

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
Connect America Fund)	WC Docket No. 10-90
A National Broadband Plan for Our Future)	GN Docket No. 09-51
Establishing Just and Reasonable Rates for Local Exchange Carriers)	WC Docket No. 07-135
High-Cost Universal Service Support)	WC Docket No. 05-337
Developing an Unified Intercarrier Compensation Regime)	CC Docket No. 01-92
Federal-State Joint Board on Universal Service)	CC Docket No. 96-45
Lifeline and Link-Up)	WC Docket No. 03-109
Universal Service Reform – Mobility Fund)	WT Docket No. 10-208

OPPOSITION OF THE



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SUMMARY

With any undertaking as momentous and complicated as universal service reform there will be unintended consequences and implementation difficulties for the Commission to address and remedy. Such matters, however, should be distinguished from efforts by parties to reargue fundamental substantive decisions made by the Commission, which involved trade-offs and balancing between and among competing interests to arrive at policies consistent with the public interest. These matters, even if presented with material new facts, should be considered in the context of the original decision and the valid issues and concerns raised by other parties.

In this Opposition, the American Cable Association (“ACA”) submits comments on parts of petitions for reconsideration of the Connect America Fund Order (“*Order*”) by the United States Telecom Association (“USTA”), the Wireless Internet Service Providers Association, and the Independent Telephone & Telecommunications Alliance (“ITTA”). While these petitioners raise in part legitimate matters for reconsideration, some of the solutions proposed do not reflect, or are inconsistent with, the goals of the *Order*. ACA’s concerns and proposed solutions to these concerns are as follows:

- USTA requests that there should not be a flash cut withdrawal of Phase I legacy voice support when a reverse auction winner other than the price cap carrier begins to receive Phase II broadband support. ACA agrees this flash cut may pose a problem for consumers if the recipient of CAF funding cannot immediately provide service to them. However, USTA’s proposal that the Commission reduce support for the price cap carrier over a five year period would badly skew the competitive landscape. Further, it would cause the Commission to breach its budget. ACA, instead, submits that, consistent with the Commission’s aims, price cap carriers should continue to receive Phase I legacy voice funding in a census block only until it is determined that the census block is served by unsupported competition, an auction winner begins providing service to a majority of the locations in the census block, or a Remote Areas Fund recipient begins to provide service in the very high-cost area.

- In its comments on the *Further Notice of Proposed Rulemaking* (“FNPRM”), ACA urged the Commission to take control of a nationwide ETC designation and obligation process to attract the greatest number of bidders and efficiently utilize limited broadband funds. The USTA Petition raises additional pressing concerns regarding the implications of the *Order* for ETCs, which reinforce the urgent need for the Commission to preempt the states’ role with respect to ETC designation and obligations to facilitate the transition to high-cost support for broadband. Clearly, if it is going to efficiently and effectively manage the CAF support distribution process on a competitively neutral basis, the Commission should find that the current policy with respect to ETCs no longer serves the public interest. ACA urges that the Commission take this step either in the context of the USTA Petition or the *FNPRM*.
- USTA urges the Commission to “clarify that delays resulting from circumstances beyond an ETC’s control will toll any CAF broadband build-out deadlines established in the Order.” Although ACA agrees that such unforeseen delays warrant waivers, the USTA proposal needs to be limited. Limited waivers of the penetration deadlines are not unreasonable if sufficient proof of the problem is provided, as well as evidence that the supported carrier exercised diligence to address the issue. However, such limited waivers should only apply to interim deployment coverage deadlines during the five year term of support. The Commission should not grant a waiver or extension of the five year term since this would undermine the potential to ensure support is awarded efficiently and performance requirements meet relevant market conditions. Instead, the Commission should determine at the end of the five year term whether providing adequate broadband service to any locations not served by the support recipient will require further support (*e.g.* an unsubsidized competitor can offer service meeting the Commission’s performance obligations), and, if so, what is the best competitive method to provide any additional needed support (*e.g.* auctions, vouchers).
- The petition filed by the ITTA asserts that the National Broadband Map (“NBM”) is inaccurate and therefore parties should be given the opportunity to rebut its determinations with respect to areas that have broadband service. ACA agrees that the process for determining whether areas are unserved should be transparent and based on accurate, current evidence. Therefore, the Commission should allow all parties an opportunity to comment on the areas defined as served by the NBM for purposes of CAF Phase I support. ACA agrees with ITTA that if a party or parties can demonstrate that an area designated as served by the NBM is in fact unserved, then it should be eligible for incremental CAF support. Contrarily, if a party or parties can demonstrate that an area identified as unserved by the NBM is actually served, then no support should be awarded.

