

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
Connect America Fund	)	WC Docket No. 10-90
	)	
Connect America Fund—Alaska Plan	)	WC Docket No. 16-271
	)	
The Uniendo a Puerto Rico Fund and the Connect USVI Fund	)	WC Docket No. 18-143
	)	
Rural Digital Opportunity Fund	)	WC Docket No. 19-126
	)	
The Rural Digital Opportunity Fund Auction (Auction 904)	)	AU Docket No. 20-34

**COMMENTS OF  
NTCA—THE RURAL BROADBAND ASSOCIATION**

NTCA—The Rural Broadband Association (“NTCA”)<sup>1</sup> hereby submits these comments in response to the Public Notice<sup>2</sup> issued by the Federal Communications Commission’s (“Commission”) Wireline Competition Bureau (“WCB”) in the above-captioned proceedings. The Public Notice seeks comment on using the data included in the Broadband Serviceable Location (“BSL”) Fabric (“Fabric”) to “update and verify compliance with certain High-Cost program support recipients’ deployment obligations.”<sup>3</sup> As discussed further below, NTCA urges the WCB to compel the tracking of compliance with High-Cost Universal Service Fund (“USF”)

---

<sup>1</sup> NTCA represents approximately 850 rural local exchange carriers (“RLECs”). All of NTCA’s members are voice and broadband providers, and many of its members provide wireless, video, and other competitive services to their communities.

<sup>2</sup> *Wireline Competition Bureau Seeks Comment on Leveraging the Broadband Serviceable Location Fabric for High-Cost Support Mechanism Deployment Obligations*, WC Docket No. 10-90, 16-271, 18-143, 19-126, AU Docket No. 20-34, Public Notice, DA 24-77 (rel. Jan. 25, 2024) (“Public Notice”).

<sup>3</sup> *Id.*, ¶ 1.

buildout obligations to the Fabric *only* for newly established programs and *only* after the Fabric is a more settled and stable data set. Given ongoing development and refinement of the still-unsettled Fabric, it would be premature to mandate reconciliation between High Cost Universal Broadband portal (“HUBB”) and Fabric data, as contemplated by the Public Notice. Particularly given that the Fabric was established after many of the High-Cost programs at issue were created, and with final buildout milestones soon to be reached in a number of these programs, “switching gears” now to require reference to the Fabric for verifying compliance at this time would be highly disruptive.

While mandatory integration of HUBB and Fabric data is ill-advised for these reasons, NTCA supports a *voluntary* pathway that would permit providers to seek adjustments to Alternative Connect America Cost Model (“ACAM”) I & II deployment obligations with corresponding support adjustments. Any such support adjustments, however, should not be applied on a *pro rata* basis because of the disparity in cost characteristics that the model itself recognizes in serving different locations. Finally, NTCA urges the WCB to reconsider the proposal to adjust Alaska Plan recipients’ buildout obligations as doing so now would be highly disruptive and better pursued through a currently open and active rulemaking proceeding.<sup>4</sup>

**I. COMPLIANCE WITH HIGH-COST SUPPORT DEPLOYMENT OBLIGATIONS SHOULD BE TIED TO THE BROADBAND SERVICEABLE LOCATION FABRIC ONLY AT SUCH TIME AS THE DATA THEREIN IS SUFFICIENTLY SETTLED AND STABLE, AND EVEN THEN ONLY FOR NEWLY ESTABLISHED HIGH-COST USF PROGRAMS.**

The Fabric can be a valuable data source for purposes ranging from determining where High-Cost USF support and other broadband funding should be directed to where associated

---

<sup>4</sup> *Connect America Fund*, WC Docket No. 10-90, et al., Notice of Proposed Rulemaking and Report and Order, FCC 23-87, (rel. Oct. 20, 2023) (“*Alaska Connect Fund NRPM*”).

deployment obligations under various programs have been satisfied. That said, for all of the considerable and laudable efforts to establish and refine the Fabric, it remains a work in progress with a significant portion of the data therein remaining “unsettled.” NTCA members across the nation report persistent inaccuracies or other discrepancies with respect to BSLs in the Fabric, and they have also shared substantial ongoing efforts to seek corrections to the data based upon known conditions in the rural areas in which they live and that they have served for decades. This work goes beyond continuing to identify instances where a BSL is not present, and also includes missing locations and locations that are placed at geographic coordinates not consistent with where the provider knows a BSL to be – a particularly thorny concern when it comes to reconciliation with prior HUBB reports. Indeed, even as members make substantial efforts to reconcile this data, discrepancies often must be addressed on a manual and time-consuming location-by-location basis. Moreover, efforts to reconcile data are placed on hold in the face of pending location challenges that seek to “bring the Fabric closer to reality,” and as additional errors are found in new Fabric releases that then trigger the need for even more location challenges.

