

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

In the Matter of	)	
	)	
Technology Transitions	)	GN Docket No. 13-5
	)	
AT&T Petition to Launch a Proceeding Concerning the TDM-to-IP Transition	)	GN Docket No. 12-353
	)	
Connect America Fund	)	WC Docket No 10-90
	)	
Structure and Practices of the Video Relay Service Program	)	CG Docket No. 10-51
	)	
Telecommunications Relay Services And Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities	)	CG Docket No. 03-123
	)	
Numbering Policies for Modern Communications	)	WC Docket No. 13-97

To: The Commission

**COMMENTS OF SPITwSPOTS, INC.**

SPITwSPOTS, Inc. (“SPITwSPOTS”), pursuant to Sections 1.415 and 1.419 of the rules of the Federal Communications Commission (“FCC”), hereby submits Comments in response to the Further Notice of Proposed Rulemaking (“FNPRM”) issued in the above-captioned proceedings. The FNPRM seeks comment on discrete issues related to the FCC’s proposed rural broadband experiments (“RBEs”), in which the FCC seeks to “explore the impact of technology transitions that focus on universal access, one of our enduring values that must be protected and enhanced in the technology transition.”<sup>1</sup>

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<sup>1</sup> *Technology Transitions, AT&T Petition to Launch a Proceeding Concerning the TDM-to-IP Transition; Connect America Fund; Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, Numbering Policies for Modern Communications, Order, Report and Order and Further Notice of Proposed Rulemaking, Report and Order, Order and Further Notice of Proposed Rulemaking, Proposal for Ongoing Data Initiative, GN Docket No. 13-5, et al.*, FCC 14-5 (2014) (“FNPRM”) at ¶6.

SPITwSPOTS is a fixed broadband service provider with coverage areas in and around Homer, Alaska and the Kenai Peninsula. The company has made extensive investment in efficient broadband networks to serve these extremely rural areas. The company's wireless networks make extensive use of equipment authorized under Part 15 of the FCC's rules and use unlicensed frequencies in the 900 MHz, 2.4 GHz and 5.470-5.825 GHz bands. SPITwSPOTS also makes use of "lightly licensed" 3.65 GHz frequencies for backhaul and other transmissions. This network architecture advances the FCC's stated goals of universal access by affording customers in these rural Alaska areas an opportunity to obtain robust, high-speed broadband services. From this perspective, SPITwSPOTS submits these Comments to encourage the Commission to adopt policies that will open opportunities for a variety of broadband providers to provide cost-effective, robust broadband services in rural areas.

### **Discussion**

In describing the RBEs, the FCC stated a commitment "to exploring ways to ensure that, as networks transition, the access of rural American customers, including customers living on Tribal lands, is not just preserved, but enhanced, in all areas of the country."<sup>2</sup> The FCC also seeks "to address the extent of interest among non-incumbent service providers to deploy high-speed, scalable, IP-based networks to serve consumers, businesses, and community-based institutions such as schools, libraries and healthcare providers in rural areas where broadband is lacking, potentially with assistance from the Connect America Fund, and to learn what specific measures to streamline the ETC designation process will encourage such entry by non-incumbent providers."<sup>3</sup>

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<sup>2</sup> *Id.* at ¶90.

<sup>3</sup> *Id.* at ¶94.

With respect to interest by non-incumbent service providers, SPITwSPOTS notes that more than 1,000 expressions of interest reportedly have been filed in WC Docket No. 10-90. Filers included wireless Internet service providers like SPITwSPOTS, carriers, cable operators, satellite providers, cooperatives, electric utilities and others. Non-incumbent providers across the country proposed to serve rural Census blocks and a variety of community anchor institutions. In light of this demonstrated interest, SPITwSPOTS believes that the RBE program's eligibility criteria should be designed to encourage participation by a variety of broadband providers. Indeed, the FCC has stated that "we welcome applications from a wide variety of entities,"<sup>4</sup> and SPITwSPOTS agrees that rather than serving as a barrier to entry, the program's gating criteria should invite robust proposals using a variety of technologies. In terms of spurring broadband deployment, the best technological tools for a given area may depend on a variety of geographic, economic, topographical and technological factors. Inviting proposals from a variety of providers would advance the spirit of experimentation and could enhance the likelihood of successful trials consistent with the stated goals of the RBE program.

