



December 22, 2015

Via ECFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

RE: NOTICE OF EX PARTE:
WT Docket No. 10-208: *Universal Service Reform – Mobility Fund*
WC Docket No. 10-90: *Connect America Fund*

Dear Ms. Dortch,

On December 18, 2015, Erin Fitzgerald and Anthony Veach of the Rural Wireless Association, Inc. (“RWA”) met with Jim Schlichting, Sue McNeil, Margaret Wiener, Eliot Maenner, and Gary Michaels of the Wireless Telecommunications Bureau to discuss issues related to the above-referenced dockets.

During the meeting, RWA renewed its support for a dedicated funding mechanism that will provide specific, predictable, and sufficient support to sustain and advance the availability of mobile services in high-cost areas.¹ RWA noted that it agrees with recent calls to action to provide ongoing support for mobile broadband in rural and remote areas of the country.² However, RWA is concerned about and disagrees with other recent statements questioning the need for ongoing support for mobile services.³ The Federal Communications Commission (“FCC” or “Commission”) has recognized that mobile voice and mobile broadband services are increasingly important to consumers and the nation’s economy, and that ubiquitous mobile

¹ See Comments of the Rural Wireless Association, Inc., WT Docket No. 10-208 and WC Docket No. 10-90 (filed Aug. 8, 2014); Reply Comments of the Rural Wireless Association, Inc., WT Docket No. 10-208 and WC Docket No. 10-90 (Sept. 8, 2014).

² See Prepared Remarks of FCC Commissioner Mignon L. Clyburn, Rural Wireless Association Summit (Sept. 10, 2015); Prepared Remarks of FCC Commissioner Mignon L. Clyburn, Competitive Carriers Association – Annual Convention (Oct. 8, 2015); Letter from U.S. Senator Joe Manchin III to Federal Communications Commission Chairman Thomas Wheeler (September 22, 2015) (stating that “[c]ompanies cannot invest in wireless infrastructure in hard-to-serve rural areas without the certainty that universal service support will be there to help sustain them in the future”).

³ See *Remarks of Commissioner Michael O’Rielly*, Federal Communications Commission, Before the Competitive Carrier Association 2015 Annual Convention (Oct. 7, 2015); *Remarks of Commissioner Michael O’Rielly*, Federal Communications Commission, before the Rural Wireless Association (Sept. 11, 2015).

coverage must be a national priority.⁴ The continuing need for dedicated support for mobile voice and broadband services remains as critical as ever, and it will persist as wireless networks evolve to Fifth Generation mobile technologies. Universal service is an ongoing mission, and if the Commission is to truly achieve its nationwide coverage goal, it must ensure universal service support continues to be made available for mobile services.

RWA discussed the Commission's current proposal to use FCC Form 477 data to determine which areas will be eligible to receive Mobility Fund support, and discussed how Form 477 data portrays coverage in areas where a carrier has a partnership or roaming agreement with a nationwide carrier. RWA stated that its members are in the process of reviewing and verifying the data, but renewed its call for a process that gives parties a thorough opportunity to challenge determinations of whether an area is eligible for mobility support. RWA noted that while the nation's current level of mobile deployment is commendable, it should not cause the Commission to lose sight of its goal of ensuring universal availability of mobile voice and broadband where Americans live, work, or travel.⁵ Rural residents know all too well that so-called "nationwide" mobile service often does not reach them. RWA explained that universal service support has enabled its members to bring mobile wireless service to rural and remote areas. RWA also noted that even though the Mobility Fund Phase I disbursement process has been very problematic, carriers have been able to use that support to bring mobile services to previously unserved areas.⁶

RWA mentioned the numerous economic reasons to ensure reliable mobile coverage in high-cost, rural areas, including the agriculture industry's increasing reliance on M2M communications and the Internet of Things ("IoT"). RWA explained that many of America's agricultural producers are located in the sparsely populated areas that are served by RWA members, and they increasingly rely on mobile broadband connectivity to utilize M2M and IoT devices.⁷ In simple terms, mobility support should also be used to sustain and deploy mobile broadband networks that provide coverage to devices and connections – not just population.

⁴ *Connect America Fund et al.*, WC Docket No. 10-90 et al., Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161, ¶295 (Nov. 18, 2011), *aff'd sub nom.*, *In re: FCC 11-161*, 753 F.3d 1015 (10th Cir. 2014).

⁵ *Id.* at ¶53.

⁶ *See, e.g.*, Letter from Anthony Veach, Counsel for the Rural Telcos, to Marlene H. Dortch, Secretary, Federal Communications Commission, WT Docket No. 10-208 et al., p. 4 (Apr. 23, 2015) (noting that Pine Belt Telephone Company, Inc. has used support to deploy mobile wireless service to parts of Alabama that previously had been unserved).