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**OPPOSITION OF
THE AMERICAN CABLE ASSOCIATION**

The American Cable Association (“ACA”), by its attorneys and pursuant to Section 1.429(f) of the Federal Communications Commission’s (the “Commission’s”) rules, respectfully submits its opposition to parts of several petitions for reconsideration of the Connect America Fund Order.¹ While several petitioners have raised legitimate matters for reconsideration, some of the solutions proposed do not reflect, or are inconsistent with, the goals

¹ See *Connect America Fund; A National Broadband Plan for Our Future; Establishing Just and Reasonable Rates for Local Exchange Carriers; High-Cost Universal Service Support; Developing a Unified Intercarrier Compensation Regime; Federal-State Joint Board on Universal Service; Lifeline and Link Up; Universal Service Reform – Mobility Fund*; WC Docket Nos. 10-90, 07-135, 05-337, 03-109, CC Docket Nos. 01-92, 96-45, GN Docket No. 09-51, WT Docket No. 10-208, Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161 (rel. Nov. 18, 2011) (“*Order*”).

of the *Order* and, as a result, should be rejected or amended as ACA sets forth in these comments.²

I. INTRODUCTION

With any undertaking as momentous and complicated as universal service reform there will be unintended consequences and implementation difficulties for the Commission to address and remedy. Such matters, however, should be distinguished from efforts by parties to reargue fundamental substantive decisions made by the Commission, which involved trade-offs and balancing between and among competing interests to arrive at policies consistent with the public interest. These matters, even if presented with material new facts, should be considered in the context of the original decision and the valid issues and concerns raised by other parties.

More specifically, the *Order* adopted an overall framework for the distribution of Connect America Fund (“CAF”) support, based on principles of efficiency and competitive neutrality. In addressing many of the issues raised by petitioners, the Commission should act consistently with this framework. As the Commission set forth in the *Order* with respect to support for broadband in territories of price cap local exchange carriers,

In determining how best to award CAF support in price cap areas, we carefully weighed the risks and benefits of alternatives, including using competitive bidding everywhere, without first giving incumbent LECs an opportunity to enter a state-level service commitment. We conclude that, on balance, the approach we adopt will best ensure continued universal voice service and speed the deployment of broadband to all Americans over the next several years, while minimizing the burden on the Universal Service Fund.³

² ACA addresses herein the petitions filed by the United States Telecom Association, the Wireless Internet Service Providers Association, and the Independent Telephone & Telecommunications Alliance.

³ *Order*, ¶ 174.

ACA urges the Commission not to reopen or reconsider matters that were already carefully contemplated and decided, or make changes to the *Order* that would fundamentally alter the balance that was struck. Rather, the Commission should focus at this time on clarifying or addressing problems that, absent Commission action, impede the regime's implementation or raise critical concerns, especially for consumers, clearly unforeseen at the time the *Order* was adopted. The best resolution of those issues should be consistent with the principle of a transition to competitive processes embodied in the *Order*.

II. THE COMMISSION SHOULD ADDRESS USTA'S CONCERN ABOUT THE TRANSITION FROM PHASE I TO PHASE II FUNDING IN PRICE CAP TERRITORIES, BUT SHOULD NOT ADOPT ITS PROPOSAL BECAUSE IT WOULD RESULT IN EXCESSIVE LEGACY FUNDING FOR PRICE CAP CARRIERS AND WOULD STRAIN THE CAF BUDGET

The United States Telecom Association ("USTA") requests that there should not be a flash cut withdrawal of Phase I legacy voice support when a reverse auction winner other than the price cap carrier begins to receive Phase II broadband support. ACA agrees this flash cut may pose a problem for consumers if the recipient of CAF funding cannot immediately provide service to them. However, USTA's proposal that the Commission reduce support for the price cap carrier over a five year period would badly skew the competitive landscape. Further, it would cause the Commission to breach its budget. Instead, ACA proposes a method whereby the Commission can save CAF dollars by more promptly withdrawing legacy support in areas served by unsupported competitors to bridge the funding gap identified by USTA.

