



June 26, 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 Friday, June 23, 2023, the undersigned on behalf of NTCA-The Rural Broadband Association (“NTCA”) spoke with Danielle Thumann, legal advisor to Commissioner Brendan Carr, regarding matters in the above-referenced proceedings.

During the conversation, NTCA reiterated support for targeting funds to enable network deployment in high-cost unserved areas, but emphasized the need as well for the Federal Communications Commission (the “Commission”) to promote and achieve sustainability as part of its more comprehensive mission of universal service. NTCA therefore urged the Commission to recognize expressly the importance of providing reasonable and sufficient ongoing support for locations that are currently served to ensure rates remain affordable and prior loans and private investment capital can be repaid and recovered. NTCA specifically observed that merely stretching the same total amount of support currently slated to be received for such locations over an elongated period, for example, would not constitute reasonable or sufficient support, and could unfortunately be a substantial deterrent to widespread election of ostensibly “enhanced” offers.

NTCA further asked the Commission to ensure that, prior to adjusting support in any way due to the asserted presence of competitors, proper assessment is made of the capabilities of such would-be competition. For example, reports of fixed wireless coverage through the Broadband Data Collection (“BDC”) represent nothing more than the purported offering of a given level of service to consumers in that area; they do not represent the actual level of service that any one customer can in fact receive, nor do they reflect what the consumers in that area could expect to receive if *every* consumer there needed to receive service from the would-be competitor after universal service support in that area has been reduced or eliminated. At its essence, the Commission’s statutory mandate in high-cost areas is to ensure that voice and broadband services are reasonably comparable in price and quality to those available in urban areas – and the mere BDC reporting of the *marketing* of broadband at a certain level to a given location in a rural area does not constitute sufficient grounds to consider the mission of universal service fulfilled in that area.

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In the alternative, if the Commission will not conduct a validation process to confirm the actual capabilities of would-be competitors – which it should be noted will take place under the Broadband Equity, Access, and Deployment Program for even supposed “Reliable Broadband Service” through state-driven challenge processes – NTCA recommends that the Commission categorically exclude from competitive overlap analysis for universal service purposes all kinds of offerings where levels of service and the actual consumer experience are susceptible to variation due to obstructed lines of sight, impacts of distance, shared local capacity and congestion or interference, available spectrum/capacity, or commonly occurring weather conditions such as precipitation. Without either such a process or such categorical exclusion of technologies that provide variable user experiences, the Commission cannot reasonably assure the achievement of universal service consistent with its statutory mandate.

Finally, with respect to the Connect America Fund-Broadband Loop Support and High-Cost Loop Support mechanisms, consistent with recent advocacy, NTCA reiterates the importance of ensuring sufficient support for all such recipients, whether they elect voluntary paths for fixed support or not.

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: Danielle Thumann