



October 28, 2020

Marlene Dortch, Secretary
Federal Communications Commission
45 L Street, NE
Washington, DC 20554

Re: *Connect America Fund, Docket No. 10-90*

Dear Ms. Dortch:

On Monday, October 26, 2020, Zachary Cochran of Alexicon, Mark Massman of the Association of Communications Engineers, and the undersigned (collectively, the parties) met with Suzanne Yelen and Gilbert Smith of the Wireline Competition Bureau to discuss the above-captioned dockets. Specifically, the parties discussed the need for a mechanism within the HUBB by which recipients of high-cost support can certify the deployment of locations made prior to May 25, 2016.

By way of introduction, the parties refreshed discussion of Commission guidance that a “. . . CAF-BLS carrier will be able to voluntarily certify to USAC that it is fully deployed (and has thus fulfilled its buildout obligation). . . .”¹ At that time (March 2018), the Commission noted that USAC will notify carriers when this functionality is implemented in the HUBB.² This intent was reiterated later that year in the December 2018 “Second ACAM” Order, wherein the Commission stated “. . . CAF BLS carriers that have not had HUBB portal reporting obligations will be provided an opportunity to certify as needed 25/3 Mbps locations deployed to since May 25, 2016.”³ To date, however, the so-called “all done” certification has not been implemented

¹ “Wireline Competition Bureau Provides Further Guidance to Recipients of Connect America Fund-Broadband Loop Support on Reporting and Deployment Obligations,” Public Notice DA 18-207, Docket No. 10-90 (Mar. 1, 2018).

² *Id.* at fn. 7.

³ *Connect America Fund, ETC Annual Reports and Certifications, Establishing Just and Reasonable Rates for Local Exchange Carriers, Developing a Unified Inter-carrier Compensation Regime: Report and Order, Further Notice of Proposed Rulemaking, and Order on Reconsideration*, Docket Nos. 10-90, 14-58, 07-135, 01-92, FCC 18-176, at para. 110 (2018).

into the HUBB. The parties explained why implementation of this certification will be critical as high-cost recipients approach reporting deadlines.

In the first instance, some service providers are observing local population growth rates that either trend lower than the slope of their build-out obligations or, alternatively, negative growth that may affect a provider's ability to report new "deployed to" locations. In such instances, a carrier may *actually* be fully deployed even though the *sum* of its newly deployed locations does not equal the number of locations that were contemplated by its build-out obligations. In such a case, a high-cost recipient would in fact be fully deployed but yet appear to have failed to meet its service area buildout obligations. This would create a misimpression that compliant broadband service is lacking in the service area. The implementation of the "all done" function would prevent this. Similarly, there could also be a scenario in which a provider is not fully deployed, but nonetheless has *fewer* locations left to reach at 25/3 than its buildout milestone would indicate. For CAF BLS recipients, whose deployment obligations were determined pursuant to a formula, rather than on the basis of enumerated locations, this scenario may arise where (a) the provider was fully deployed prior to May 2016, or (b) fewer locations than anticipated are available for buildout.⁴ The implementation of an "all done" function in the HUBB would mitigate the concerns arising out of these situations.

The parties explained that these scenarios are consistent with projections the Commission offered previously. In a 2019 Public Notice, the Commission presented CAF BLS buildout requirements for companies that did not elect ACAM.⁵ Among the non-ACAM companies, 31% had broadband coverage ratios of 95% or higher; 21% had coverage ratios of 99% or higher, and 6% were 100% deployed.⁶ These data presage a recognition that even slight demographic shifts in any market could affect ultimate buildout obligations.

Noting looming reporting deadlines, the parties explained that imminent implementation of the "all done" function will serve several important goals. In the first instance, providers who were 100% or nearly 100% built out with broadband prior to May 25, 2016, are concerned that if the HUBB illustrates only deployment *after* May 2016, then HUBB mapping will indicate insufficient or poor broadband deployment within their exchange boundaries when, in fact, the opposite is true. The parties submit that this would be an adverse outcome not only for the

⁴ An analysis of this scenario for BLS companies can be viewed at <https://www.alexicon.net/maps/alexicon-ntca-map/index.html#3/55.48/-102.13> (last visited Oct. 25, 2020).

⁵ "Wireline Competition Bureau Announces Posting of Information Regarding Revised Deployment Obligations for Incumbent Rate-of-Return Carriers," Public Notice DA 19-373, Docket No. 10-90, n.4 (May 2, 2019).

⁶ For the 140 enumerated companies with then-present broadband coverage ratios of 99% or more, the average buildout requirements for ACAM companies were 1,104 locations and the average buildout obligation for legacy companies was 800 locations. *Id.*

providers who are interested in ensuring that public records reflect their accomplishments, but for policymaking, as well, since misimpressions among legislative or regulatory leaders of inadequate deployment where rural operators have *actually built out* could lead to misaligned future-looking policies. Moreover, such evidence of robust rural broadband should help illuminate the success of rational Commission policies that have supported that buildout while constructively informing evolving policy making.

The parties explained, as well, that expeditious implementation of “all done” function, would eliminate the need for companies to seek any otherwise-necessary waivers. This would benefit both the companies, who would be relieved of the cost and administrative burdens of preparing and filing waivers, as well as the Commission, which not be burdened with the review and adjudication of such waivers.

In addition to urging the Commission to implement the “all done” function, the parties recommended parameters for this function in the HUBB. These included the need to consider: (1) potential inequities for providers associated with changes in demographics and population counts in given areas since May 2016; (2) concerns about the feasibility or practicality of identifying individual dates for completion of deployment at certain locations where such deployment occurred nearly five years ago or even further in the past; and (3) instances in which potential increases in the number of locations occur too late to enable to enable planning, engineering and deployment before the end of the support term.

The parties also discussed the need to account for pre-May 2016 deployments for the random selection of locations for performance measurement testing.

Pursuant to Section 1.1206 of the Commission’s rules, a copy of this letter is being filed via ECFS.

Respectfully submitted,

s/Joshua Seidemann

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