

**Before the
Federal Communications Commission
Washington, DC 20230**

In the Matter of)	
)	
Protecting Against National Security)	PS Docket No. 19-351;
Threats to the Communications Supply)	PS Docket No. 19-352
Chain Through FCC Programs; Huawei)	
Designation; ZTE Designation)	

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

I. INTRODUCTION AND SUMMARY

NTCA–The Rural Broadband Association (“NTCA”)¹ hereby submits these comments in response to the Public Notice released by the Federal Communications Commission (“Commission”) seeking comment on a filing made by the National Telecommunications and Information Administration (“NTIA”) in the above-referenced proceedings.² NTCA supports NTIA’s recommendations that the Commission promptly seek funding from Congress to reimburse providers for the cost of removing and replacing covered equipment, that reimbursement funding needs to be sufficient to allow providers to purchase equipment capable of supporting advanced levels of service, and that the Commission continue to coordinate its

¹ NTCA represents approximately 850 independent, community-based telecommunications companies and cooperatives and more than 400 other firms that support or are themselves engaged in the provision of communications services in the most rural portions of America. All NTCA service provider members are full service rural local exchange carriers (“RLECs”) and broadband providers, and many provide fixed and mobile wireless, video, satellite and other competitive services in rural America as well.

² Public Safety and Homeland Security Bureau Seeks Comment on the June 9, 2020 Filing by the National Telecommunications and Information Administration in PS Dockets No. 19-351 and 91-352, DA 20-603 (rel. June 9, 2020) (“*Public Notice*”).

actions in the instant proceeding with other federal agencies tasked with protecting the nation's cyber and supply chain security.

NTCA has actively participated in the Commission's supply chain proceeding and supports efforts to promote national security interests in a manner that does not disrupt the voice and broadband services relied upon by consumers. As NTCA noted previously, universal service support is fundamental to eligible telecommunications carriers' ability to continue building out and maintaining voice and broadband services throughout the most rural areas of the country.³ At a time when these services have become more important than ever to allow people throughout the country to access their online classrooms or health care and even to safely communicate with friends and family, the Commission must ensure that providers of these essential services remain able to make the repairs and upgrades necessary to maintain the services' functionality while also ensuring that reimbursement funds are sufficient and timely to allow the services to move forward rather than backward.

NTIA noted that the language of the Secure Networks Act apparently prohibits the Commission from using any universal service funds to reimburse providers for the cost of removing and replacing covered equipment and services, even temporarily to bridge the gap until Congress appropriates funds for this purpose.⁴ Accordingly, NTIA urged the Commission to "promptly seek funding from Congress to support costs for the reimbursement program."⁵

³ See Comments of NTCA – The Rural Broadband Ass'n, WC Docket No. 18-89, filed Feb. 3, 2020, at p. 5.

⁴ See Letter from Douglas W. Kinkoph, Associate Administrator, Office of Telecommunications and Information Applications, National Telecommunications and Information Administration, to Ajit Pai, Chairman, Federal Communications Commission, PS Docket Nos. 19-351, 19-352; WC Docket No. 18-89 (filed June 9, 2020), at p. 9 ("NTIA Letter").

⁵ *Id.*

NTCA supports this recommendation as eligible telecommunications carriers (“ETCs”) risk being unable to upgrade or even maintain covered equipment if replacement funding is not in place prior to the Commission issuing a final designation that prohibits the use of USF support to procure or otherwise support equipment provided by a covered entity.⁶

NTCA further agrees with NTIA’s recommendation that “the Commission should give carriers a level of flexibility to use reimbursement monies to purchase equipment that can support, or can readily be upgraded to support, more advanced levels of service.”⁷ The Commission itself concluded that carriers will likely be unable to find functionally equivalent equipment given the amount of time and changes in technology that have occurred since the equipment was first purchased and installed.⁸ Even if functionally equivalent equipment could be obtained, expending funds to purchase outdated equipment would be a poor use of reimbursement funds. Furthermore, outdated equipment is often no longer supported by the manufacturer, leaving the equipment ineligible for upgrades to improve functionality or to block subsequently identified cyber threats. Such a result would be directly contrary to the Commission’s and Congress’ goal of securing the nation’s communications networks. Instead, NTCA echoes NTIA’s recommendation and encourages the Commission to adopt rules that would allow affected ETCs to obtain reimbursement for current releases of equipment available

⁶ See *Public Notice* at p. 3 (“[U]se of USF support to procure or otherwise support equipment or services produced or provided by these two companies has not and will not be disallowed until such time as PSHSB issues a public notice announcing its final determination and the effective date of any potential final designation of one or both of these companies.”).

⁷ NTIA Letter at p. 10.

⁸ Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs, *Report and Order, Further Notice of Proposed Rulemaking, and Order*, WC Docket No. 18-89 (Nov. 26, 2019), ¶ 138.

at the time of replacement that most closely resemble the functionality of the equipment being replaced – but that is also capable of meeting reasonable projections of future demand and promoting network security going forward.

Finally, NTCA concurs with NTIA’s recommendation that the Commission “continue to work closely with Executive Branch entities with expertise and responsibilities concerning telecommunications security....”⁹ Telecommunications providers need consistency across all government agencies tasked with guarding against national security risks. Providers often plan for equipment upgrades a year or more in advance, making it essential to have knowledge well in advance if a certain type of equipment is going to be prohibited because it poses a threat to national security. “Ripping and replacing” after installation is not an effective use of funds, or time, either for federal agencies or providers.

Respectfully submitted,



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⁹ NTIA Letter at p. 2.