



December 22, 2021

***Notice of Ex Parte***

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

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

Dear Ms. Dortch:

On December 21, 2021, the undersigned visited via telephone with Ramesh Nagarajan, Acting Legal Advisor, Wireline, to Chairwoman Jessica Rosenworcel, to discuss performance measurement testing. The meeting addressed a petition for waiver filed by NTCA–The Rural Broadband Association (NTCA) on December 3, 2021,<sup>1</sup> and a petition for waiver filed by Reserve Communications and Computer, LLC (REV Broadband) on December 16, 2021.<sup>2</sup>

In regard to the NTCA petition, NTCA explained that supply chain disruptions persist throughout the telecommunications industry. As demonstrated in the NTCA petition (and as outlined in previously filed *ex parte* presentations),<sup>3</sup> these disruptions are largely consistent with manufacturing and shipping delays that have affected overall global markets but which are of particular concern to broadband providers who face obstacles obtaining equipment necessary to comply with Commission regulations. NTCA noted that the Wireline Competition Bureau, on delegated authority, took notice of the unprecedented impact of the COVID-19 pandemic one

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<sup>1</sup> *Connect America Fund: Petition for Waiver of NTCA–The Rural Broadband Association*, Docket No. 10-90 (Dec. 3, 2021).

<sup>2</sup> *Connect America Fund: Reserve Communications and Computer, LLC, Petition for Waiver*, Docket No. 10-90 (Dec. 16, 2021).

<sup>3</sup> *Connect America Fund: Ex Parte Presentation of NTCA–The Rural Broadband Association*, Docket No. 10-90 (Nov. 12, 2021).

year ago and permitted pre-testing carriers to test and file results for 70% of the USAC-selected locations.<sup>4</sup> Unfortunately, conditions that informed the Commission's prior ruling persist. As described in the petition, filings from leading firms and other reports caution that supply chain disruptions are expected to continue into 2022. Accordingly, NTCA recommended that the 70% threshold for testing be extended for at least six months. NTCA further specified that this relief be granted to carriers covered by the December 2020 Order as well as those that will commence pre-testing in January 2022.

NTCA also discussed the value of extending the pre-testing period, specifically, that period during which test results must be reported but which do not implicate liability for carriers. NTCA explained that carriers and their representatives continue to refine reporting practices in order to conform to USAC processes and expectations, and that an extension of the pre-testing period for A-CAM/RBE/Alaska carriers will enable all parties to collectively identify mutually consistent practices, thus avoiding potential misunderstanding that could lead to an unnecessary withholding of critical high-cost support.

Finally, NTCA expressed its support for the waiver petition submitted by REV Broadband. This carrier was affected last August by Hurricane Ida, a Category 4 storm that was one of the strongest to hit Louisiana since Hurricane Katrina in 2005. Although the company prepared for speed and latency performance pre-testing, damage from Hurricane Ida has made such testing impossible as the company devotes priority personnel and resources to rebuilding critical network infrastructure and restoring essential services for customers throughout its service area. The special circumstances of Hurricane Ida support this waiver, as strict compliance with the rule would be inconsistent with the public interest. Moreover, grant of the waiver will not undermine the policy objective of the rule, as testing can commence as network operations return to normal.

Thank you for your attention to this correspondence. 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*

Joshua Seidemann

Vice President, Policy

NTCA—The Rural Broadband Association

4121 Wilson Blvd., Suite 1000

Arlington, VA 22203

703-351-2000

[www.ntca.org](http://www.ntca.org)

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<sup>4</sup> *Connect America Fund: Order*, Docket No. 10-90, DA 20-1512, at para. 6 (2020).