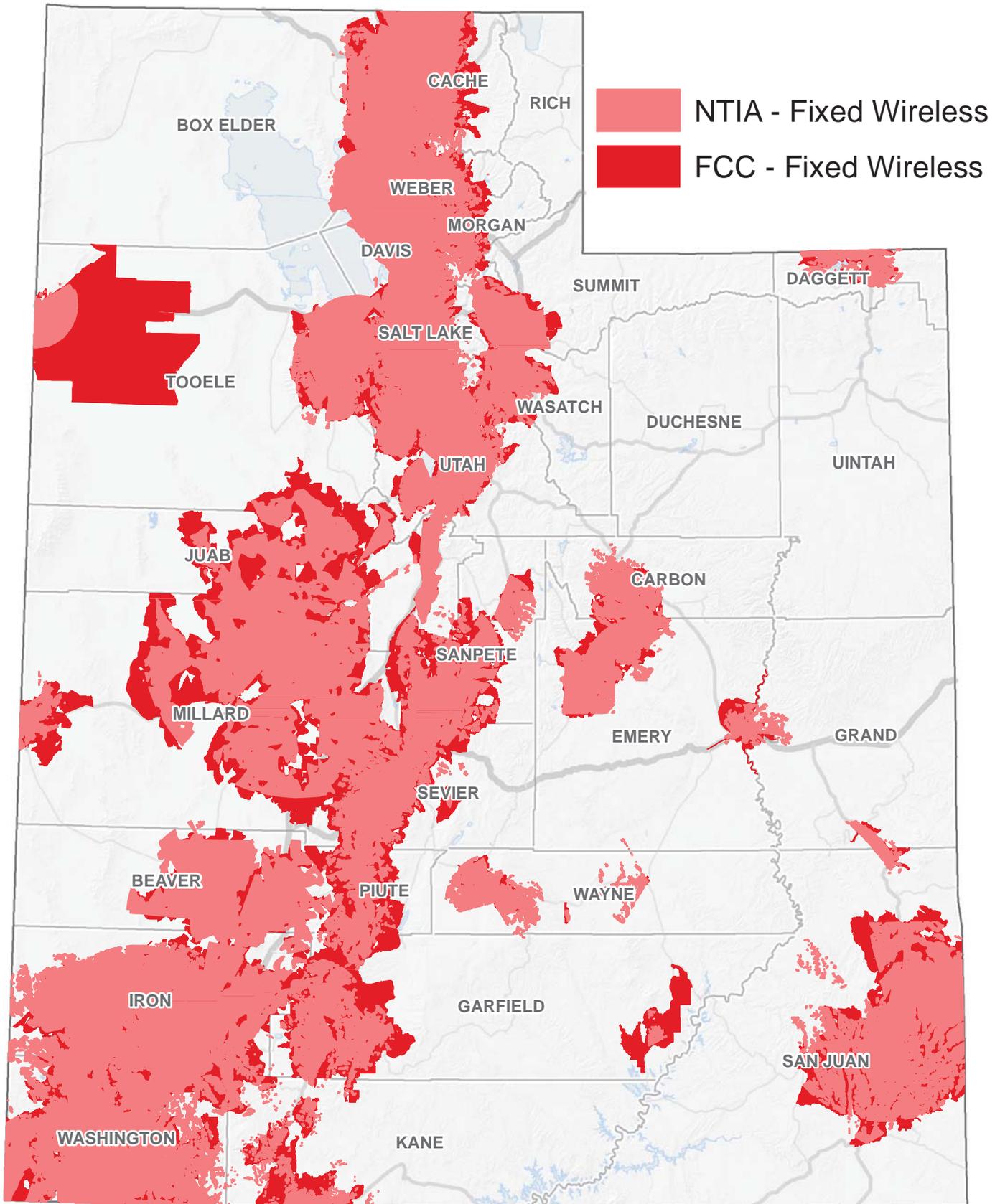
A handwritten signature in blue ink, appearing to read "Q. Val Hale", with a long, sweeping horizontal line extending to the right.

