



March 16, 2016

Ex Parte Notice

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

RE: *Connect America Fund, WC Docket No. 10-90*

Dear Ms. Dortch:

NTCA–The Rural Broadband Association (“NTCA”) submits this letter in the above-referenced proceeding to support a recent filing made by Hargray Communications Group, Inc. (“Hargray”) and to raise more broadly once again a general, overarching need for thoughtful and careful implementation and possible recalibration of any reforms adopted to the extent necessary to avoid unintended consequences.

In a filing made March 7, 2016, Hargray identified concerns about the use of Form 477 data – which broadly captures advertised broadband speeds at a census block level – in a way that could have implications in terms of universal service support distributions but may not capture the more granular realities of broadband availability at specific locations within such census blocks. *Ex Parte* Letter of Trey Judy, Director-Regulatory, Hargray, to Marlene H. Dortch, Secretary, Federal Communications Commission (the “Commission”), WC Docket No. 10-90 (filed March 7, 2016). In the example provided by Hargray, a rural rate-of-return-regulated local exchange carrier (“RLEC”) may show a certain level of “deployment” for purposes of Form 477, but there may be fewer locations actually served at a given speed because the Form 477 is driven by the speed advertised to at least one location in the census block. This could, in turn, result in misplaced adjustments or limitations to an RLEC’s prospective recoverable capital expenses because a census block appears “served” at a certain speed threshold even as individual locations within the census block may not in fact be served by the RLEC at that level. For this reason, the Commission should commit to work with providers where needed to ensure that reforms are ultimately implemented in a way that will reasonably further efforts over time to reach consumers lacking sufficient broadband.

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The Commission itself has recently noted the value of obtaining a more granular understanding of levels of deployment in connection with universal service policy. *Connect America Fund*, WC Docket No. 10-90; *ETC Annual Reports and Certifications*, WC Docket No. 14-58; *Rural Broadband Experiments*, WC Docket No. 14-259, Order (rel. Mar. 9, 2016), at ¶ 7 (noting how the Commission can reconcile Phase I and Phase II Connect America Fund distributions by looking to data that will soon become available on a “location-by-location basis rather than on a census block-by-census block basis”). Similarly, NTCA has urged – and is hopeful that the Commission will ultimately adopt in the now-circulating order – a requirement that would-be “unsubsidized competitors” must confirm their actual capability to deliver broadband to specific locations as shown at first blush on their Form 477 data as of June 30, 2015 (including sufficient information to confirm the basis for the competitor’s claims that it serves a particular percentage of total locations) before an RLEC would see any potential reduction of universal service support for a given area. *Ex Parte* Letter from Michael R. Romano, Senior Vice President-Policy, NTCA, to Marlene H. Dortch, Secretary, Commission, WC Docket No. 10-90 (filed Feb. 5, 2016), at 2.

This is not to say at all that the Commission should impose new location-based reporting mandates on RLECs or any other carriers. The Commission must strike a careful balance in reporting burdens, as the Form 477 report and other filings already require significant efforts on the part of RLECs and other providers alike. Even NTCA’s proposal for a filing by would-be unsubsidized competitors noted above would be a *voluntary* filing only to the extent that a competitor *wishes* to come forward to confirm that its previously asserted coverage capabilities on a prior Form 477 submission translate in fact to coverage at a specified percentage of locations in a census block. Rather, NTCA’s point here is that, to the extent better information with respect to the status of service deployment at specific locations should become available by virtue of voluntary submission or future reporting and as part of a broader commitment to work collaboratively with carriers to implement and recalibrate reforms over time where needed, the Commission should consider how best to use such data to help inform its decision-making.

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 R. Romano
Michael R. Romano
Senior Vice President – Policy