

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

In the Matter of)	
)	
Universal Service Contribution Methodology)	WC Docket No. 06-122
)	
A National Broadband Plan for Our Future)	GN Docket No. 09-51
To: The Commission		

**COMMENTS OF
THE WIRELESS INTERNET SERVICE PROVIDERS ASSOCIATION**

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Summary

The Wireless Internet Service Providers Association (“WISPA”) submits these Comments to strongly oppose the Commission’s proposal to require standalone fixed broadband providers to contribute to the Universal Service Fund (“USF”), even though they are legally prohibited from receiving any USF subsidies and could potentially be subsidizing a direct broadband competitor.

The Communications Act of 1934, as amended (the “Act”), bars the Commission from imposing USF contribution requirements on entities, such as fixed wireless Internet service providers (“WISPs”), that are not “telecommunications carriers.” The Commission concluded in 2007 that wireless broadband access services are “information services.” The Commission therefore has no express statutory authority to require standalone wireless broadband providers to contribute to USF.

Likewise, the Commission lacks “permissive” authority to require USF contributions from broadband service providers. Unlike interconnected VoIP service providers, which are required to pay in to USF, broadband providers are not “any other provider[s] of telecommunications” because they do not interconnect with the PSTN and do not provide voice services via a substitute technology. Moreover, the public interest does not “require” broadband providers to contribute to USF and such a requirement would contravene, not advance the efficiency, fairness and sustainability objectives of this proceeding or the more general goals of USF transformation. Requiring small fixed wireless broadband providers to help subsidize larger telecommunications carriers would be patently unfair. This scheme would be even more unfair if those contributions were

used to fund a direct competitor to the local WISP, which may find it difficult to remain in business.

If the Commission nonetheless contravenes its authority and imposes contribution obligations on standalone broadband providers, the Commission should adopt two exemptions. *First*, revenues subject to USF contribution requirements should categorically exclude any revenues derived from broadband service to customers located in areas where other broadband providers are eligible for Connect America Fund support. Standalone broadband providers should not be required to indirectly subsidize their competitors in an area where the competitor receives CAF subsidies. *Second*, revenues subject to USF contribution requirements should be limited to only those revenues attributable to the interstate, “telecommunications” portion of the broadband Internet access service, not to the broadband service as a whole.

To the extent the Commission does not adopt these exemptions, it should raise the threshold for the *de minimis* exception to account for the increased administrative burdens that small broadband providers would be forced to incur in order to help subsidize larger telecommunications carriers. Specifically, the Commission should exclude providers with annual receipts from broadband services of less than \$7 million, the small business definition favored by the Small Business Administration. The Commission also should permit broadband providers to pass through to its customers the actual revenues and administrative costs attributable to the amount of the broadband provider’s contribution obligation.

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The Wireless Internet Service Providers Association (“WISPA”), pursuant to Section 1.415 of the Commission’s Rules, hereby submits these Comments on certain aspects of the Further Notice of Proposed Rulemaking (“*FNPRM*”) in the above-referenced proceeding.¹ As a threshold matter, there are serious questions regarding the Commission’s statutory authority to require standalone broadband providers – which are not eligible to receive Universal Service Fund (“USF”) or Connect America Fund (“CAF”) support – to contribute to USF. Even assuming the Commission has such authority, it would be contrary to the public interest and the objectives of this proceeding for the Commission to impose contribution obligations on standalone broadband providers. Doing so would lead to higher monthly service fees, which would discourage broadband adoption and would potentially require a broadband provider to fund the government’s subsidy to the contributor’s competitor. Accordingly, the Commission should reject its proposal to require USF contributions from broadband Internet access providers.

¹ *Universal Service Contribution Methodology; A National Broadband Plan for Our Future*, Further Notice of Proposed Rulemaking, Docket Nos. 06-122 & 09-51, FCC 12-46 (rel. Apr. 30, 2012) (“*FNPRM*”).