⁷ The use of IoT devices and M2M communications is becoming more and more prevalent in the nation's agriculture economy, and they need wireless connectivity to function. IoT devices and M2M communications include smart tractors, connected combines, remote-controlled Center Pivot Irrigation systems, livestock monitoring systems, and other precision agricultural devices, all of which allow producers to make significant gains in real-time productivity and cost management. *See* Hearing Before the United States Senate Committee on Commerce, Science, and Transportation, *Removing Barriers to Wireless Broadband Deployment*, Testimony of Cory J. Reed, Senior Vice President, Intelligent Solutions, Deer & Company, p. 3 (Oct. 7, 2015); Letter from Robert A. Silverman, Counsel to Panhandle Telephone Cooperative, Inc., to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket Nos. 10-90, 07-135,

RWA explained that one of the most compelling arguments in favor of dedicated mobility support is the need for access to Public Safety and 911 emergency services in rural and remote areas. Alarming, the FCC's current proposal will diminish access to emergency services because it would eliminate universal service support in areas where *either* AT&T or Verizon provides 4G LTE service as reported on FCC Form 477.⁸ RWA noted that it has previously expressed serious concern about this plan because despite the growing use of 4G LTE networks for mobile data services, carriers continue to rely heavily on 3G or even 2G CDMA and GSM networks to provide voice services.⁹ However, CDMA and GSM technologies remain incompatible with each other (*i.e.*, GSM-based phones cannot be used to make voice calls on a CDMA network and vice versa), which necessitates the need for both types of networks in order for all mobile consumers to be universally connected.

RWA explained that in areas where only AT&T or Verizon 4G LTE service is available, a USF-supported carrier may be the only mobile wireless provider serving customers using “the missing” network. For example, in an area where Verizon provides 4G LTE service, a USF-supported carrier may be the only mobile wireless provider serving GSM customers throughout that entire area (including customers roaming on AT&T or T-Mobile). Without that USF-supported network, those GSM customers would be “left in the dark” because they would be unable to connect to Verizon's CDMA network for voice calls. Accordingly, the presence of either Verizon's CDMA-based network or AT&T's GSM-based network is not a sufficient benchmark for universal 4G LTE mobile wireless service in an area and should not exclude an area from mobility support.

Moreover, carriers' reliance on legacy voice networks is expected to persist for the foreseeable future because the implementation of VoLTE has proved to be much slower than originally anticipated, and it is evident that the industry is many years away from implementing VoLTE interoperability, let alone achieving *nationwide* VoLTE interoperability.¹⁰ Further

05-337, 03-109, CC Docket Nos. 01-92, 96-45, GN Docket No. 09-51, WT Docket No. 10-208 (Dec. 17, 2014) (*Panhandle Ex Parte*). See also David Evans, *Introducing the Wireless Cow*, Politico.com, available at <http://www.politico.com/agenda/story/2015/06/internet-of-things-growth-challenges-000098> (explaining how RFID tags are being used to monitor the health of dairy cattle and send alerts to their owners via an app on their mobile devices).

⁸ See *Connect America Fund et al.*, WC Docket No. 10-90 et al., Report and Order, Declaratory Ruling, Order, Memorandum Opinion and Order, Seventh Order on Reconsideration, and Further Notice of Proposed Rulemaking, FCC 14-54, ¶241 (rel. June 10, 2014).

⁹ See Letter from Erin P. Fitzgerald, Assistant Regulatory Counsel, Rural Wireless Association, Inc., to Marlene H. Dortch, Secretary, Federal Communications Commission, WT Docket No. 10-208 and WC Docket No. 10-90 (Aug. 26, 2015).

¹⁰ See Phil Goldstein, *Verizon's Small: We have close to 4M VoLTE customers*, Fierce Wireless (Aug. 11, 2015), available at <http://www.fiercewireless.com/story/verizons-small-we-have-close-4m-volte-customers/2015-08-11> (noting Verizon has only about four million VoLTE customers out of over 103 million total subscribers). See also Letter from Joseph P. Marx, AT&T, to Marlene H. Dortch, Secretary, Federal Communications Commission, WT Docket No. 12-69, Third Progress Report on AT&T Commitments (Sept. 14, 2015) (discussing VoLTE roaming issues).

complicating matters, nationwide carriers have begun to turn off parts of their 2G and 3G networks in order to re-farm spectrum for LTE. In areas where this will occur, it is possible that there could be no circuit switch fallback for certain mobile consumers, making VoLTE the only available voice option. For consumers whose handsets are not VoLTE-capable, there could be no voice option. As these situations arise, USF-supported mobile networks that provide GSM and CDMA voice service will become even more critical.

RWA looks forward to continuing to work with the Commission to determine how a support mechanism for mobile voice and broadband can be implemented efficiently, effectively, and in a timely manner. Pursuant to Section 1.1206 of the Commission's Rules, 47 C.F.R. § 1.1206, this *ex parte* presentation is being filed electronically with the Office of the Secretary.

Respectfully submitted,

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