A. USTA Has Identified a Valid Issue Regarding the Transition From Phase I to Phase II Funding in Price Cap Territories

In its petition, the USTA argues that the *Order* does not adequately provide for a smooth transition from Phase I legacy voice support for price cap carriers to Phase II broadband

support if those price cap carriers decline the state-level commitment and do not receive support by winning the reverse auction.⁴ In that case, the price cap carrier immediately loses Phase I support when the winner of the competitive bidding process begins to receive support under Phase II.⁵ The concern is that the winner of Phase II support may not be actually providing service when it begins to receive support, and there will be a gap while the auction winner builds out its network to serve the locations in the area.

More specifically, under the Commission's proposal, auction winners are required to provide adequate broadband service to 85 percent of the locations in their service area by the end of the third year.⁶ Based on the experiences of its members who have deployed broadband networks, ACA has proposed requiring auction winners to provide service to 95 percent of locations in the service area by the end of the second year of support.⁷ Under either proposal, there is a gap before the auction winner will provide broadband service to the vast majority of locations⁸ and USTA is correct that high-cost funding should be continued in areas where there may be a substantial loss of service.

⁴ See Petition for Reconsideration of the United States Telecom Association, WC Docket No. 10-90 et al. at 5-8 (filed Dec. 29, 2011) ("USTA Petition").

⁵ *Id.* at 5 and *Order*, ¶ 180.

⁶ See *Order*, ¶¶ 1207, 160.

⁷ See Comments of the American Cable Association, WC Docket No. 10-90 et al. at 13, 33 (filed Jan. 18, 2012) ("ACA FNPRM Comments").

⁸ This period could be longer dependent on waivers granted due to circumstances beyond the supported carrier's control, such as local zoning and permitting delays. See *infra* Section IV.

B. The Commission Should Address the Transition Problem Identified in a Manner That More Promptly Eliminates Support in Areas with Unsupported Competition and Takes Advantage of the Efficiencies to be Gained By the Competitive Bidding Process Designed for Phase II

USTA's proposal to address this transition concern is to continue providing Phase I legacy voice support to price cap carriers and phase it down over five years. As such, price cap carriers would continue to receive legacy support, albeit at a diminishing level, either in areas where unsupported competition exists or where they have elected not to serve on a state-wide basis, they did not win support through a competitive bidding process, and another provider receiving support offers voice service. Consequently, the USTA proposal is contrary to the Commission's goals, providing excessive and unwarranted legacy USF high-cost support rather than moving forward toward the more efficient and competition-driven process for the CAF set out in the *Order*. Further, it would strain the CAF budget because it fails to propose a way to pay for it under the strict CAF budget. ACA, instead, submits the following proposal, consistent with the Commission's aims: price cap carriers should continue to receive Phase I legacy voice funding in a census block only until it is determined that the census block is served by unsupported competition, an auction winner begins providing service to a majority of the locations in the census block, or a Remote Areas Fund recipient begins to provide service in the very high-cost area.

1. Consistent with the Order’s Objectives of Distributing Funds Efficiently and in a Competitively Neutral Manner, Legacy Support Should Be Withdrawn Immediately Upon Completion of the Cost Model in Areas with Unsupported Competition

The Commission has endeavored to develop a forward-looking cost model to identify areas eligible for support by the end of this year.⁹ ACA has proposed that, at the same time, the Commission should develop, and seek comment on, a list of areas that are served by unsupported competition.¹⁰ When that cost model has been completed and the list of census

⁹ See Order, ¶¶ 167, 171.

¹⁰ See *id.*, ¶ 171 and ACA FNPRM Comments at 9-11 (proposing that the Commission release a Public Notice proposing the list of unserved census blocks with sufficient time for comment before it establishes a final list of unserved high-cost census blocks by the end of 2012). The Commission is following a similar model with respect to the \$300 million incremental support by seeking comment from the public to aid in determining the support amounts and the appropriate eligible wire centers. See *Wireline Competition Bureau Seeks Comment on Potential Data for Connect America Fund Phase One Incremental Support*, WC Docket Nos. 10-90, 05-337, Public Notice DA 12-137 (rel. Feb. 6, 2012).