Introduction

In the proceedings designed to transform USF into a program that accelerates broadband deployment, WISPA has filed pleadings consistent with its position that USF funds must not be used to subsidize carriers in areas where unsubsidized fixed broadband providers are delivering service.² WISPA's positions on critical aspects of USF reform recognize the valuable services provided by the many wireless Internet service providers ("WISPs") that deliver unsubsidized fixed broadband services to many rural areas that would not otherwise receive those services. To ensure that subsidies flow only to high-cost areas that are not served by unsubsidized competitors, WISPA has asked the Commission to amend its rules so that separate companies can provide voice and broadband services in a given area without that area being deemed eligible for CAF Phase II support.³ Further, to enable broadband providers to serve areas that are not subsidized, WISPA has asked that CAF recipients be required to allow "self-provisioning" entities to interconnect to the funded network so that nearby unserved high-cost communities can deploy their own networks.⁴ WISPA also provided comments on the structure of the Remote Areas Fund and criteria for participation in the program.⁵

In this proceeding, the Commission unfortunately threatens to scuttle the benefits of a rational CAF program by proposing a fundamentally unfair regime: standalone broadband providers would be *required* to contribute to universal service but would remain *ineligible* from qualifying to receive universal service subsidies. WISPA questions the Commission's statutory

² See WISPA's Petition for Partial Reconsideration, *In the Matter of Connect America Fund*, WC Docket No. 10-90, *et al.*, filed Dec. 29, 2011 ("WISPA Recon Petition"), at 4-8; WISPA's Comments, *In the Matter of Connect America Fund*, WC Docket No. 10-90, *et al.*, filed Jan. 18, 2012 ("WISPA Comments"), at 17-18.

³ See WISPA Recon Petition at 4-8.

⁴ See WISPA Comments at 5-7.

⁵ See *id.* at 8-15.

authority to impose this burden. Even if the Commission has such authority, however, exercising it here would be fundamentally unfair and contrary to the Commission's stated objectives of this proceeding. In fact, if the definition of "unsubsidized competitor" is not changed as WISPA has requested, contributions from broadband providers could be used to fund a CAF recipient that competes directly with the contributing broadband provider, a result that would contravene logic and would unnecessarily threaten the financial viability of small business WISPs that do not – and cannot – rely on federal subsidies to serve consumers.

Discussion

Under the Communications Act of 1934, as amended (the "Act"), the Commission is charged with promoting the deployment of information services such as broadband.⁶ The Commission estimates that 18 million Americans lack access to fixed residential broadband in areas served by price cap carriers,⁷ and millions of others cannot receive adequate service in other areas of the country.⁸ Even more consumers and businesses would lack fixed broadband access if WISPs had not made innovative use of unlicensed spectrum to provide *unsubsidized* service to rural and remote areas. In areas where WISPs compete with larger wireline

⁶ Section 254(b)(3) of the Act, 47 U.S.C. §254(b)(3), states that: Consumers in all regions of the Nation, including low-income consumers and those in rural, insular, and high cost areas, should have access to telecommunications *and information services*, including interexchange services and advanced telecommunications *and information services*, that are reasonably comparable to those services provided in urban areas and that are available at rates that are reasonably comparable to rates charged for similar services in urban areas." (Emphases added.) See also Section 254(b)(7) of the Act, which states that the Commission shall base its policies on "[s]uch other principles as the Joint Board and the Commission determine are necessary and appropriate for the protection of the public interest, convenience, and necessity and are consistent with this Act."

⁷ See *Connect America Fund*, WC Docket No. 10-90, *et al.*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663 (2011) ("*USF/ICC Transformation Order and FNPRM*"), at ¶ 4.

⁸ The National Broadband Plan estimated that 14 million people in the United States lack access to terrestrial broadband infrastructure capable of meeting a broadband availability target of 4 Mbps of actual download speed and 1 Mbps of actual upload speed. See National Broadband Plan at §8.1. The Commission recently issued a report finding that 68% of reportable Internet access service connections, or 140.3 million connections, in June 2011 "were too slow in both the downstream and upstream directions, or too slow in a single direction, to meet the broadband availability benchmark adopted in the *Sixth Broadband Deployment Report* [*i.e.*, 3 mbps and 5 mbps for downstream speeds and 768 kbps and 1.5 mbps for upstream speeds]." See "Internet Access Services: Status as of June 30, 2011," Industry Analysis and Technology Division, Wireline Competition Bureau (rel. June 15, 2012), at 2, 7.

companies, competing telecommunications carriers sometimes receive huge subsidies that are used to fund voice networks that also provide fixed broadband services.

