



ADTRAN participated in earlier phases of this proceeding.<sup>3</sup> As ADTRAN explained in its submission in response to the Commission’s Public Notice seeking comment on issues regarding service obligations for Connect America Phase II and determining who is an “unsubsidized competitor,”<sup>4</sup> the United States can ill-afford to subsidize multiple broadband providers in a territory, nor should we want to subsidize a broadband provider in an area already being served by an unsubsidized competitor. However, if that competitor is providing a “broadband” service that falls short of the Commission’s standards, or is incapable of providing the requisite level of service throughout the territory, then deeming that area ineligible for funding under the CAF Phase II support program would mean that the people and businesses in that area will not truly have access to broadband service, and would be unlikely ever to do so.

In its previous comments, ADTRAN also explained that the standards for “broadband” for purposes of CAF Phase II should not be defined simply in terms of speed/throughput. While the speed/throughput is certainly important, the Commission additionally needed to establish standards for latency, capacity/usage and coverage, because all four factors will affect the users’ experience and ability to access services and applications. ADTRAN proposed specific values for all of these parameters. The *CAF Phase II Service Obligations Order* adopted such standards, citing ADTRAN’s comments.<sup>5</sup>

In contrast, NTCA in their Application for Review and WISPA in their comments in support urge the Commission to look solely at speed/throughput.<sup>6</sup> But such a low threshold risks relegating consumers in those areas to “broadband lite.” If the so-called “broadband” service

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<sup>3</sup> Comments of ADTRAN, Inc, WC Docket No. 10-90, filed March 28, 2013.

<sup>4</sup> *Connect America Fund*, Public Notice, DA 13-284, released February 26, 2013.

<sup>5</sup> *CAF Phase II Service Obligations Order* at nn. 37, 54, 97 and 105.

<sup>6</sup> NCTA Application for Review at p. 7; WISPA Comments at p. 5.

being offered by the unsubsidized provider is inadequate to allow subscribers to enjoy the manifold benefits of broadband – including remote learning, telehealth, communication and entertainment – then a failure to provide CAF Phase II support in those areas is likely to relegate those consumers to “second class” broadband for the foreseeable future – an intolerable situation. Indeed, as the National Broadband Plan recognized: “Until recently, not having broadband was an inconvenience. Now, broadband is essential to opportunity and citizenship.”<sup>7</sup>

The Bureau thus did the right thing in setting “standards” for speed, latency, capacity/usage and coverage. The Bureau did not set these standards in a vacuum or an arbitrary manner. Rather, the Bureau did so in a manner that ensures that the “broadband” service that is available (or to be available through the CAF Phase II subsidy program) will allow consumers to be able to enjoy services and applications that most current broadband subscribers expect, including communications, web-surfing, entertainment, interactive applications, distance learning, telehealth and civic involvement. As the Bureau explained in adopting the parameters:

We are guided by the Commission’s statement that “Americans should have access to broadband that is capable of enabling the kinds of key applications that drive our efforts to achieve universal broadband, including education (e.g., distance/online learning), health care (e.g., remote health monitoring), and person-to-person communications (e.g., VoIP or online video chat with loved ones serving overseas).”<sup>8</sup>

The Bureau decision is fully consistent with Commission policy and the public interest. Thus, in order to ensure that CAF Phase II subsidies are used efficiently while also ensuring that

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<sup>7</sup> *National Broadband Plan*, March, 2010, Chapter 1 at p. 5, available at <http://download.broadband.gov/plan/national-broadband-plan.pdf>.

<sup>8</sup> *CAF Phase II Service Obligations Order* at ¶ 17, citing *USF/ICC Transformation Order*, 26 FCC Rcd at 17695, para. 82 (citations omitted).

consumers everywhere get true broadband, ADTRAN urges the Commission to deny the NCTA Application for Review.

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Dated: January 17, 2014

## CERTIFICATE OF SERVICE

I, Stephen L. Goodman, certify that on this, the 17<sup>th</sup> day of January, 2014, copies of the foregoing ADTRAN Reply Comments concerning the National Cable & Telecommunications Association Application for Review were served by first class mail, postage prepaid, to the following commenters:

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