

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

In the Matter of)
)
Inquiry Concerning the Deployment of) GN Docket No. 15-191
Advanced Telecommunications Capability to)
All Americans in a Reasonable and Timely)
Fashion, and Possible Steps to Accelerate Such)
Deployment Pursuant to Section 706 of the)
Telecommunications Act of 1996, as Amended)
by the Broadband Data Improvement Act)

REPLY COMMENTS OF ADTRAN, INC.

ADTRAN, Inc. (“ADTRAN”) takes this opportunity to respond briefly to a few of the comments in the Commission’s *Notice of Inquiry* regarding the Eleventh Broadband Progress Report.¹ In its initial comments in this proceeding, ADTRAN encouraged the Commission to undertake a thorough and objective analysis to address the question raised by Congress in Section 706 -- “whether advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion.”² In contrast, a few of the other commenting parties seemingly seek to use this inquiry to advance their narrower interests.

US Cellular and the Competitive Carrier Association appear to view this Section 706

¹ *Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, and Possible Steps to Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996, as Amended by the Broadband Data Improvement Act*, GN Docket No. 15-191, FCC 15-101, released August 7, 2015 (hereafter cited as “*Notice of Inquiry*”).

² 47 U.S.C. § 1302. Section 706 of the Telecommunications Act of 1996, Pub. L. No. 104-104, § 706, 110 Stat. 56, 153 (1996), as amended by the Broadband Data Improvement Act, Pub. L. No. 110-385, 122 Stat. 4096 (2008), as codified in Title 47, Chapter 12 of the United States Code. See 47 U.S.C. § 1301 *et seq.*

Notice of Inquiry as an opportunity for a backdoor effort to reconsider the Commission's decisions in the Connect America Fund proceeding.³ The Commission should reject these entreaties. Moreover, in support of their request for modifications to the CAF Program, US Cellular and the Competitive Carriers Association make the same mistake the Commission made in previous broadband progress reports, where they simply argue "we are not there yet," rather than evaluating whether we are making reasonable and timely progress towards the goal of ubiquitous broadband availability.⁴

The Commission only recently began to implement CAF Phase II, with the carriers agreeing to build out broadband to nearly 4 million locations pursuant to model-based support.⁵ Rather than revisit the CAF Phase II program as those two commenters suggest, the Commission should concentrate its efforts on (i) monitoring implementation of CAF Phase II for Price Cap Carriers, and (ii) finalizing and implementing the Mobility Fund, the reverse-auction for unclaimed CAF Phase II funding and the broadband subsidy program for Rate of Return Carriers.

In its comments, Deere & Company ("Deere") urges the Commission to focus on deployment of broadband to farmland, and in particular to "define 'anchor institutions' to include agricultural operations."⁶ ADTRAN does not believe that these particular commercial operations should be singled out for special treatment. The Commission does not treat all educational or

³ US Cellular Comments at pp. 8-14; Competitive Carrier Association Comments at pp. 14-15.

⁴ US Cellular Comments at pp. 16-17; Competitive Carriers Association Comments at pp. 13-14.

⁵ See, <https://www.fcc.gov/document/carriers-accept-over-15-b-support-expand-rural-broadband>.

⁶ Deere Comments at pp. 4 and 25-26.

health care facilities as “anchor institutions” eligible for subsidization, but only ones operated on a non-profit basis.⁷ And while businesses such as farms, among others, are an important part of rural economies, Deere does not make a convincing showing that such for-profit businesses need subsidized broadband service. Deere also complains about there being broadband to the home/farm, but not necessarily to the cropland.⁸ But they do not explain why the farmers are unable themselves to extend service to croplands using unlicensed spectrum to provide the machine-to-machine communications that Deere contends are critical to modern agriculture.

Finally, ADTRAN takes issue with the comments of the Fiber to the Home Council Americas ("FTTC Council"), to the extent they argue that the Commission's Section 706 analysis should be focused solely on deployment of fiber-to-the-home.⁹ While there are clear benefits to fiber broadband services, such an overly simplistic assessment would ignore the fact that many other technologies are capable of providing “advanced services.” As ADTRAN

⁷ See, 47 C.F.R. § 54.601 Eligibility.

(a) Health care providers.

(1) Except with regard to those services provided under § 54.621(b), only an entity that is either a **public or non-profit rural health care provider**, as defined in this section, shall be eligible to receive supported services under this subpart. (emphasis added)

* * *

47 C.F.R. § 54.501 Eligibility for services provided by telecommunications carriers.

(a) Schools.

(1) Only schools meeting the statutory definition of “elementary school” or “secondary school” as defined in § 54.500(c) or (k) of these rules, and not excluded under paragraphs (a)(2) or (a)(3) of this section shall be eligible for discounts on telecommunications and other supported services under this subpart.

(2) Schools operating as for-profit businesses shall not be eligible for discounts under this subpart. (emphasis added)

⁸ Deere Comments at pp. 18-19.

⁹ FTTH Council at pp. 3, 5, 7-8.

explained in its initial comments:

Cable companies are deploying DOCSIS 3.1 technology, which supports 1 Gbps or greater service to homes over the current coaxial infrastructure. In addition, technology continues to evolve for twisted copper loops, with G.fast field trials demonstrating speeds of 330 Mbps. And for mobile broadband systems, 4G technologies are now capable of speeds of 100 Mbps, and 5G technologies are on the horizon that will be even faster, with download rates approaching 1 Gbps.¹⁰

Moreover, the FTTH Council suggestion that the Commission's Section 706 inquiries should focus just on fiber-to-the-home technology is inconsistent with the statutory definition of "advanced telecommunications capability":

The term "advanced telecommunications capability" is defined, *without regard to any transmission media or technology*, as high-speed, switched, broadband telecommunications capability that enables users to originate and receive high-quality voice, data, graphics, and video telecommunications using any technology.¹¹

In its Section 706 broadband progress review, ADTRAN urges the Commission to consider all technologies that can support advanced services, as Congress directed.

ADTRAN continues to urge the Commission to undertake the requisite analyses for this Section 706 inquiry in a thorough and objective manner, consistent with the recommendations in ADTRAN's initial comments. The Commission should reject the comments of others that would have the Commission use this proceeding for other purposes. A thorough and objective analysis will ensure that the Commission produces an accurate and credible response to the question posed by Congress in Section 706 -- "whether advanced telecommunications capability is being

¹⁰ See, ADTRAN Comments at p. 6 (footnotes omitted).

¹¹ 47 U.S.C. §1302(d)(1) (emphasis added).

deployed to all Americans in a reasonable and timely fashion.”

Respectfully submitted,
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