The determination of whether unsupported competition exists has been raised by ACA in its comments on the *FNPRM* and others, including in the petition filed by the Wireless Internet Service Providers Association (“WISPA”). See *Petition for Partial Reconsideration of the Wireless Internet Service Providers Association*, WT Docket No. 10-90 et al. (filed Dec. 29, 2011). ACA agrees with WISPA that any area with unsupported competition provided by one or more competitors should not receive CAF support. See *id.* at 7. Consistent with ACA’s comments on the *FNPRM* (at 9-11), an “area subject to unsubsidized competition” should be defined as a census block where facilities-based providers of fixed voice and broadband service not receiving high-cost support offer service to at least a majority of service locations in the census block. The broadband service must provide broadband service at speeds of at least 4 Mbps downstream and 1 Mbps upstream.

The incumbent likely provides broadband service to all locations and must react to either competition from a single competitor that serves a majority of locations and is seeking greater market share or several competitors that serve a substantial number of locations and are also looking to increase market share. Rather than wasting the limited funds supporting an incumbent to the detriment of competitors, the Commission should force the incumbent to compete to keep its market share. In other words, as long as consumers have options for broadband service, it is unimportant whether the competition is provided

blocks where unsupported competition exists is final (ideally at the end of this year at the latest), the Commission should immediately withdraw Phase I legacy support for census blocks where there is unsupported competition. ACA recognizes that legacy support may be withdrawn a short time later when the price cap carrier makes a state-wide election. However as ACA and others have advocated, providing funding where unsupported competition exists not only wastes scarce resources but undermines the existence and development of competitive alternatives. Therefore, the Commission should withdraw that support as soon as it has a method for doing so. Additionally, the Commission should adopt ACA's proposal because a price cap carrier may not choose to provide service in its study areas throughout a state, in which case legacy funding would be provided for a substantial time longer in areas where there is unsubsidized competition.

ACA recognizes that Phase I legacy support is for voice service and is based on a price cap carrier's study area, whereas Phase II broadband support will be based on the broadband cost model and census blocks or census tracts. However, the Commission is employing a "simplified" methodology to award supplemental Phase I funding to price cap carriers,¹¹ and, with the development of the broadband cost model and list of census blocks with unsubsidized competition, it has the tools to act to address this policy concern. The Commission should first identify the census blocks in a study area that are served by unsupported competition and the amount of support the broadband cost model determines should be provided to these census blocks. It then should divide this amount by the total amount of broadband support the cost model determines should be provided to the study area, and then reduce the price cap carrier's legacy Phase I voice support by that percentage. For example, if a price cap LEC

by a single competitor or a number of competitors. In either circumstance, CAF support is not necessary in that location and such funding would be wasteful.

¹¹ See *Order*, ¶ 134.

receives legacy voice support for a study area, and the Commission determines that census blocks served by unsupported competition account for 40 percent of the Phase II broadband support in the study area, then the Commission should withdraw 40 percent of the price cap LEC's legacy voice support in that study area.

Absent an amendment to the rules, the Commission would continue to provide legacy voice support to price cap carriers in areas where no support is necessary because there is unsupported competition well after the cost model is released and until the reverse auction is held, a winner is chosen, its long-form application is approved and it begins receiving support. Under ACA's proposal, the Commission will begin saving the fund money as soon as the forward-looking cost model is released, and those savings can be used to bridge the gap identified by USTA (*i.e.*, the need for a additional Phase I legacy funding between the time when a Phase II recipient first receives funding and when it begins actually providing service.)

2. The Commission Should Withdraw Phase I Support Immediately Once the Auction Winner Begins Offering Service to Most Locations in a Census Block

The second part of ACA's proposal is that as soon as a non-price cap carrier recipient of Phase II support begins offering service to most locations in a census block, Phase I support for the price cap carrier should be ended since consumers in that area will have access to broadband service. The Commission should implement this proposal by requiring, each quarter, that Phase II support recipients provide it with certified information regarding the census blocks where broadband facility construction has been completed and the census blocks where facilities are being constructed, and will be completed before the next quarterly report, which will give Phase I support recipients notice regarding census blocks where their funding is likely to be withdrawn next. The Commission can then use this information to determine each quarter in

which census blocks most locations are offered service by Phase II support recipients and cease Phase I support payments accordingly.¹²

3. The Commission Should Withdraw Phase I Support Immediately After a Remote Areas Fund Recipient Begins Providing Service

Price cap carriers should continue to receive Phase I funding in remote census blocks in their study areas until the Commission determines which areas are considered very high-cost and how it will competitively allocate the Remote Areas Fund support (*e.g.*, vouchers or competitive bidding), and a funding recipient begins providing service in an area. As with high-cost areas served by non-price cap providers receiving support, the provider designated for support should file certified information quarterly to the Commission which includes the census blocks in which broadband has been offered, and the census blocks where broadband will be offered by the next quarterly report.