In this proceeding, the Commission seeks to broaden the pool of contributors to USF in order to promote efficiency, fairness and sustainability of the subsidy program.⁹ Among other things, the *FNPRM* seeks comment on its plan to include standalone fixed broadband providers in its contribution pool.

I. THE COMMISSION LACKS STATUTORY AUTHORITY TO REQUIRE STANDALONE BROADBAND INTERNET ACCESS PROVIDERS TO CONTRIBUTE TO THE UNIVERSAL SERVICE FUND.

The Commission lacks statutory authority to impose USF contribution requirements on broadband Internet access services, including those provided by WISPs, that are not “telecommunications.” Section 254(c)(1) of the Act¹⁰ mandates USF contributions from “every telecommunications carrier”¹¹ and allows the Commission to require contributions from “any other provider of interstate telecommunications... if the public interest so requires.”¹² As described herein, entities like WISPs that provide *only* broadband Internet access services are *not* telecommunications carriers, and the public interest does not otherwise require contributions from them.

⁹ See *FNPRM* at ¶¶ 23-25.

¹⁰ The Act provides that “every telecommunications carrier that provides interstate telecommunications services shall contribute, on an equitable and nondiscriminatory basis, to the specific, predictable, and sufficient mechanisms established by the Commission to preserve and advance universal service. . . . Any other provider of interstate telecommunications may be required to contribute to the preservation and advancement of universal service if the public interest so requires.” 47 U.S.C. §254(c)(1).

¹¹ The Act defines “telecommunications carrier” as “any provider of telecommunications services, except that such term does not include aggregators of telecommunications services.” 47 U.S.C. §153(44).

¹² See above footnotes for the Act’s definitions of “telecommunications service” and “telecommunications.”

A. The Act Prohibits USF Contributions From Entities That Are Not Telecommunications Carriers.

By definition and interpretation, businesses providing only broadband access services are not “telecommunications carriers” under the Act.¹³ The Act defines a “telecommunications carrier” as “any provider of telecommunications services,”¹⁴ defined as “the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.”¹⁵ “Telecommunications,” in turn, refers to “the transmission, between or among points specified by the user, of information of the user’s choosing, without change in the form or content of the information as sent and received.” By contrast, an “information service” is “the offering of capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications, and includes electronic publishing, but does not include any use of any such capability for the management, control, or operation of a telecommunications system or the management of a telecommunications service.”¹⁶

In its 2007 *Wireless Declaratory Ruling*, the Commission determined that wireless broadband access services are “information services” with a “telecommunications” component, but expressly are not “telecommunications services”¹⁷ or “cable services.”¹⁸ As a result, Section

¹³ 47 U.S.C. §151, *et seq.*

¹⁴ 47 USC §153(51).

¹⁵ 47 U.S.C. §153(46, 43).

¹⁶ 47 U.S.C. §153 (24).

¹⁷ See *Appropriate Regulatory Treatment for Broadband Access to the Internet Over Wireless Networks*, Declaratory Ruling, WT Docket No. 07-53 (rel. Mar. 23, 2007) (“*Wireless Declaratory Ruling*”).

¹⁸ In 2002, the Commission determined that *cable modem Internet service* is neither a “telecommunications service” nor a “cable service.” Instead, like wireless broadband service, the Commission classified it as an “information service” with a telecommunications component. *In re High-Speed Access to the Internet Over Cable and Other Facilities*, 17 FCC Rcd 4798, 4802 (2002), *aff’d Nat’l Cable & Telecomms. Ass’n v. Brand X Internet Servs.*, 545 U.S. 967 (2005). In 2005, the Commission concluded that *wireline broadband Internet access service* (including DSL), like cable modem service, is also an information service that does not include a separate telecommunications

254(c)(1) of the Act, to the extent it mandates USF contributions from “every telecommunications carrier,” simply does not apply to broadband providers, like WISPs, that do not offer telecommunications. Consistent with this interpretation, the Commission concluded that the offering of the telecommunications transmission component as part of a functionally integrated Internet access service offering – such as broadband services provided by WISPs – is not “telecommunications service” under the Act. The Commission therefore lacks explicit statutory authority to impose contribution obligations on standalone broadband providers.