For all of these reasons, the Fabric cannot be viewed as settled or stable enough to justify the migration of deployment obligation compliance reporting yet, even as this should rightly be seen as a longer-term objective. The Fabric has only been available to providers for challenge process purposes since September 1, 2022,<sup>5</sup> and even as the Fabric continues to improve, it is clear based upon this experience and reviews of its current state that several more reporting and challenge cycles are likely needed before the Fabric may be in position as an authoritative

---

<sup>5</sup> *Broadband Data Task Force Announces the Start of the Broadband Serviceable Location Fabric Bulk Challenge Process*, WC Docket Nos. 19-195, 11-10, Public Notice, DA 22-913 (rel. Sep. 1, 2023).

resource that consistently reflects real-world conditions locally. At that time, once the status of locations becomes less in question and less of a moving target, the location data found therein will likely be in position to be leveraged for purposes of verifying compliance with High-Cost USF support buildout obligations.

Even once this steadier state is reached, however, Fabric location data should only be used on a mandatory basis to verify compliance with High-Cost USF buildout obligations in the context of newly created support programs (such as Enhanced ACAM).<sup>6</sup> The other programs referenced in the Public Notice (ACAM I & II, Alaska Plan, etc.) were established before the effort to build and update the Fabric was initiated, and reporting with respect to compliance with those programs likewise predates the Fabric (or have continued alongside it). Indeed, only Enhanced ACAM buildout obligations were specifically determined by reference to the NBM in the first instance.<sup>7</sup> Recipients of these other programs are several years into their support terms, meaning tens of thousands or more locations for each have been entered into the HUBB at this point – and for every one of those locations, the difficulties as noted above exist with respect to reconciling location information entered into the HUBB with Fabric location IDs. Mandating

---

<sup>6</sup> In addition, Enhanced ACAM support recipients are slated to begin with “pre-testing” on January 1, 2026 (*Connect America Fund*, WC Docket No. 10-90, et al., Order, DA 23-778 (rel. Aug. 30, 2023), ¶ 17), yet given the still-shifting nature of the Fabric and the pending location and support adjustments that may not be complete until the end of 2025 (*Connect America Fund*, WC Docket No. 10-90, et. al., Report and Order, Notice of Proposed Rulemaking, and Notice of Inquiry, FCC 23-60 (rel. Jul. 24, 2023) (“*Enhanced ACAM Order*”), ¶ 34), these operators could likely be hard-pressed to determine the exact locations to which they must build pursuant to this program until shortly before such testing requirements must begin. This will give them little time to install testing equipment at the specific locations required. Thus, it will be important for the Commission to consider the need for, and to be open to, a delay in the commencement of the testing regime, including associated penalties, to accommodate such uncertainty.

<sup>7</sup> See *Enhanced A-CAM Order*, ¶ 40 (“More specifically, we require a carrier electing Enhanced A-CAM to provide 100/20 Mbps or faster broadband and voice service to all Enhanced A-CAM required locations within its study area, as determined by the National Broadband Map”).

that recipients of USF support through these other programs reconcile and retrofit their HUBB data to migrate to the Fabric, even once that system is better settled, would generate massive burdens with little to no corresponding benefit when it comes to tracking compliance and ensuring effective use of USF resources.

**II. THE USE OF THE BROADBAND SERVICEABLE LOCATION FABRIC FOR SUPPORT ADJUSTMENTS SHOULD ONLY TAKE PLACE ON A VOLUNTARY BASIS LEVERAGING MORE SETTLED AND STABLE FABRIC DATA.**

Certain additional proposals found in the Public Notice are potentially problematic, as discussed further below. With respect to the ACAM I & II and Alaska Plan support mechanisms, in lieu of compelling a transition from HUBB-based to Fabric-based reporting, the WCB should only invite providers to seek, on a *voluntary* basis, to migrate to the Fabric to the extent they seek any adjustments in their deployment obligations – and again only at such time as the Fabric is more settled and stable than it is currently. Moreover, any support adjustments that follow from such a voluntary transition should not be implemented on a *pro rata* basis for the reasons noted below. Finally, the Public Notice discussion as to the “expectation” that Alaska Plan support recipients should connect 100 percent of their locations should be reconsidered.

**A. ACAM I & II.**

NTCA supports the Public Notice’s proposal to permit “A-CAM support recipients that discover there is a widely divergent number of locations in their funded census blocks as compared to the model [to] have the opportunity to seek an adjustment to modify their deployment obligations.”<sup>8</sup> For a number of ACAM I and II support recipients, such an

---

<sup>8</sup> Public Notice, ¶ 49.

adjustment could be of interest should they find an insufficient number of locations in their study areas for purposes of complying with their model-defined buildout obligations.

