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July 28, 2014

Chairman Thomas Wheeler
Commissioner Mignon Clyburn
Commissioner Jessica Rosenworcel
Commissioner Ajit Pai
Commissioner Michael O'Rielly

WC Docket No. 10-90
WT Docket No. 10-208
WC Docket No. 14-58
WC Docket No. 07-135
CC Docket No. 01-92

Federal Communications Commission
445 12th Street, SW 20024
Washington, DC

Dear Chairman Wheeler and Commissioners,

We would like to relay the Utah Governor's Office of Economic Development's (GOED) comments in relation to the Federal Communications Commission's (FCC) Connect America Fund Omnibus Order and Further Notice of Proposed Rulemaking released on June 10, 2014. GOED believes it is necessary to communicate and document our preferences as it relates to facilitating enhanced broadband access in Utah's rural and unserved areas through the Connect America Fund Phase II. We strive to ensure those who live in high-cost broadband deployment areas have access to services that are comparable to services offered in urban areas.

For this purpose, we have comments to the proposed Connect America Phase II and believe that the FCC will rely heavily upon the ability to coordinate with broadband providers and communities to successfully transition to the Connect America Fund Phase II funding. We recommend that the FCC should consider the following issues in relation to Connect America Fund Phase II:

- Make speeds adjustable to an increasing need
- Expand funding opportunities to partially-served census blocks
- Identify an objective data verification mechanism
- Ensure broadband providers have sufficient resources to submit data

Make Speeds Adjustable to an Increasing Need

GOED supports the FCC's Phase II proposal to raise the current broadband performance obligations. We also feel that in addition to the 10 Mbps upload/1 Mbps or greater download requirement, reviewing and adjusting speed tiers as technology continues to change, potentially requiring higher speeds, will ensure that this funding mechanism meets the growing needs of citizens and communities.

The FCC should seek comments and review the speed requirement on a regular basis, as well as continually evaluate and re-consider areas of eligibility for Connect America funding to ensure that the services delivered using these funds in underserved regions are reasonably comparable to the services enjoyed by consumers in urban areas. In addition to this new speed standard, the commission should also evaluate the time periods of support and consider raising them in extremely remote or hard-to-serve areas.

Expand Funding Opportunities to Partially-Served Census Blocks

In Phase II of the Connect America Fund, eligible telecommunication carriers can only receive funding within unserved census blocks. GOED recommends the FCC consider expanding this definition to include partially-served census blocks. This issue is particularly important in rural America because basing funding definitions on census blocks is problematic, particularly in blocks which are large, remote and include terrain that makes it difficult to install infrastructure. These factors may make it difficult for a single provider to provide service.

For example, within the State of Utah, the largest populated census block is 947 square miles. The FCC should consider creating a mechanism to divide large census blocks into smaller areas for the purpose of this funding. The FCC should consider utilizing state commissions to arbitrate this process, which could be supported by planning and mapping resources from State Broadband Initiative (SBI) programs, which would require ongoing funding.

Another issue that is equally important is addressing census blocks with areas that have sporadic coverage that would require a more fine-grained approach to determining funding. Under the proposed definition and requirements for the Connect America Fund, if a provider serves one household, the entire census block is disqualified for funding. The remaining households in that census block will be at a disadvantage as a result. Additionally, there are instances in rural Utah where the existing telephone company's study area boundaries do not align with census block boundaries. The result of such a situation will be that at least two telephone companies would have carrier of last resort obligations in such a census block. One solution to this issue would be for the FCC to consider funding partial census blocks a case-by-case basis. State commissions could be utilized to arbitrate this process as well.

Identify an Objective Data Verification Mechanism

GOED feels the Wireline Competition Bureau's new guidance regarding the challenge process of Phase II regarding what is a served and what is an unserved area does not provide a standard and objective method to verify coverage data, particularly in disputed areas. We believe that as part of this challenge process, there should be an objective mechanism in place to further verify data that would test any relevant technologies, particularly if there is question as to whether an area is served or unserved. The FCC should consider working with states to employ this mechanism, due to their expertise in collecting and verifying broadband data.

Ensure Broadband Providers Have Sufficient Resources to Submit Data

Finally, in the Order, data collected by SBI programs is referenced extensively. With the SBI programs ending this year, broadband data will be collected directly by the FCC starting in the fall of 2014, and a new National Broadband Map will be developed. We believe this change in data collection may result in a lower level of confidence for several reasons.

Over the last five years, Utah's providers have utilized and relied upon the state's SBI program's expertise and resources. Many of these providers may lack sufficient resources to be able to submit accurate data, particularly those who do not employ staff with mapping expertise. For example, in Utah, with the exception of a few major nationwide carriers, the Utah Broadband Project (Utah's SBI program) provides some level of technical assistance to all of the providers listed on the Utah Broadband Map and National Broadband Map. In fact, only four local providers submit GIS files on a regular basis. The Utah Broadband Project estimates that approximately 27 of Utah's providers will have major difficulties in submitting the revised Form 477 without assistance.

Upon the termination of the SBI programs, it will be also be difficult for the FCC to verify data submissions. SBI programs currently work with providers and local communities in cases where broadband data is questioned for accuracy. This level of verification will be difficult for the FCC's mapping team due to the numbers of providers and granular level of the data.

Verifying data requires a high level of expertise and local knowledge. For example, as part of the SBI program, the State of Utah was awarded funds to collect address-level data on households. This data was then used to determine with a greater level of certainty, the actual numbers of unserved households in Utah. The Utah Broadband Project team has held individual meetings with providers wherein they identified specific households on the boundaries of the declared service area to determine whether these households could be served by the provider. This level of verification will become increasingly important as coverage levels increase and the remaining

households become more difficult to identify and serve.

GOED recommends that the FCC work with state entities to ensure that data is accurate and submitted correctly, which includes providing a funding mechanism to support these activities. GOED believes such support is critical as this data submission is directly related to a provider's eligibility to receive funding for the Connect America Fund.

GOED appreciates the opportunity to provide comments to strengthen the implementation of the Connect America Phase II program. This program is critical to continued broadband deployment in rural regions of our state, will enhance economic development and the quality of life for those who will benefit from those investments. GOED strongly urges the FCC to consider the aforementioned comments and recommendations to achieve the desired outcomes of the Connect America Phase II program.

Sincerely,

A handwritten signature in blue ink, appearing to read 'S DiCaro', with a long horizontal flourish extending to the right.

Sophia DiCaro
Deputy Director