B. The Public Interest Does Not Require Contributions From Broadband Providers.

Given the lack of explicit statutory authority, the Commission asks whether it has permissive authority to require USF contributions from broadband service providers.¹⁹ For the Commission to exercise such authority here, it must first draw the novel conclusion that a standalone broadband provider is “any other provider of telecommunications” pursuant to Section 254(c)(1) of the Act. This interpretation would contravene the *Wireless Declaratory Ruling* and would undermine definitive precedent, to the detriment of fixed broadband providers that would suffer the burdens of contribution without obtaining any of the potential benefits.

The Commission’s prior reliance on its “permissive authority” does not support its imposition here. In 2006, the Commission determined that interconnected VoIP service providers fell within the definition of “any other provider of telecommunications” and thus would be required to contribute to USF,²⁰ a determination later upheld on appeal.²¹ In the context of permissive authority, the D.C. Circuit found that the Commission’s permissive

service. See *Appropriate Framework for Broadband Access to the Internet over Wireline Facilities*, 20 FCC Rcd 14853 (2005), *aff’d Time Warner Telecom, Inc., et al. v. FCC*, 507 F.3d 205 (3d Cir. 2007).

¹⁹ See FNPRM at ¶ 38.

²⁰ See *Universal Service Contribution Methodology*, 21 FCC Rcd 7518 (2006).

²¹ *Vonage Holdings Corp. v. FCC*, 489 F.3d 1232 (D.C. Cir. 2007).

contribution authority extends to “provider[s] of interstate telecommunications.” The Court sided with the Commission’s determination that interconnected VoIP services provide telecommunications transmission by virtue of their interconnection with the PSTN and that accordingly, the provision of interconnected VoIP service includes the provision of telecommunications sufficient to warrant the exercise of permissive authority under Section 254(d) of the Act.

By contrast, broadband service inextricably “combine[s] the transmission of data over cable or wireline networks with computer processing, information provision, and computer interactivity, enabling end users to run a variety of Internet applications such as email, newsgroups, and interaction with or hosting of web pages.”²² The telecommunications component of a fixed broadband network is not severable, is not offered on a standalone basis and significantly, unlike interconnected VoIP, does not require interconnection with the PSTN. Interconnected VoIP is a replacement for traditional voice service and can be offered on a standalone basis, while broadband Internet is functionally integrated, bundled and traditionally offered as an information service. For these reasons, requiring contributions from broadband Internet access service providers cannot be justified based on the contribution requirement that applies to interconnected VoIP providers – a requirement grounded in interconnection with the PSTN. It would be inappropriate for the Commission to classify broadband Internet access service, as it currently does, from the *customer’s* perspective²³ while simultaneously reclassifying the service for USF contribution purposes from the *provider’s* perspective.

²² See *supra*, n.18.

²³ See *Wireless Declaratory Ruling* at ¶21 (definition of wireless broadband service and wireless broadband access service “appropriately focuses on the end user’s experience, factoring in both the functional characteristics and speed of transmission associated with the service.”)

Assuming *arguendo* the Commission can overcome this definitional obstacle, it must then determine that the public interest affirmatively “*requires*” universal service contributions from broadband providers. Even if wireline broadband Internet access “includes a provision of telecommunications,”²⁴ the public interest does not require that providers of such services contribute to USF. To the contrary, requiring broadband providers to contribute to USF would not advance the three stated objectives of this proceeding – efficiency, fairness and sustainability.²⁵ First, a system requiring contributions from broadband providers would be less efficient because it would necessarily add to the complexity of the USF system. Second, although the Commission notes the benefits of treating similar services in a similar manner,²⁶ it would be patently unfair for the Commission to impose contribution obligations on entities that do not offer voice or telecommunications services and which are statutorily prohibited from obtaining USF subsidies. The proposed contribution system would become even more unfair when considering that some broadband providers would actually be required by the Commission to subsidize their own competitors.²⁷ Third, requiring contributions from broadband providers does not necessarily make USF more sustainable. The carriers that are currently contributing to USF are generally large telecommunications carriers that can continue to afford to pay into the program, not small, local businesses like WISPs that should not bear responsibility for funding a program that provides them with no benefits. Of course, expanding eligibility for USF subsidies so that standalone broadband providers can access CAF support would enable WISPs to leverage their lower deployment costs and serve more unserved areas for fewer dollars. This change, instead of requiring unsubsidized fixed broadband providers to contribute to USF, would be a far

²⁴ *FNPRM* at ¶ 66.