Expanding eligibility for RBE also invites reexamination of the Eligible Telecommunications Carrier, or ETC, process. The FCC has proposed to require funding recipients to be ETCs and has invited comment on whether ETC designation processes should be streamlined or whether the FCC should expand its jurisdiction over ETCs. Section 214 of the Communications Act of 1934, as amended, provides that States may designate ETCs, but the FCC handles ETC designation where states lack jurisdiction.<sup>5</sup> A provider therefore may be subject to varying criteria and approval timelines depending on their state regulations. Consistent with opening the door for participation by a variety of providers in RBEs, the FCC also should

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<sup>4</sup> *Id.* at ¶116.

<sup>5</sup> *See* 47 U.S.C. §§214(e)(2), (e)(6).

take steps to streamline the ETC process to the maximum extent legally permissible to advance this goal.

The FNPRM seeks comment on the “selective criteria” for the RBEs.<sup>6</sup> The FCC proposes that cost-effectiveness should be the primary criterion and also seeks comment on other criteria, such as “the extent to which the applicant proposes to build robust, scalable networks,” innovating strategies to leverage non-Federal governmental funding sources and connectivity to Tribal lands.<sup>7</sup> SPITwSPOTS supports making cost effectiveness a key criterion in the RBEs. Giving primacy to this objective should help promote efficient use of scarce funding and could in turn result in more funding opportunities to benefit more unserved areas. The FCC should carefully balance the economic disadvantages of serving certain hard-to-serve rural areas with the type of fiscal responsibility that can help ensure successful experiments.

For the program to be effective, and for purposes of the selection criteria, SPITwSPOTS believes that proposals for robust, scalable networks are a must. Applicants should be discouraged from submitting half-measure proposals; rather, RBE-funded networks should meet or exceed the technical benchmarks for funding as set forth in Phase II of the Connect America Fund. For example, CAF Phase II in price cap areas has the minimum actual speed benchmark of 4 Mbps downstream and 1 Mbps upstream, with sufficiently low latency to enable the use of real-time applications and with capacity limits that are reasonably comparable to residential terrestrial fixed broadband in urban areas.<sup>8</sup> That said, RBE proposals that far exceed these technical benchmarks may be advisable in certain locations and situations, but such proposals

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<sup>6</sup> FNPRM at ¶¶211-218.

<sup>7</sup> *Id.* at ¶¶211-215.

<sup>8</sup> *Connect America Fund et al.*, Report and Order and Further Notice of Proposed Rulemaking, WC Docket Nos. 10-90 et al., 26 FCC 17663 (2011) (rel. Nov. 18, 2011); *pets. for review pending sub nom.* In re: FCC 11-161, No. 11-9900 (10<sup>th</sup> Cir. filed Dec. 8, 2011) at ¶¶94, 96, 98.

again must be balanced against cost-effectiveness goals and must be appropriate to the area to be served.

The FCC proposes that “experimental funding would only be made only for locations in high-cost census blocks lacking broadband, subject to a challenge process.”<sup>9</sup> In light of the FCC’s goal to direct CAF funding to areas that are unserved with broadband that meets FCC-specified criteria, SPITwSPOTS submits that for the RBEs to work effectively, determinations of served vs. unserved areas must be consistent with the CAF Phase II approach. Allowing the use of partially served census blocks, as the FCC has proposed,<sup>10</sup> in the context of RBEs may be beneficial for purposes of the larger CAF Phase II program by allowing for testing of whether administrative burdens associated with partially served blocks could be mitigated.

### **Conclusion**

SPITwSPOTS requests that the FCC adopt the proposals advanced herein to make the Rural Broadband Experiments initiative one that will encourage the deployment of high-capacity broadband services to unserved, high-cost areas. In so doing, the FCC would take significant steps toward fulfilling its statutory mandate to “encourage the deployment on a reasonable and timely basis of advanced telecommunications capability to all Americans.”<sup>11</sup> SPITwSPOTS believes that these experiments offer a valuable opportunity to facilitate new robust, scalable networks in furtherance of universal access goals.

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<sup>9</sup> FNPRM at ¶208.

<sup>10</sup> *Id.* at ¶221

<sup>11</sup> 47 U.S.C. § 1302(a).

Respectfully submitted,

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