



February 1, 2023

***Ex Parte Notice***

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

**RE: *Connect America Fund, WC Docket No. 10-90; ETC Annual Reports and Certifications, WC Docket No. 14-58; Telecommunications Carriers Eligible to Receive Universal Service Support, WC Docket No. 09-197; Connect America Fund – Alaska Plan, WC Docket No. 16-271; Expanding Broadband Service Through the A-CAM Program, RM-11868***

Dear Ms. Dortch:

On Tuesday, January 31, 2023, the undersigned on behalf of NTCA–The Rural Broadband Association (“NTCA”) spoke with Ramesh Nagarajan and Elizabeth Cuttner from the office of Chairwoman Jessica Rosenworcel regarding matters in the above-referenced proceedings.

In our meeting, I expressed concerns about the substantial likelihood of a recurrence of the budget control mechanism (“BCM”) for the 2023-2024 support period that, if implemented, would result in substantial cuts in Connect America Fund-Broadband Loop Support (“CAF-BLS”) and High-Cost Loop Support (“HCLS”) for several hundred small rural providers. As the Federal Communications Commission (the “Commission”) is well aware, the CAF-BLS and HCLS mechanisms provide support *after* investments have been made and as services continue to be delivered, meaning that these cuts in universal service fund (“USF”) support could put at risk the viability of existing high-capacity networks and undermine the ability to offer quality services on an ongoing basis at more affordable rates to consumers across rural America.

The application of drastic cuts to much-needed USF support at a time when providers have been investing at an increased pace to connect more Americans and attempting to stimulate greater adoption of broadband in rural areas would run counter to the broader national imperative to promote broadband availability and affordability. The Commission itself has previously recognized the severe negative impacts application of the BCM would have upon universal service goals, thankfully providing waivers in the past two years as a result. *See Connect America Fund, WC Docket No. 10-90, Order (rel. May 10, 2022) (“2022 Waiver Order”); Connect America Fund, WC Docket No. 10-90, Order (rel. June 3, 2021)*. Indeed, the Commission itself best captured the case for revisiting the BCM in the most recent waiver order, noting that “increased conversion of voice lines to broadband-only lines,” “an increase in the number of new customers subscribing to broadband-only lines,” increased investment in broadband networks, and lingering pandemic-

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related effects of inflation on labor and materials all justified such relief. *See* 2022 Waiver Order, at ¶¶ 8-10. In other words, the very policy outcomes the Commission seeks through its USF programs – accelerated investment leading to better broadband that is in turn adopted by more customers – combined with certain persistent economic consequences arising out of the pandemic lead to the conclusion that the Commission’s predictive judgments regarding the BCM in 2018 for CAF-BLS and HCLS have become outdated. *See also* NTCA Broadband/Internet Availability Survey (Dec. 2022), at 7 and 9 (finding that over the past year the availability of 100 Mbps or better broadband from NTCA members increased by 6.3% on average and that customer adoption of 100 Mbps or better service increased on average by 11.6%).

For these reasons, NTCA renews its calls over the past six months for the Commission to address such concerns through prompt adoption of its proposals for updates to the Alternative Connect America Model and CAF-BLS and HCLS mechanisms. *See* Comments of NTCA, WC Docket No. 10-90, *et al.* (filed July 18, 2022); Reply Comments of NTCA, WC Docket No. 10-90, *et al.* (filed Aug. 1, 2022); *Ex Parte* Letters from Michael R. Romano, Executive Vice President, NTCA, to Marlene H. Dortch, Secretary, Commission, WC Docket No. 10-90, *et al.* (filed Oct. 14, 2022 and Dec. 5, 2022). While the Commission could grant another BCM waiver and provide a similar measure of relief for the year ahead – and while such relief would be justified for the very same reasons as prior BCM waivers were granted – the recurring nature of this issue and the ongoing factors driving it confirm that fundamental recalibration of the 2018 BCM as has been proposed by NTCA is warranted and appropriate, and the measures previously recommended by NTCA would put these programs on more sound footing and on a clear path to enable the delivery of higher-speed broadband on a sustainable basis across broad rural geographies.

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.

Sincerely,

/s/ Michael Romano

Michael Romano

Executive Vice President

cc: Ramesh Nagarajan  
Elizabeth Cuttner