²⁵ *See id.* at ¶¶ 23-25.

²⁶ *See id.* at ¶ 24.

²⁷ *See WISPA Recon Petition* at 4-8.

better way to ensure that the USF system can be sustained. All else being equal, imposing a contribution requirement on standalone fixed broadband providers would raise their costs of providing services as well as the costs to potential subscribers, thereby discouraging broadband adoption and chilling broadband investment.

Moreover, WISPA accepts Free Press' analysis that the "steady increases in the contribution factor are driven not be a declining base, but almost entirely by growth of the USF itself."²⁸ Because funding for the transformed USF programs is capped, the Commission can sustain the program without expanding the contribution pool.

The overarching public interest objectives of transforming the USF program and the specific objectives of this proceeding do not "require" the Commission to impose these costs on unsubsidized broadband providers and their customers. The Commission lacks both express and permissive authority to require standalone broadband providers to contribute to USF.

II. IF THE COMMISSION REQUIRES USF CONTRIBUTIONS FROM STANDALONE BROADBAND INTERNET ACCESS PROVIDERS, CERTAIN EXEMPTIONS SHOULD APPLY.

To the extent the Commission nevertheless determines that it has authority to impose USF contribution burdens on broadband providers as a class, the Commission should adopt specific exemptions designed to promote fairness and to stimulate broadband investment in key areas. As the Commission notes, "Section 254(d) is grounded on the principle that the contributions system should be fair for contributors."²⁹ But CAF funding, under the Commission's current standard, will be available only to areas that are not already served by an "unsubsidized competitor," defined as a "facilities-based provider of residential terrestrial fixed

²⁸ Letter from S. Derek Turner, Free Press, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 06-122 (filed Aug. 10, 2010) ("Free Press Ex Parte Letter"), at 1.

²⁹ *FNPRM* at ¶ 24.

voice *and* broadband service that does not receive high-cost support.”³⁰ This definition appears to require that both the voice and the broadband service components be provided by the same existing entity. This definition incorrectly focuses on the *company* providing the services, not on the voice and broadband *services* available in a given area.

Absent the rule change previously requested by WISPA – to state that CAF support will not be extended to any “area subject to unsubsidized competition”³¹ – the inequities will remain. Recipients of USF support are using the benefits of federal subsidies to finance broadband networks that compete in the same areas where unsubsidized fixed wireless broadband companies provide service. The inequities flowing from this flawed system create competitive disadvantages for many standalone broadband providers. As a remedy, the Commission should adopt two exemptions for providers of standalone broadband Internet access service.

First, revenues subject to contribution should categorically exclude any revenues derived from broadband service to customers located in areas where another service provider is eligible for CAF support.³² Standalone providers should not be required to indirectly subsidize their competitors in a given geographic area where the competitor is a CAF recipient. Without this exemption or the definitional change to “unsubsidized competitor” that WISPA has advocated, contributions to USF made by standalone broadband providers would be distributed to a CAF recipient that would provide competing broadband services in the same area. It is already bad enough that existing USF recipients are cross-subsidizing their broadband offerings from USF

³⁰ Emphasis added. See *In the Matter of Connect America Fund*, Erratum, WC Docket No. WC 10-90, *et al.*, at 10 (rel. Feb. 6, 2012).

³¹ WISPA proposed that the following definition be adopted:

Area subject to unsubsidized competition. An “area subject to unsubsidized competition” consists of a census block in which there is at least one facilities-based provider of terrestrial fixed voice and at least one facilities-based provider of terrestrial fixed broadband service that do not receive high-cost support. For purposes of this definition, these voice and broadband services need not be provided by the same entity.

³² These exemptions should be self-executing and should apply without further action by the Commission or by the Universal Service Administrative Company.

support intended to subsidize voice services;³³ it would be even worse if the unsubsidized competing broadband provider was actually required to be paying in to that system. Many broadband providers that are forced to transfer their unsubsidized revenues to their subsidized competitors would no doubt find it difficult, if not impossible, to remain in business, leaving consumers with no choice in where to get broadband service. The goals of fairness and sustainability require the Commission to adopt WISPA's proposed exemption, to the extent the Commission has authority to require contributions from broadband providers in the first place.