Although USTA identified a legitimate concern regarding the transition from Phase I to Phase II funding in areas where price cap carriers decline to make a state level commitment, the Commission should not solve the problem by reverting back to the *status quo* for high-cost support. Instead, consistent with the focus in the *Order* on a transition to competitive processes for distribution of support, the Commission should only provide continuing Phase I support in areas where it is necessary before Phase II support recipients begin providing service. ACA submits that its proposals best meets these criteria.

¹² Because the recipient is providing certified information and would be subject to a penalty for providing inaccurate information, the Commission does not need to seek comment on the submission.

III. THE COMMENTERS AGREE THAT IT IS TIME THAT THE COMMISSION TAKE CONTROL OF THE ETC DESIGNATION PROCESS TO EFFICIENTLY AND EFFECTIVELY MANAGE THE CAF PROCESS

In its comments on the *FNPRM*, ACA urged the Commission to take control of a nationwide ETC designation and obligation process to attract the greatest number of bidders and efficiently utilize limited broadband funds.¹³ The USTA Petition raises additional pressing concerns regarding the implications of the *Order* for ETCs, which reinforce the urgent need for the Commission to preempt the states' role with respect to ETC designation and obligations to facilitate the transition to high-cost support for broadband. It is time for the Commission to find that the current policy with respect to ETCs no longer serves the public interest.

First, as USTA points out, the Commission's new policy is to provide CAF support to a single provider in each service area (which ACA supports)¹⁴; thus only one carrier can be "eligible" for support.¹⁵ USTA argues that therefore it would be bad policy and a violation of Section 214 of the Communications Act for ETC service obligations to continue for unsupported carriers.¹⁶ ACA agrees. Further, with respect to Phase II funding, if only one carrier can possibly be "eligible" for support, only the carrier that wins the reverse auction need apply for ETC status. Other carriers should not be required to apply for or continue to hold ETC designation and take on obligations if they are not going to be supported.

Second, USTA highlights the fact that states cannot impose ETC conditions on the provision of broadband consistent with Section 214(e)(2) because the Commission did not

¹³ See ACA FNPRM Comments at 17-20.

¹⁴ See *id.* at 7.

¹⁵ See USTA Petition at 11-12.

¹⁶ *Id.* at 12.

make broadband a supported service.¹⁷ ACA likewise argued in its comments on the *FNPRM* that the Commission is free to assert control over the ETC designation process with respect to broadband because the Section 214(e) ETC designation process applies only to telecommunications services.¹⁸ Since broadband is not a telecommunications service and the Commission did not make it a supported service pursuant to Section 254(c)(1), the states do not have jurisdiction over broadband services provided by existing ETCs or future recipients of CAF support.

Finally, USTA urges the Commission to clarify that states may only exercise limited authority to impose obligations on ETC voice telephony services if they fully fund the obligations.¹⁹ ACA also argued in its comments that states should be required to fully fund any ETC obligations imposed on the ancillary voice component of ETC's broadband infrastructure.²⁰ USTA and ACA agree that unfunded state obligations would "rely on or burden Federal universal service support mechanisms" in violation of Section 254(f).²¹

USTA's concerns confirm that, whether it is in the context of the USTA Petition or the *FNPRM*, the Commission must resolve to take control of the ETC designation and obligation process if it is going to efficiently and effectively manage the CAF support distribution process.

¹⁷ See *id.* at 24-25.

¹⁸ See ACA *FNPRM* Comments at 24.

¹⁹ See USTA Petition at 25.

²⁰ See ACA *FNPRM* Comments at 25-26.

²¹ See *id.* and USTA Petition at 25.

