



December 20, 2018

Notice of Ex Parte

Marlene Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: *Connect America Fund: Performance Measures for Connect America High-Cost Universal Service Support Recipients, Docket No. 10-90; DA 17-1085*

Dear Ms. Dortch:

On December 20, 2018, Michael Romano, *Tamber Ray and the undersigned*, on behalf of NTCA–The Rural Broadband Association (NTCA) met with Suzanne Yelen, Alec MacDonnell, Stephen Wang and Cathy Zima to discuss the above-captioned proceeding. This meeting focused principally on NTCA positions in the proceeding as articulated in its previously-filed pleadings in this docket.

Overall, NTCA supports performance measurement obligations to confirm the successful deployment of broadband networks that meet robust capability targets associated with high-cost support. At the same time, performance testing obligations must recognize the characteristics of small, rural providers that must administer these tests. Toward this end, NTCA explained that although vendors are reportedly developing solutions to respond to the Order, USF recipients that are subject to the testing obligations should be accorded both the opportunity to select from a variety of testing technologies and a reasonable period of time thereafter within which to implement them. Therefore, the effective date of implementation should be deferred until a reasonable selection of solutions is available and has been market-tested sufficiently, taking into account also the work required to deploy such solutions in the required locations. To the extent that these solutions may include (i) modems and routers with “built-in” testing capabilities, (ii) “white boxes,” and (iii) software-based solutions, a “reasonable selection” would include multiple choices from each category.

NTCA also discussed, consistent with its prior advocacy, the network segments that should be subject to performance measurement obligations. NTCA explained that network performance beyond a provider's direct interconnection with an upstream ISP is beyond the provider's control. Moreover, inasmuch as high-cost funding does not support middle mile costs, and inasmuch as middle mile costs may be uneconomic, NTCA members face natural constraints for middle mile access. Therefore, despite the best efforts of small providers, there may be instances in which conditions that are wholly beyond the reasonable control of the USF recipient could frustrate testing results. Performance obligations upon which high-cost support depends should accordingly be limited only to the performance of those network elements defined in the relevant support mechanism as those for which the recipient draws support.



NTCA also discussed appropriately-sized testing pools, particularly where a requirement to upgrade customer locations temporarily might be implicated, and test results that exceed advertised speeds.

Thank you for your attention to this correspondence. Pursuant to Section 1.1206 of the Commission's rules, a copy of this letter is being filed with ECFS.

Respectfully submitted,

/s/ Joshua Seidemann

Joshua Seidemann
Vice President of Policy

cc: Suzanne Yelen
Alec MacDonnell
Stephen Wang
Cathy Zima