



Federal Communications Commission
Washington, D.C. 20554

April 16, 2013

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20054

Re: *Connect America Fund*, WC Docket No. 10-90

Dear Ms. Dortch:

On April 12, 2013, Jonathan Banks representing the U.S. Telecom Association (USTelecom), Thomas Cohen and Ross Lieberman representing the American Cable Association (ACA), Jennifer McKee and Steven Morris representing the National Cable and Telecommunications Association (NCTA), Stephen Coran and Scott Pippin representing the Wireless Internet Service Providers Association (WISPA), and Genevieve Morelli representing the Independent Telephone and Telecommunications Alliance (ITTA) met with Carol Mattey, Steven Rosenberg, Kimberly Scardino, Amy Bender, Alexander Minard, and Ryan Yates, all of the Wireline Competition Bureau, and Sue McNeil and Sayuri Rajapakse of the Wireless Telecommunications Bureau. The participants in the meeting discussed the parameters for the challenge process of Phase II of Connect America.

One topic discussed was the role of presumptions in the challenge process to minimize burdens on potential challengers and respondents, and enable Commission staff to resolve challenges quickly and efficiently. The group discussed proposals to use a rebuttable presumption that a firm shown on the National Broadband Map as providing broadband of a specified speed meets all of the Commission's broadband service requirements and also provides voice. WISPA reiterated arguments made in its comments that any presumptions used in the challenge process should be applied in a technology-neutral manner.¹ NCTA stated that it believes approximately 90 percent of cable providers offer voice. ACA commented that there was likely no technical limitation on its members offering voice, and it was probable such a number for ACA members would be in line with NCTA's estimate. WISPA noted that it has a pending petition for reconsideration regarding the Commission's definition of an unsubsidized competitor and reiterated arguments made in that petition that the Commission should not require that a single entity offer both voice and broadband.²

When asked about allegations in the record regarding the quality of service from wireless Internet service providers (WISPs), WISPA stated that there is very little anecdotal evidence of interference issues, and those issues that do arise are often handled through cooperation between the interfering parties. WISPA stated that technical issues arising from line of sight limitations can be addressed through use of different frequencies of spectrum or through multiple access points. WISPA also stated that WISPs generally do not offer voice service unless that service can be offered with comparable quality to landline phone service.

¹ Comments of the Wireless Internet Service Providers Association, WC Docket No. 10-90, at 1-3 (filed Mar. 28, 2013).

² WISPA Petition for Reconsideration, WC Docket No. 10-90 et al. (filed Dec. 29, 2011).

Commission representatives inquired about proposals in the record that a lack of number porting should be considered evidence of a lack of an unsubsidized competitor in a given area.³ USTelecom indicated that a one to two year period without any porting activity from the incumbent to a potential unsubsidized competitor should be probative of whether an entity shown on the National Broadband Map also is providing voice service. NCTA stated that a lack of number porting should not be treated as determinative of whether or not voice service is offered, given some customers may rely on existing mobile service and broadband from another provider, and thus no porting would be reported for such lines.

USTelecom suggested that customer lists, redacted for privacy, could be submitted by a purported unsubsidized competitor as evidence it is serving a particular area. NCTA stated that such lists might not be as useful in areas where service had just begun. WISPA stated that its members would likely be hesitant to disclose customer data in a challenge process. WISPA suggested that propagation maps might be offered as an alternative. USTelecom further suggested that relevant information could include advertising materials and information about revenues, showing that there is a concrete, ongoing voice business in an area.

The next topic discussed was the evidentiary basis for a presumption that pricing of services for unsubsidized competitors is reasonably comparable to rates in urban areas. NCTA noted that the Commission lacks data on pricing and generally reiterated arguments in the record that cable operators should be presumed to be offering reasonable comparable rates.⁴ ACA stated that its members offer relatively similar pricing structures in urban and rural areas and that the drive to gain new subscribers keeps prices down. ACA noted that the widespread use of nationwide pricing on mobile voice service aids in ensuring price comparability for voice services. ACA stated that there is a wide range of practices in the marketplace regarding usage allowances, and provided as one example that a provider could have no data usage limit but engage in metering. WISPA also noted that a stated usage limit is often not a bright line cutoff – the WISP may waive an overage for a month, or may encourage a customer to buy the next higher tier of service if the customer exceeds a specified usage amount. ACA also reiterated arguments made in its filed comments that the Bureau should refrain from establishing data usage/pricing standards for unsubsidized competitors.⁵

³ See Comments of Windstream, WC Docket No. 10-90, at 8-9 (filed Jan. 9, 2012).

⁴ See, e.g., Letter from Steven F. Morris, National Cable Telecommunications Association, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 10-90, at 2 (filed Apr. 5, 2013).

⁵ See Comments of the American Cable Association, WC Docket No. 10-90, at 9 (filed Mar. 28, 2013).

The meeting concluded with a discussion of how to ensure that interested parties are aware of challenges and what information would be useful to include in a public notice announcing the census blocks subject to challenge. NCTA indicated that the public notice should identify not only the census block number but also the state and the name of the company so that parties can quickly identify areas subject to challenge of particular interest to them. In addition to the Bureau issuing a public notice, parties agreed that a certification that a good faith effort was made to provide actual notice of the challenges would be useful. WISPA noted that its website contains a list of its members and their addresses.

Respectfully submitted,

/s/ Ryan Yates

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