IV. THE COMMISSION SHOULD GRANT LIMITED WAIVERS OF THE DEPLOYMENT DEADLINES FOR DELAYS BEYOND THE SUPPORTED CARRIER'S CONTROL

USTA urges the Commission to “clarify that delays resulting from circumstances beyond an ETC’s control will toll any CAF broadband build-out deadlines established in the Order.”²² Such delays, according to USTA, include “inevitable construction delays caused by local zoning, permitting authorities, and the like.”²³ Although ACA agrees that such unforeseen delays warrant waivers, the USTA proposal needs to be limited. ACA asserted in its comments on the *FNPRM* that the Commission should grant limited waivers of the initial two year deployment deadline for delays due to government right of way or other permits or authorization.²⁴

Limited waivers of the penetration deadlines are not unreasonable if sufficient proof of the problem is provided, as well as evidence that the supported carrier exercised diligence to address the issue. However, such limited waivers should only apply to interim deployment coverage deadlines during the five year term of support. The Commission should not grant a waiver or extension of the five year term since this would undermine the potential to ensure support is awarded efficiently and performance requirements meet relevant market conditions. Instead, the Commission should determine at the end of the five year term whether providing adequate broadband service to any locations not served by the support recipient will require further support (*e.g.* an unsubsidized competitor can offer service meeting the

²² USTA Petition at 26.

²³ *Id.* at 27.

²⁴ *See* ACA *FNPRM* Comments at n.25, 74.

Commission’s performance obligations), and, if so, what is the best competitive method to provide any additional needed support (*e.g.* auctions, vouchers).²⁵

V. ALL INTERESTED PARTIES SHOULD BE GIVEN AN OPPORTUNITY TO COMMENT ON THE ACCURACY OF THE AREAS ELIGIBLE FOR PHASE I SUPPORT AS SET FORTH IN THE NATIONAL BROADBAND MAP

The petition filed by the Independent Telephone and Telecommunications Alliance (“ITTA”) asserts (and provides evidentiary support for its assertion) that the National Broadband Map (“NBM”) is inaccurate and therefore parties should be given the opportunity to rebut its determinations with respect to areas that have broadband service.²⁶ Specifically, ITTA believes the map “overstates the service areas where fixed broadband at the required speeds is available.”²⁷ ITTA urges the Commission to allow parties to provide reasonable evidence that an area is unserved in order to receive CAF Phase I support in that area.²⁸

ACA agrees that the process for determining whether areas are unserved should be transparent and based on accurate, current evidence. On a similar matter, the Commission has proposed that, for purposes of Phase II support, it will allow parties to comment on the proposed list of areas that are served by an unsupported carrier.²⁹ ACA continues to believe that seeking public input on such matters will allow the Commission to provide support accurately and efficiently. Therefore, the Commission should allow all parties an opportunity to comment on the areas defined as served by the NBM for purposes of CAF Phase I support. ACA agrees with

²⁵ See *id.* at 13-14.

²⁶ See Petition for Reconsideration of the Independent Telephone and Telecommunications Alliance, WC Docket No. 10-90 et al. (filed Dec. 29, 2011) (“ITTA Petition”).

²⁷ See *id.* at 4.

²⁸ See *id.* at 5.

²⁹ See Order, ¶ 171.

ITTA that if a party or parties can demonstrate that an area designated as served by the NBM is in fact unserved, then it should be eligible for incremental CAF support. Contrarily, if a party or parties can demonstrate that an area identified as unserved by the NBM is actually served, then no support should be awarded.

VI. CONCLUSION

Several petitioners have raised legitimate matters for reconsideration, but, in certain instances, the solutions proposed should be improved to reflect the goals of the *Order*. In the *Order*, the Commission struck a balance and set the nation on a course toward more efficient distribution of support for broadband deployment based on competitive principles. It should not now reconsider matters that were already carefully contemplated and decided, or make changes to the *Order* that would fundamentally alter the balance that was struck. Rather, the Commission should focus at this time on clarifying or addressing problems that, absent Commission action, impede the regime's implementation or raise critical concerns, especially for consumers, clearly unforeseen at the time the *Order* was adopted.

The best resolution of these issues should be consistent with the principle of a transition to competitive processes embodied in the *Order*.

Respectfully submitted,



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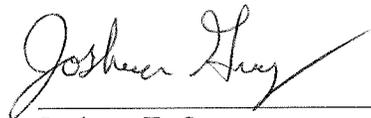
Certificate of Service

I, Joshua T. Guyan, hereby certify that on this 9th day of February, 2012, I caused a copy of the foregoing Opposition of the American Cable Association to be served by USPS First Class Mail on the following:

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