Second, revenues subject to contribution should include only those revenues attributable to the interstate, "telecommunications" portion of the broadband Internet access service, where such service may be provided, not to the broadband service as a whole. Even if broadband providers derive benefits from the transmission portion of their service (*i.e.*, via "telecommunications"), it does not follow that the broadband provider's entire service revenues should be subject to contribution. In fact, in cases where an unsubsidized broadband provider may offer voice service in addition to broadband service, the voice component may be the only component for which the Commission has authority to impose contribution.

These exemptions would promote fairness and equity by ensuring that ineligible broadband providers that do not offer "telecommunications" are not funding their competitors and that any contributions are limited to revenues attributable only to the "telecommunications" portion of the broadband service.

³³ One example of the misapplication of federal support is occurring in Western Nebraska, where Hemingford Cooperative Telephone Company is receiving funding for broadband in an area where broadband services are already provided. For a more detailed discussion, see "\$10 million USDA FAIL!," available at <http://www.wirelesscowboys.com/?p=217>.

III. TO THE EXTENT THAT THE COMMISSION REQUIRES USF CONTRIBUTIONS FROM STANDALONE BROADBAND INTERNET ACCESS PROVIDERS, THE *DE MINIMIS* EXCEPTION SHOULD BE EXPANDED.

As described above, WISPA strongly objects to any proposal that would expand USF contribution obligations to standalone broadband providers, both on statutory and public interest grounds. To the extent that such proposals are adopted and the Commission does not adopt the exemptions proposed by WISPA in Section II, the Commission should raise the threshold for the *de minimis* exception to avoid unduly straining the revenues and market opportunities for companies already providing broadband service in those rural and/or underserved areas.. In order to satisfy its contribution obligation, a broadband provider would be forced to increase the price of its service to accommodate not just the pass-through contribution amount, but also the administrative costs that would be required. Large telecommunications carriers can easily absorb the incremental cost of regulatory compliance, but small *unsubsidized* broadband companies that have never been required to participate in the USF program would be forced to pay for the expertise and time it would take to comply with the new regulations. These increased costs will make broadband access less affordable for customers, including many in those areas most in need of access services.³⁴ Further, as noted above, if the Commission retains the current definition of “unsubsidized competitor” for CAF purposes, this would place standalone broadband providers at a competitive disadvantage with funded competitors that offer voice.

With these considerations in mind, WISPA concurs with the Commission’s general proposal to key the *de minimis* exception to assessable interstate revenues, but submits that broadband providers with annual receipts from broadband services of less than \$7 million should

³⁴ See Free Press Ex Parte Letter at 2-3 (presenting a simplified economic model showing a net loss of nearly two million broadband subscribers in one scenario).

not be required to contribute. This “anchor level” is consistent with the Small Business Administration’s definition for nonmanufacturing industries³⁵ and “capture[s] the size of businesses that typically fund SBA’s financial assistance program.”³⁶

IV. IN NO EVENT SHOULD THE COMMISSION LIMIT A PROVIDER’S FLEXIBILITY TO RECOVER USF CONTRIBUTIONS DIRECTLY FROM ITS BROADBAND CUSTOMERS.

The Commission seeks comment “on whether we should limit the flexibility currently afforded contributors in the recovery of universal service obligations or adopt measures to provide greater transparency regarding such recovery to enable consumers to make informed choices regarding their service.”³⁷ The Commission should reject any proposal that would compel standalone broadband service providers to absorb all or part of the contributions and the associated administrative burdens. Instead, such providers should retain the flexibility, in a competitive marketplace, to determine whether or not to pass these costs on to consumers and if so, to what extent. Requiring WISPs to absorb these costs would harm broadband deployment and availability in rural and underserved areas by chilling investment. Pass-throughs spread the burden of reallocating funds for subsidy programs. To prevent pass-throughs, particularly as contribution factors have kept increasing over recent years, would be directly contrary to the Commission’s goals to stimulate broadband deployment.

³⁵ See SBA Size Standards Methodology, prepared by Size Standards Division, Office of Government Contracting & Business Development (April 2009), at 7 (available at http://www.sba.gov/sites/default/files/size_standards_methodology.pdf).

³⁶ *Id.* at 8.

³⁷ *FNPRM* at ¶ 390.

Conclusion

WISPA respectfully requests that the Commission adopt the proposals described in these Comments.

Respectfully submitted,

July 9, 2012

**WIRELESS INTERNET SERVICE
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