

“standardized broadband speed testing protocols” is unnecessary and would moreover introduce vast and costly ramifications to a program that has demonstrated success in the half-decade since the rules were promulgated. Accordingly, NTCA recommends the Commission to reject the Petition.

As an overarching matter, the performance measurement processes were developed in a rulemaking proceeding that included active participation among a diverse set of broadband providers of different sizes and representing numerous technology platforms. In addition to the initial investigation pursuant to the Administrative Procedure Act (APA),³ the regulations were further tested in petitions for clarification and reconsideration that led to Commission-ordered refinements to meet technological and industry needs.⁴ In a recent Federal filing, a vendor that supplies testing-capable equipment to the industry declared that its cloud capabilities alone have performed more than 2 billion (2,000,000,000) tests.⁵ These are, of course, independent of tests executed by covered providers across the country using their respective and various types of protocols and equipment. Notably, there has been no need to revisit the flexibility afforded by the Commission that permits providers to “choos[e] solutions to conduct required performance testing.”⁶

In fact, the Petition reflects the soundness of the current processes in that it offers no evidentiary basis for the relief it seeks other than general assertions of the potential for

³ 5 U.S.C. § 5.

⁴ See, *Connect America Fund: Order on Reconsideration*, Docket No. 10-90, FCC 19-104 (2019); see, also, *Connect America Fund: Order*, Docket No. 10-90, DA 20-1510 (2020).

⁵ *Proposed BEAD Performance Measures Guidance: Comments of CALIX*, National Telecommunications and Information Administration, at 1 (Dec. 19, 2024).

⁶ *Connect America Fund: Report and Order and Further Notice of Proposed Rulemaking*, Docket No. 10-90, DA 18-710, at para. 9 (2018).

“misinformation,” “distort[ed] competition,” and a need for “consistent and accurate data.”

Absent compelling and documented instances of actual harm, the Petition fails to demonstrate reasons that would “justify the institution of a rulemaking proceeding.”⁷ Nor is NTCA alone in this observation: Other parties to this proceeding likewise noticed that the Petition does not adequately support its request for the relief that it seeks.⁸ Moreover, the transition sought by the Petition could result in substantial and unbearable costs for providers who could be forced to set aside processes they have deemed administratively, economically, and technically efficient, and to replace them with methodologies that could impose greater administrative, economic, and technical burdens. In addition to those costs, Ookla, LLC, describes in its comments no fewer than a half-dozen shortcomings envisioned by a transition to the T-143 standard promoted by the Petition, including, *inter alia*, lack of a scheduling mechanism, an inability to measure crosstalk, and an inability to account for certain complex variables in advanced communications networks.⁹

The Petition is not simply a proverbial “solution in search of a problem”¹⁰ but rather threatens a problem in place of progress. The Petition would replace a system that has been tested billions of times without adverse impacts on users, markets, or consumer interests with a protocol that would impose costs and burdens on affected entities while also implicating shortcomings that could in fact lessen the ability of users to meet Commission goals. For these

⁷ See, 47 CFR § 1.407.

⁸ See, *i.e.*, NCTA – The Internet & Television Association at 2 and WISPA – The Association for Broadband Without Borders at 1, 3, 4 (WISPA).

⁹ Ookla at 2, 3.

¹⁰ See, WISPA at 3

those stated above, NTCA recommends the Commission to reject the Petition and its request to initiate a rulemaking proceeding.

Respectfully submitted,

*s/*Joshua Seidemann

Joshua Seidemann

VP Policy and Industry Innovation

NTCA–The Rural Broadband Association

4121 Wilson Blvd., Suite 1000

Arlington, VA 22203

703-351-2000

www.ntca.org

DATED: January 13, 2025