

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

In the Matter of

Connect America Fund

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WC Docket No. 10-90

**COMMENTS OF
NTCA–THE RURAL BROADBAND ASSOCIATION**

NTCA–The Rural Broadband Association (“NTCA”)¹ hereby submits these comments in response to the Public Notice² released on March 30, 2020 in the above-captioned proceeding. The Public Notice seeks input on a petition filed by Red River Telephone Association dba Red River Communications (“Red River”)³ for an expedited limited waiver of the deadline for election of Alternative Connect America Model (“ACAM II”) support to enable a revision of the offer made to Red River in light of errors made by a neighboring incumbent local exchange carrier (“ILEC”) on its Form 477 submissions.

¹ NTCA represents approximately 850 small voice and broadband providers operating in the most sparsely populated areas of the United States.

² *Wireline Competition Bureau Seeks Comment on Request by Red River Telephone Association for a Waiver of The Election Deadline for Alternative Connect America Model II and for a Revised A-Cam II Offer*, WC Docket No. 10-90, Public Notice, DA 20-357 (rel. March 30, 2020) (“Public Notice”).

³ Red River Telephone Association dba Red River Communications Petition for Waiver of the Election Deadline for A-CAM II and Request for a Revised A-CAM II Offer, WC Docket Nos. 10-90 et al. (July 11, 2019) (“Petition”).

Red River has presented good cause for grant of the requested waiver. Demonstrably bad data should not drive policy decisions, especially when the errors are acknowledged and yet not corrected due to nothing more than strict adherence to arbitrary deadlines and a lack of a reasonable evidentiary process. In fact, the problems with the data in this instance were first brought to the attention of the Federal Communications Commission (the “Commission”) *before* the deadline for ACAM II model election,⁴ but the lack of any reasonable challenge opportunity rendered moot what should have been a straightforward determination that: (a) the “competitive overlap” data were wrong due to an inadvertent error on the part of the neighboring ILEC; and (b) Red River’s model offer was therefore in need of recalibration.

This obvious and undisputed error, which once again was flagged prior to the election deadline and for which Red River bears no culpability, has resulted in real and unnecessary harm to Red River and its consumers, reducing the provider’s ACAM II support by more than \$1.7 million annually.⁵ More specifically, as Red River has demonstrated in subsequent filings, this concern has led to a loss of nearly 27% of the support it should have received had the data been corrected, with a very large rural census tract that includes individual census blocks served by either Red River or the neighboring ILEC being viewed as “competitively served” in full merely because the neighboring ILEC inadvertently and wrongly identified its coverage area by census tract rather than specific census blocks on earlier (and then-corrected) Form 477 reports.⁶

⁴ *See id.* at Attachment (*Ex Parte* Letter from Guy Swenson, TEC Manager, City of Barnesville, to Marlene H. Dortch, Secretary, Commission, WC Docket No. 10-90 (dated June 4, 2019).

⁵ *Id.* at 2.

⁶ *Ex Parte* Letter from Michael R. Romano, Sr. Vice President, NTCA, to Marlene H. Dortch, Secretary, Commission, WC Docket No. 10-90, *et al.* (filed Feb. 13, 2020) (providing summary of concerns raised by Red River along with a series of maps depicting geographic impacts of the mapping errors).

At a time when substantial attention is being devoted to efforts to improve broadband coverage mapping, this waiver petition presents a singular opportunity to correct a clear and acknowledged error and to remedy flawed policies and procedures that rendered flawed results. The only rationale for denying Red River’s petition would be unyielding resistance now to a process that lacked any upfront safeguards to recognize and correct for such acknowledged mistakes even when they were raised in advance of the applicable deadline. At the same time, grant of the Red River petition would neither justify nor result in any “reopening” of numerous other offers – Red River’s circumstances are relatively unique in that the concerns were clearly flagged to the Commission prior to the deadline for ACAM II model offer acceptances and the errors were undisputed. Thus, a grant of Red River’s petition would provide appropriately limited and targeted relief under exceptional circumstances.

For the foregoing reasons, NTCA urges a grant of the Petition filed by Red River.



By: /s/ Michael R. Romano
Michael R. Romano
Senior Vice President –
Industry Affairs & Business Development
4121 Wilson Boulevard, Suite 1000
Arlington, VA 22203
(703) 351-2016 (Tel)
mromano@ntca.org

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