

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

In the Matter of	)	
	)	
Expanding Broadband Service Through the ACAM Program	)	RM No. 11868
	)	
Connect America Fund	)	WC Docket No. 10-90

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

**I. INTRODUCTION & SUMMARY**

NTCA–The Rural Broadband Association (“NTCA”)<sup>1</sup> hereby responds to the Public Notice<sup>2</sup> regarding the Petition for Expedited Rulemaking filed by the ACAM Broadband Coalition on October 30, 2020 (“*ACAM Petition*” or “*Petition*”).<sup>3</sup> Pursuant to Section 1.401<sup>4</sup> of the rules of the Federal Communications Commission (“Commission”), and in accordance with Section 254 of the Communications Act of 1934, as amended (the “Act”),<sup>5</sup> the ACAM Broadband Coalition seeks certain amendments to the agency’s Universal Service Fund (“USF”) rules to leverage the successful Alternative Connect America Cost Model (“ACAM”) High-Cost program to deliver faster speeds to hundreds of thousands of rural Americans.

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<sup>1</sup> NTCA represents approximately 850 rural local exchange carriers (“RLECs”). All of NTCA’s members are voice and broadband providers, and many of its members provide wireless, video, and other competitive services to their communities.

<sup>2</sup> Public Notice, RM No. 11868 (rel. Nov. 4, 2020).

<sup>3</sup> ACAM Broadband Coalition, Petition for Expedited Rulemaking, RM No. 11868 (fil. Oct. 30, 2020) (“*ACAM Petition*”).

<sup>4</sup> 47 C.F.R. § 1.401.

<sup>5</sup> 47 U.S.C. § 254.

NTCA herein encourages the Commission to immediately initiate a rulemaking proceeding to examine and act upon the proposal made in the *ACAM Petition*. The High-Cost USF Program should at all times be guided by a “forward-looking” perspective, striving for more robust and advanced broadband services for rural consumers that can keep up with consumer demand over time. While the High-Cost USF program has been highly successful, Americans rural and urban alike are increasingly dependent upon higher speeds, and all components of this program should ultimately aim for the kind of performance that Americans will need a decade from now or more. In particular, the applications that rural Americans need – such as video conferencing, Virtual Private Networks (“VPNs”) and other bandwidth intensive uses of a connection will require more than a 25/3 Mbps connection as these applications multiply and evolve. As the Covid-19 pandemic has ravaged the nation, the necessity of ensuring that every American can access such services has only become more clear – and the Commission should take the opportunity presented by the *ACAM Petition* to get “more bang for the buck” with High-Cost USF funds, by ensuring that as many rural Americans as possible have access to the broadband connections they need and within existing budgets and administrative structures.

**II. THE COMMISSION SHOULD INITIATE A RULEMAKING TO EXAMINE THE *ACAM PETITION*’S PROPOSED MODIFICATIONS TO THE ACAM SUPPORT MECHANISM, AS THEY WOULD LEVERAGE THE SUCCESS OF THE PROGRAM TO PROVIDE MUCH-NEEDED FASTER BROADBAND SPEEDS IN RURAL AREAS.**

The Commission should, at every opportunity, seek to promote and *advance* universal service, and doing the latter requires a “forward-looking” perspective, one that takes every opportunity to ensure that the services made available and affordable via support mechanisms are as robust as possible and keep pace over time with how consumers use such services. If it was not clear before, the current Covid-19 pandemic has laid bare the need for faster speeds

(download and upload), as Americans all across the country have transitioned to using applications over their connections that cannot function absent a robust underlying broadband service. Section 254 sets forth several clear objectives for the Commission to strive for, and those include among others expanding capabilities of supported networks to meet the “evolving definition” of universal service and ensuring that such services are “reasonably comparable” to those available in urban areas.<sup>6</sup> The proposals made in the *ACAM Petition* offer the Commission a step toward fulfilling that mandate.

The *ACAM Broadband Coalition Petition* offers the Commission the chance to leverage an already existing and highly successful support mechanism to *advance* the state of broadband connectivity in rural America, and the agency would be remiss if it passed up this opportunity. If it was somehow not clear before the current global health pandemic began and changed the way many Americans work, it is inarguable now that robust, high-speed broadband service is more than a luxury. A broadband connection is much more than a gateway to streaming video for entertainment purposes – it is, rather, a lifeline to those Americans that simply cannot do their jobs or educate their children absent the ability to access video calling, VPN, and other applications that require a robust connection. In fact, even if the pandemic-induced work-from-home and virtual schooling practices begin to subside in the coming months, the Commission should view the increased use of in-home connections<sup>7</sup> (and view the many Americans unable to

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<sup>6</sup> 47 U.S.C. § 254.

<sup>7</sup> New York Times, *The Virus Changed the Way We Internet*, Ella Koeze and Nathaniel Popper, April 7, 2020, available at: <https://www.nytimes.com/interactive/2020/04/07/technology/coronavirus-internet-use.html?action=click&module=Well&pgtype=Homepage&section=Technology>.

keep up with their jobs or schooling due to an inadequate connection<sup>8</sup>) as a “lesson learned.” Such a situation should never again come to pass where the lack of an adequate connection prevents consumers from participating in the economy or continuing their education. Moreover, the post-pandemic world may include millions of Americans transitioning, on a permanent basis, to remote work.<sup>9</sup> Those areas of the nation – and the consumers living within unable to take new remote jobs if they are without access to high-quality broadband connections – will be left behind.