Q. Val Hale  
Executive Director  
Governor's Office of Economic Development

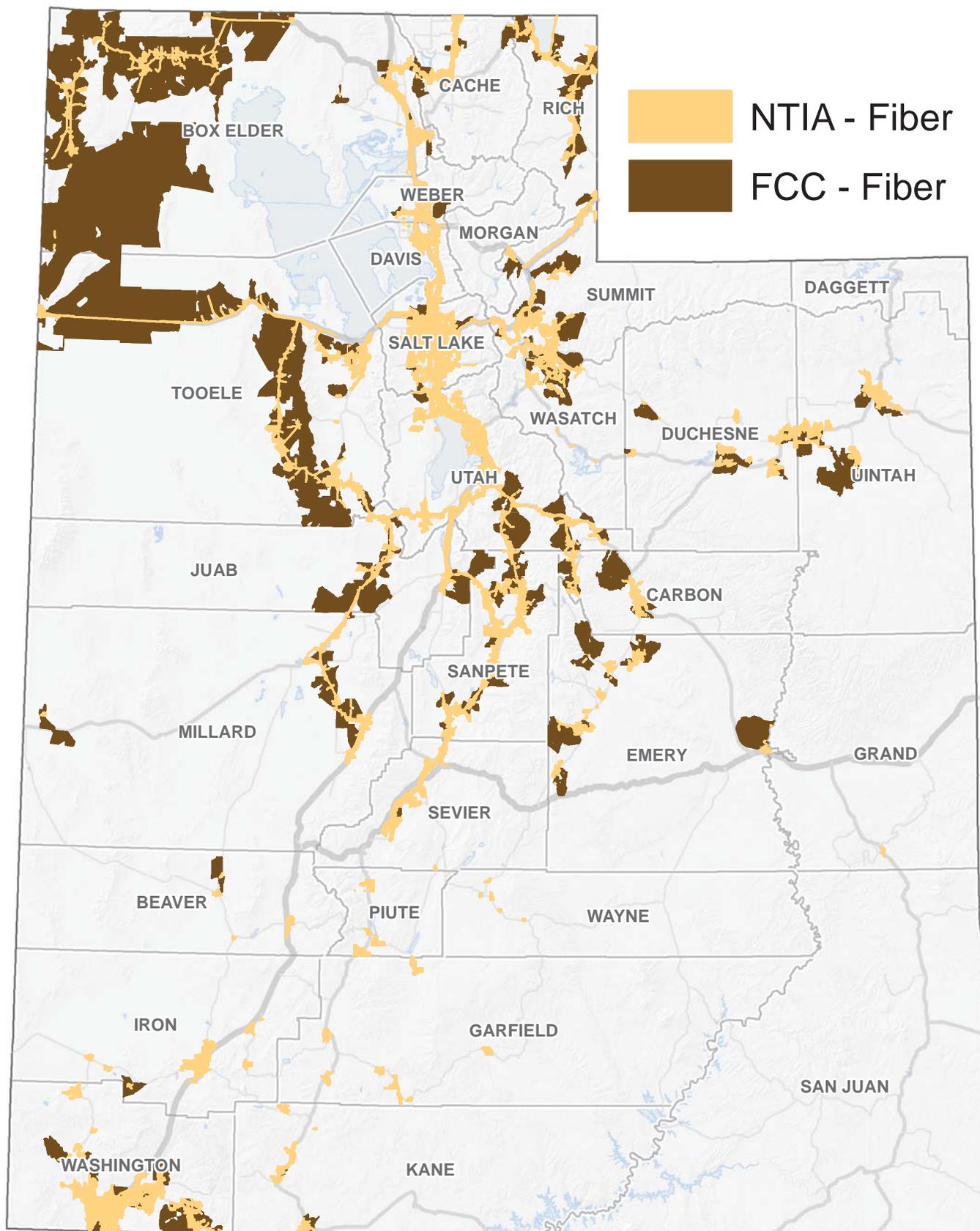
# Transition to FCC's Data Model: Broadband Coverage Difference by Technology Type - DSL



# Transition to FCC's Data Model: Broadband Coverage Difference by Technology Type - Fixed Wireless



# Transition to FCC's Data Model: Broadband Coverage Difference by Technology Type - Fiber



# Transition to FCC's Data Model: Broadband Coverage Difference by Technology Type - Cable

