



April 15, 2022

VIA ECFS

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

Re: Rural Digital Opportunity Fund Auction, AU Docket No. 20-34; Rural Digital Opportunity Fund, WC Docket No. 19-126; Connect America Fund, WC Docket No. 10-90

Dear Ms. Dortch:

The undersigned (“Joint Filers”) have consistently sought to ensure the successful deployment of broadband in rural America, including through the Rural Digital Opportunity Fund (“RDOF”) program.¹ However, we remain concerned that a lack of transparency and accountability in the process could place some RDOF Phase I locations bid at the gigabit tier at risk of receiving service levels that fall short both of the expectations set by the Commission for the auction and of awardee commitments.

In the latest instance, a media article states that one RDOF winning bidder, Resound Networks, LLC (“Resound”), reportedly intends to alter its deployment strategy, switching to fixed wireless technology “to service to around 12,000 locations it was originally planning to cover with fiber as part of its Rural Digital Opportunity Fund (RDOF)-fueled expansion.”² This apparent belated switch in plans after the auction has taken place presents significant concerns, highlighting once again both the lack of transparency in the auction process and questions surrounding accountability in the wake of the auction’s results.

¹ See, e.g., Letter from Michael R. Romano, Senior Vice President, Industry Affairs & Business Development, NTCA—The Rural Broadband Association, to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 19-126, *et al.* and attached white paper, *Evaluating the Capabilities of Fixed Wireless Technology to Deliver Gigabit Performance in Rural Markets*, (Feb.1, 2021). See also, Letter from Jim Matheson, CEO, National Rural Electric Cooperative Association, to Jessica Rosenworcel, Acting Chairwoman; Brendan Carr, Commissioner, Geoffrey Starks, Commissioner; and Nathan Simington, Commissioner, Federal Communications Commission, WC Docket No. 19-126, *et al.* and attached white paper, *The Rural Digital Opportunity Fund: Rural America’s Broadband Hopes at Risk* (Feb. 1, 2021). See also, Letter from Michael R. Romano, Senior Vice President, Industry Affairs & Business Development, NTCA—The Rural Broadband Association, to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 19-126, *et al.* (Feb.5, 2021)

² “Resound trades fiber for fixed wireless for a chunk of its RDOF builds,” Diana Goovaerts, *Fierce Wireless*, Mar. 16, 2022, <https://www.fiercetelecom.com/broadband/resound-trades-fiber-fixed-wireless-chunk-its-rdof-builds>.

Prior to the auction, the Commission specifically indicated³ that RDOF applicants planning to use fixed wireless technologies to fulfill Gigabit level service commitments would need to “make a case” prior to bidding that they were capable of in fact doing so. While the Joint Filers have no visibility into what Resound submitted in its applications to “make a case” – or if it did so at all – bidding as if it would use one technology and then changing course thereafter would perpetuate and exacerbate long-standing concerns about the transparency and accountability of the RDOF auction process.

Indeed, concerns about the capabilities of certain technologies were well-founded, and the notion that review of such capabilities should take place *before* parties bid was warranted – even as the Joint Filers continue to have concerns about such showings being considered confidentially pursuant to standards that still have never been published, if even defined. Nonetheless, careful scrutiny is warranted now, especially in a case like this where the winning bidder reportedly seeks to switch from a proven technology to one that is subject to a number of practical challenges. Specifically, coverage at the required tier for fixed wireless service cannot be determined “without knowing propagation and line of sight characteristics, both of which vary greatly from area to area and both of which will impact required network antenna heights, maximum link length, and customer transceiver placement. And, even knowing whether fixed wireless transmissions can reach all locations does not indicate whether the network itself can in fact support gigabit transmissions for each of those locations.”⁴

As the Commission continues to assess bidders’ Long Form applications, the Joint Filers reiterate the need for careful inspection of proposed technologies and deployment plans. This is not to say that the Commission should delay authorizing those applications that present a clear case for service delivery based upon capability to perform and proven technologies. In those cases where substantial questions persist or would-be providers decide to alter their applications in a material way, more careful scrutiny remains essential to ensure the most effective use of universal service resources and serve the interests of consumers in need.

³ *Rural Digital Opportunity Fund Phase I Auction Scheduled For October 29, 2020*, Notice and Filing Requirements and Other Procedures for Auction 904, AU Docket No. 20-34 et. al., (rel. June 11, 2020), ¶ 106. As the Commission explained, “given distance limitations, spectrum bands attributes, channel bandwidths requirements, backhaul and medium haul requirements, tower siting requirements, capacity constraints, required upstream speeds, required minimum monthly usage allowances, and other issues raised in the record, we expect it will be similarly challenging for a fixed wireless provider to make a case that it can offer a mass market service meeting the Gigabit performance tier public interest obligations in the less dense areas eligible for Auction 904. This is so especially for entities lacking an operational history of offering Gigabit service in rural areas.”

⁴ Letter from Michael R. Romano, Senior Vice President, Industry Affairs & Business Development, NTCA—The Rural Broadband Association, to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 19-126, *et al.* (June 2, 2020). *See also*, Letter from B. Lynn Follansbee, Vice President—Policy & Advocacy, USTelecom to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 19-195 at 2 (May 14, 2020); Big Bend Telecom LTD; NTS Communications, LLC; Poka Lambro Telecommunications Ltd.; PVT Networks, Inc.; and Valley Telephone Cooperative, Inc., *Petition to Deny and Request for Informal Action*, WC Docket No. 19-126, *et al.* (Mar. 26, 2021); Ensuring RDOF Integrity Coalition, *Informal Request for Commission Action*, WC Docket No. 19-126, *et al.* (Feb. 25, 2021).

Respectfully Submitted,

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