With the impetus for advancing the speeds available to consumers all across the nation obvious, and given a statutory mandate to ensure that reasonably comparable services are available in urban and rural areas alike, the proposals made in the *ACAM Petition* presents the Commission with the very kind of opportunity it should enthusiastically pursue and a chance to “catch up” with the Act’s mandate for reasonable comparability. As the *Petition* demonstrates, the ACAM program has, by most measures, been highly successful – the ACAM mechanism will, by 2028, have made it possible for broadband speeds of at least 25/3 Mbps to be made available to over 800,000 rural Americans.<sup>10</sup> This will be accomplished in some of the nation’s most difficult and high-cost-to-serve rural areas, by carriers leveraging ACAM support and their strong commitment to rural America to overcome numerous hurdles to the provision of high-quality, affordable broadband networks. Just as important, the ACAM Petition proposal, if

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<sup>8</sup> Brookings Institution, *How to address inequality exposed by the COVID-19 pandemic*, John R. Allen and Darrell M. West, November 4, 2020, available at: <https://www.brookings.edu/president/how-to-address-inequality-exposed-by-the-covid-19-pandemic/>.

<sup>9</sup> See Washington Post, *Americans might never come back to the office, and Twitter is leading the charge*, Elizabeth Dwoskin, October 1, 2020, available at: <https://www.washingtonpost.com/technology/2020/10/01/twitter-work-from-home/?arc404=true>.

<sup>10</sup> *ACAM Petition*, p. 7.

enacted, would enable the Commission to leverage this success *to deliver faster speeds and to do so within the existing program's annual budget.*<sup>11</sup> As proposed in the *Petition*, current ACAM recipients would be given the opportunity to receive an additional six years of high-cost funding, *at existing support levels*, in exchange for making faster speeds available to, potentially, several hundred thousand rural consumers even before that time frame.<sup>12</sup> Specifically, as the *Petition* notes, approximately 600,000 eligible locations could be given access to speeds of 100/25 Mbps or higher, and by 2030.<sup>13</sup> ACAM recipients would be able to commit to delivering faster broadband speeds, in a timeframe quicker than would be the case under existing support flows/terms, by being assured that the increased costs of doing so would be recovered on the back end. One would be hard-pressed to conceive of a “better deal,” for both the consumers that will receive the connections that they need and the ratepayers that fund the overall USF.

It should also be noted that the proposal made in the *ACAM Petition* would, in addition to leveraging current budget levels, retain in most respects the existing administrative structure of this support mechanism.<sup>14</sup> Neither Commission staff nor providers would be burdened by “standing up” new programs or even altering the existing ACAM mechanism in any material way in order to make available the increased broadband speeds to which support recipients will commit.

In addition to presenting the Commission with an opportunity to “get more bang for the buck – and sooner” from the High-Cost program (as discussed above), the proposals made in the

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<sup>11</sup> *Id.*, p. 10.

<sup>12</sup> *Id.*, p. 11.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*, pp. 13-15.

*ACAM Petition* are in line with actions already taken to ensure that USF mechanisms respond to the circumstances in which they are increasingly needed by Americans. In April 2020, the Commission created the COVID-19 Telehealth Program (with funds made available by the Coronavirus Aid, Relief, and Economic Security (“CARES”) Act) to enable more rural Americans to access care remotely.<sup>15</sup> The E-rate and Lifeline programs responded to changing times as well, with the Commission waiving certain program rules to ensure that the services made available by these critical mechanisms benefited as many Americans as possible.<sup>16</sup> The *ACAM Petition* would in a similar fashion respond to the needs laid bare by the Covid-19 pandemic, but would also position this mechanism for the future as it enables the delivery of faster speeds to hundreds of thousands of rural Americans.

While the ACAM mechanism has been highly successful, far better can be accomplished than the 25/3 Mbps broadband service it will deliver under its current rules – and sooner – through the simple and straightforward set of changes proposed by the ACAM Broadband Coalition. Proposals of the kind made in the *Petition* offer the Commission the opportunity to “get it right,” to *advance* universal service by investing in networks that can keep up over time, and to do so within existing budgets and administrative structures.<sup>17</sup> The *Petition* presents a

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<sup>15</sup> *Promoting Telehealth for Low-Income Consumers*, WC Docket No. 18-213, *COVID-19 Telehealth Program*, WC Docket No. 20-89, Report and Order, FCC 20-44 (rel. Apr. 2, 2020).

<sup>16</sup> *ACAM Petition*, p. 3 (citing several Commission actions, such as its waiver of the E-rate program’s gift rules, the opening of a second E-Rate funding window for schools, clarification issued with respect to the general public’s use E-Rate supported Wi-Fi networks while on school or library property, and extension of several service implementation and filing deadlines to provide relief to E-Rate participants, as well as the waiver of Lifeline subscriber de-enrollment rules.) (citations omitted).

<sup>17</sup> For similar reasons, the Commission should also consider comparable ways in which it can position the Connect America Fund Broadband Loop Support and Alaska Plan mechanisms to serve rural consumers’ future broadband needs. These mechanisms, much like the ACAM program, have been highly successful in making high-quality broadband service available to wide swaths of rural America. Yet both mechanisms, like ACAM, could benefit from simple extensions that enable providers to keep up with and ahead of rural consumers’ needs.

strong case for amendment of the rules as proposed by the ACAM Broadband Coalition, and the Commission should quickly initiate a rulemaking to evaluate these proposals.

### III. CONCLUSION

For the reasons set forth above, the Commission should initiate a rulemaking to examine the proposals made by the ACAM Broadband Coalition. The *Petition* makes a strong case for the rule amendments it seeks, as the proposals would leverage a successful existing program to better serve rural America.

Respectfully submitted,



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