

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Connect America Fund)	WC Docket No. 10-90
)	
High-Cost Universal Service Support)	WC Docket No. 05-337

**COMMENTS of ADTRAN, INC. in SUPPORT of
CENTURYLINK WAIVER REQUEST**

ADTRAN, Inc. (“ADTRAN”) files these comments in support of the petition for waiver filed by CenturyLink.¹ The limited waiver of section 54.312(b) of the Commission’s rules would allow CenturyLink to use Connect America Fund Phase I incremental support to initiate broadband service to certain specified areas that are nominally “served,” but consumers in those areas do not actually have access to broadband service as envisioned by the Commission. ADTRAN believes that the narrow relief requested by CenturyLink will allow prompt deployment of broadband service to a significant number of unserved locations.

ADTRAN, founded in 1986 and headquartered in Huntsville, Alabama, is a leading global manufacturer of networking and communications equipment, with an innovative portfolio of more than 1,700 solutions for use in the last mile of today’s telecommunications networks. ADTRAN’s equipment is deployed by some of the world’s largest service providers, as well as

¹ *Public Notice*, “Wireline Competition Bureau Seeks Comment on Centurylink Petition For Limited Waiver of Certain High-Cost Universal Service Rules,” DA 12-1007, released June 27, 2012.

distributed enterprises and small and medium businesses. ADTRAN supplies innovative network access products that enable a wealth of applications ranging from Internet access and corporate connectivity to telecommuting and distance learning. Importantly for purposes of this proceeding, ADTRAN solutions enable voice, data, video and Internet communications across copper, fiber and wireless network infrastructures. ADTRAN thus brings an expansive perspective to this issue, as well as an understanding of the impact of regulatory policies on service providers' investment decisions.

All stakeholders agree on the importance of broadband and the need to foster deployment of Internet access to all Americans.² Broadband access is critical to education, communication, employment, productivity, health care, entertainment and an informed and participatory electorate. We cannot afford to have a nation of broadband “haves” and “have nots.” Indeed, much of the Universal Service reform is designed to explicitly subsidize broadband deployment.³

The Commission established the Connect America Fund (“CAF”) to accelerate universal fixed broadband service and the Mobility Fund to ensure the universal availability of mobile broadband. The CAF Phase I is an important tool for reaching the goal of universal fixed broadband, since America cannot afford to simply stand pat while some of the more complicated issues are resolved with respect to the long term broadband subsidy programs.

² Federal Communications Commission, Connecting America: The National Broadband Plan, (rel. Mar. 16, 2010).

³ See *Connect America Fund et al.*, 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*), *pets. for review pending sub nom. In re: FCC 11-161*, No. 11-9900 (10th Cir. filed Dec. 8, 2011).

While Phase I is “only” an interim, short-term fix,⁴ there is no good reason to delay deployment of broadband to unserved or inadequately served locations. Likewise, there is no valid reason not to strive to maximize the number of unserved or inadequately served households that will benefit from CAF Phase I. ADTRAN recognizes that “[t]he best must not become the enemy of the good,”⁵ and that significant refinements of CAF Phase I would create needless delay. However, the simple waiver request submitted by CenturyLink can ensure that, at the very least, a great deal more “good” will be achieved quickly.

As detailed in the CenturyLink petition, the requested relief is very limited. Under the Commission’s Rules, CAF Phase I support can only be used to subsidize broadband to unserved households. CenturyLink seeks to use the CAF Phase I support to extend broadband to homes that are ostensibly “served” by Wireless Internet Service Providers (“WISPs”), but where (i) the WISP only serves business customers; or (ii) the National Broadband Map indicates the area is served, but service is unlikely due to topography and power constraints (and the State PUC has not verified service availability); or (iii) the available service is at a price/quality that is even worse than satellite broadband, which the Commission has already deemed inadequate to be considered “served.”⁶ As CenturyLink demonstrates, granting a waiver in these limited circumstances will extend real broadband service to some 30,000 households.⁷

⁴ “[T]he \$775 per unserved location figure represents a reasonable estimate of an interim performance obligation for this one-time support.” *Connect America Fund et al.*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663 (Nov. 18, 2011) at ¶ 144.

⁵ *MCI Telecommunications Corp. v. FCC*, 627 F.2d 322, 341-42 (D.C.Cir.1980)

⁶ *Connect America Fund Order* at ¶ 104.

⁷ CenturyLink Petition at p. 6.

Finally, ADTRAN believes that CenturyLink has shown that the standards for grant of a waiver have been met in this case. Waiver is appropriate if special circumstances warrant a deviation from the general rule, and such deviation will serve the public interest.⁸ In the limited circumstances described by CenturyLink, strict application of the Commission's Rule would disserve the public interest by denying robust broadband service to tens of thousands of households. ADTRAN thus supports grant of the CenturyLink petition.

Respectfully submitted,

ADTRAN, Inc.

By: _____/s/_____
Stephen L. Goodman
Butzel Long Tighe Patton, PLLC
1747 Pennsylvania Ave, NW, Suite 300
Washington, DC 20006
(202) 454-2851
SGoodman@btplaw.com

Dated: July 12, 2012

⁸ *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969).