As the Public Notice suggests, this pathway should be *voluntary* for ACAM I and II recipients.<sup>9</sup> ACAM I and II support recipients with more than enough locations within their support census blocks to fulfill their buildout obligations should not be required to undertake the difficult kind of reconciliation process referenced in the Public Notice<sup>10</sup> with no recognizable benefit for doing so. To be sure, some may choose to undertake that reconciliation should they find that the model has overstated their serviceable locations, but that should be viewed as an optional path for those that need it, and it should only take place at such point as the Fabric is more settled and stable following several more iterations of challenges and other efforts at refinement.

In addition, the proposal to reduce recipients' ACAM I and II support on a *pro rata* basis in the event of adjusted deployment obligations misses the mark – this proposal necessarily assumes that all locations are equally costly to serve. Yet, as the Commission's own cost model demonstrates, the costs incurred to serve some will be higher than others for reasons ranging from the topography of the area where a location is found to its distance from existing network

---

<sup>9</sup> *Id.*, ¶ 51. (“We propose to *permit* A-CAM I & A-CAM II recipients to seek a downward adjustment in their location totals by using the Fabric to demonstrate the actual number of locations in their service areas.”) (emphasis added).

<sup>10</sup> *Id.*, ¶ 7. (“Currently, to ensure that Fabric data are consistent with data that high-cost support recipients are reporting to the HUBB to demonstrate compliance with their service milestones, we expect that support recipients will review the data they submit into the HUBB and as part of the BDC to identify any inconsistencies between the datasets. If a support recipient identifies a mismatch between its two datasets, it can take one of the following steps to address the mismatch: remove the location from its HUBB submission, modify the attributes in its datasets to ensure that the HUBB and Fabric data submissions are consistent, or submit a Fabric challenge through the National Broadband Map or the BDC system.”).

infrastructure used to serve other locations. To avoid the potential for reductions of support that are untethered from underlying costs and that would undermine efforts to sustain networks and keep rural rates affordable, the better approach would be to use the model to identify the relative levels associated with the affected locations and to adjust support accordingly.

## **B. Alaska Plan.**

The Public Notice proposal to adjust Alaska Plan buildout obligations is highly problematic, as it proposes to shift these from a specific number of locations to 100% coverage.<sup>11</sup> Alaska Plan recipients are working towards a December 31, 2026 buildout deadline, meaning these providers would experience a *material* change to their obligations quite “late in the game” with less than two years to adjust. Moreover, the continuing Fabric errors are particularly acute in Alaska, compounding the difficulty of such a material alteration to their construction plans. In addition, the provisions of the 2016 *Alaska Plan Order*<sup>12</sup> to which the Public Notice points as delegated authority for the WCB to take such action<sup>13</sup> were not intended for that purpose. Instead, as the *Alaska Plan Order* states, this was meant to address “circumstances that did not exist at the time the performance plans were adopted,”<sup>14</sup> and thus nothing therein indicates the delegation of authority to adopt what would, in effect, be a wholesale rewrite of buildout obligations and not (at least not indicated by the Public Notice) based on “changed circumstances.” Indeed, NTCA’s Alaska members report that this “changed

---

<sup>11</sup> *Id.*, ¶ 56.

<sup>12</sup> *Connect America Fund*, WC Docket No. 10-90, et al., Report and Order and Further Notice of Proposed Rulemaking, FCC 16-115 (rel. Aug. 31, 2016) (“*Alaska Plan Order*”).

<sup>13</sup> Public Notice, ¶ 56 (citing *Alaska Plan Order*, ¶ 63).

<sup>14</sup> *Alaska Plan Order*, ¶ 63.

circumstances” provision from the *Alaska Plan Order* was primarily intended to address scenarios in which the middle mile available to Alaska Plan recipients affected their ability to meet the required performance metrics should providers remain dependent on satellite for that purpose. In any case, to the extent the Commission believes that it should seek 100% coverage in Alaska, the current Alaska Connect Fund proceeding<sup>15</sup> is the more appropriate setting for that.

### III. CONCLUSION

NTCA respectfully requests that the WCB proceed in accordance with the recommendations set forth above in considering how to use updated serviceable location information in connection with the High-Cost USF programs.

Respectfully submitted,



By: /s/ Michael R. Romano  
Executive Vice President  
[mromano@ntca.org](mailto:mromano@ntca.org)

/s/ Brian J. Ford  
Vice President – Federal Regulatory  
[bford@ntca.org](mailto:bford@ntca.org)

---

<sup>15</sup> *See Alaska Connect Fund NRPM.*