

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)
)
Establishing a 5G Fund for Rural America) GN Docket No. 20-32

**REPLY OF RURAL WIRELESS ASSOCIATION, INC. AND NTCA - THE RURAL
BROADBAND ASSOCIATION TO OPPOSITIONS AND COMMENTS REGARDING
PETITIONS FOR RECONSIDERATION**

The Rural Wireless Association, Inc. (“RWA”) and NTCA – The Rural Broadband Association (“NTCA”) (collectively, the “Associations”, pursuant to Section 405 of the Communications Act of 1934, as amended (“the Act”), and Section 1.429 of the Federal Communications Commission’s (“FCC” or “Commission”) rules, hereby reply to oppositions and comments to the petition filed by RWA and NTCA seeking reconsideration of the Report and Order adopted in the above-captioned proceeding. The Associations specifically address the Opposition filed by T-Mobile USA, Inc. (“T-Mobile”)¹ and Comments filed separately by AT&T² and the Competitive Carriers Association (“CCA”) (collectively, “Comments”).³

In their Joint Petition for Reconsideration, the Associations sought reconsideration of the Commission’s decision to exclude areas from eligibility for support in the 5G Fund Phase I auction based upon where new mobile coverage data submitted in the Digital Opportunity Data Collection (“DODC”) show the existence of either unsubsidized 4G LTE or unsubsidized 5G broadband service offered by at least one service provider. The Associations showed how the Commission’s decision was based on erroneous assumptions and contrary to record evidence,

¹ Opposition to Petitions for Reconsideration filed by T-Mobile USA, Inc., February 8, 2021 (“T-Mobile Opposition”).

² Comments of AT&T, February 8, 2021 (“AT&T Comments”).

³ Comments of Competitive Carriers Association, February 8, 2021 (“CCA Comments”).

and that the Commission’s failure to consider and address this evidence was arbitrary and capricious. All three Commenters addressed this issue. CCA supports the position taken by the Associations in their petition. T-Mobile and ATT, however, attempt to refute the Associations’ arguments. As discussed below, T-Mobile and AT&T fail to show why the Commission’s decision on eligibility should not be reconsidered.

T-Mobile argues that the Associations’ argument was already considered and rejected by the Commission. This could not be further from the truth. As the Associations demonstrated in their Petition, the Commission specifically failed to address in its order the record evidence that contradicted the Commission’s summary conclusion that an area that receives 4G LTE service is likely to receive 5G service network in the near-term. Instead of attempting to address such arguments, the Commission focused only and relied upon four sets of comments, each of which in fact failed to provide any support for the Commission’s predictive judgment.⁴ The failure to address record evidence refuting the basis for its eligibility criteria constitutes a material error warranting reconsideration of the Commission’s decision.

T-Mobile attempts to support the Commission’s prediction by referencing its own commitment to achieving 5G coverage for 99% of the U.S. population – including 90% of the country’s rural population – within the next six years.⁵ While T-Mobile may have stated that it will achieve such buildout, there is good reason for skepticism that T-Mobile will succeed in doing so given its long history of serving primarily urban and suburban areas. Even if T-Mobile were to be able to achieve such buildout, it would still leave a large amount of the rural *geography* without 5G coverage – including 10% of the country’s rural population. T-Mobile also states that “[o]ther carriers have announced ambitious plans to deploy 5G across the country

⁴ Associations Petition at p. 3.

⁵ T-Mobile petition at p. 4.

in the coming years.”⁶ This general statement is vague, fails to name which carriers will build out to rural areas and provides no assurance that such deployment will occur in the foreseeable future.

T-Mobile claims that both NTCA and the Coalition of Rural Wireless Carriers (“CRWC”) support excluding areas with access to 4G LTE. This is incorrect. The Associations’ Petition and this Reply should make clear that NTCA does *not* support such an exclusion. Instead, T-Mobile mischaracterizes NTCA’s previous position, picking and choosing the parts it likes while disregarding the parts it opposes. NTCA’s support for targeting 5G support to areas lacking 4G LTE was predicated on the Commission adopting its proposal to first offer legacy small providers who operate in the U.S. Department of Agriculture’s Rural-Urban Commuting Area Codes (RUCA) 5-10 support in exchange for a commitment to build 5G in those areas specifically. Given the Commission’s failure to offer support to legacy providers in rural areas and instead proceed directly to auction, NTCA agrees that 5G service will only be made available to the most rural areas if support is made available to those areas that lack 5G service. CRWC’s petition for reconsideration also makes clear its position that the FCC should define as eligible “any area that lacks unsubsidized 5G service meeting the performance requirements set forth for 5G Fund auction winners.”⁷

Finally, T-Mobile argues that the fact that in some rural areas, large carriers have deployed next generation services only after small carriers constructed their own networks with high-cost support is irrelevant. To the contrary, this fact is both material and important as it provides further support for the point made by the Associations, CRWC, CCA⁸, and other rural

⁶ *Id.*

⁷ Petition for Reconsideration of Coalition of Rural Wireless Carriers, filed Dec. 28, 2020, at p. 14.

⁸ CCA Comments at p. 4 (“the current 5G Fund structure – excluding areas that have any unsubsidized 4G LTE service, no matter how minimal, but requiring new 5G services in eligible areas – risks leaving substantial gaps in

carriers that, as a matter of real-world experience in contrast to theoretical predictive judgment, next generation service arrives in rural areas only after rural carriers begin to serve such areas with subsidized support.

AT&T argues that granting the Associations' request would "encourage overbuilding existing networks and conflict with the Commission's goal of ensuring that its limited universal service support is targeted to areas that truly need it."⁹ AT&T appears to be suggesting that areas that have unsubsidized 4G LTE do not need 5G service, noting that one of the goals of the Commission's Mobility Fund Phase II was to "target universal service funding to coverage gaps."¹⁰ Such a viewpoint is completely opposite of the fundamental goal of the 5G Fund – "to bring voice and 5G broadband service to rural areas of our country that are unlikely to see unsubsidized deployment of 5G-capable networks."¹¹ Indeed, if the FCC's goal in this proceeding was simply to eliminate coverage gaps, it would be excluding areas with unsubsidized 2G or 3G service from eligibility for 5G Fund Phase I support too.

5G deployment in rural and remote areas. Such gaps could leave those communities years behind in 5G deployment and widen the digital divide.").

⁹ AT&T Petition at p. 7.

¹⁰ *Id.*

¹¹ *Establishing a 5G Fund for Rural America*, GN Docket No. 20-32, Report and Order, rel. Oct. 29, 2020, at par. 9.

For the foregoing reasons, RWA and NTCA renew the request for reconsideration set forth in their Joint Petition and ask the Commission to take action that will ensure *all* rural areas have reasonable opportunity to participate meaningfully in the kind of 5G future envisioned by this proceeding.

Respectfully submitted,



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Certificate of Service

I, Linda Braboy, certify that on this day of February 18, 2021, copies of the foregoing **REPLY OF RURAL WIRELESS ASSOCIATION, INC. AND NTCA - THE RURAL BROADBAND ASSOCIATION TO OPPOSITIONS AND COMMENTS REGARDING PETITIONS FOR RECONSIDERATION** were sent via U.S. Postal Service to the following:

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