

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
Inquiry Concerning Deployment of Advanced) GN Docket No. 17-199
Telecommunications Capability to All)
Americans in a Reasonable and Timely)
Fashion)

**REPLY COMMENTS
OF
NTCA–THE RURAL BROADBAND ASSOCIATION**

NTCA–The Rural Broadband Association (“NTCA”)¹ hereby submits these reply comments in response to comments filed on the Thirteenth Section 706 Notice of Inquiry (“NOI”) released by the Federal Communications Commission (“Commission”) on August 8, 2017.² The NOI seeks comment on the question of “whether advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion.”³

In initial comments, NTCA stated that the optimal approach to the Section 706 proceeding would be one that eschews a static speed benchmark in favor of an inquiry that incorporates a more holistic review of applications and consumers’ uses of broadband and looks at whether underlying networks can satisfy consumer demands now and over the useable lives of those infrastructure investments. An inquiry conducted under such a methodology would

¹ NTCA represents more than 800 independent, community-based telecommunications companies. All NTCA members are full service local exchange carriers and broadband providers, and many of its members provide wireless, cable, satellite, and long distance and other competitive services to their communities.

² *Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion*, Thirteenth Section 706 Report Notice of Inquiry, GN Docket No. 17-199, FCC 17-109 (rel. Aug. 8, 2017) (“NOI”).

³ *Id.*, ¶ 1 (citing 47 U.S.C. § 1302(b)).

provide a much better means of evaluating whether access is being sufficiently advanced than to take a simplistic snapshot of speeds. To the extent, however, that the Section 706 benchmark must focus upon static speed figures at all, NTCA supports the NOI's proposal to retain the 25/3 speed benchmark for fixed wireline broadband Internet access service. Nonetheless, because the 25/3 benchmark previously adopted in this proceeding is not yet within reach for many rural consumers in particular, NTCA proposed in initial comments and strongly reiterates by reference to those comments several steps⁴ the Commission must take to overcome that unfortunate reality.

While some commenting on the NOI would support the Commission getting bogged down in a debate as to whether Section 706 is better viewed as an “are we there yet?” inquiry or one that looks at progress toward a static speed benchmark,⁵ other parties recognize the need for the Commission to focus on a more long-term vision when evaluating advancement.⁶ To do so, the inquiry should focus on how the Commission can set a national broadband policy that incents and facilitates broadband providers' deployment of technology that can stand the test of time and meet consumers' needs now and in the future. The Commission's Section 706 inquiry should focus on *sustainability* – not only getting broadband out there but also keeping it there – as real “advancement.” Particularly in high cost rural areas, sustainable advancement depends in large part on community-wide access where users of all kinds – households, businesses, schools and

⁴ NTCA comments, GN Docket No. 17-199 (fil. Sep. 21, 2017), pp. 14-24.

⁵ See, e.g., Comments of NCTA – The Internet & Television Association (NCTA), GN Docket No. 17-199 (fil. Sep. 21, 2017), pp. 4-5.

⁶ See, e.g., Comments of the Fiber Broadband Association, GN Docket No. 17-199 (fil. Sep. 21, 2017), p. 4. (stating that the “speed metrics against which the Commission proposes to continue to evaluate the availability of advanced telecommunications services pursuant to Section 706 are increasingly irrelevant for consumers and providers, and they certainly do not provide the basis for the Commission having a *long-term vision for promoting deployment of advanced telecommunications services across the U.S.*”) (emphasis added).

libraries, rural health care facilities (including those providing telehealth services) and low-income consumers – all can benefit from and make effective and increasing use over time of a robust broadband network.

Thus, as some understand,⁷ any determination that services that could soon be hopelessly out of date are somehow “advanced” could have disastrous long-term consequences, particularly for rural consumers where it is difficult to make the business case for any investment in the first instance. As the Institute for Local Self-Reliance and Next Century Cities state:

Rural residents and businesses require robust mobile and fixed access, just as cities do. Given the challenge of investment in rural areas, including mobile broadband access in an assessment of its connectivity would likely shortchange those areas and rural residents across the country. They are likely to have high quality mobile access long before they have high quality fixed access. An assessment that they are well served with mobile could deprioritize the appropriate focus on needed investment to ensure rural businesses and residents have all the telecommunications capacity they need to reap the benefits of the internet and participate in the 21st century society.⁸

Similar to the observation made by NTCA in initial comments,⁹ the Benton Foundation recognizes the harms to rural communities that could come about should the Commission set a national broadband policy that does not incent and facilitate broadband providers’ deployment of technology that can stand the test of time and meet consumers’

⁷ See Comments of Public Knowledge, et al., GN Docket No. 17-199 (fil. Sep. 21, 2017), p. 4 (stating that “[r]ural, lower-income, and minority communities, who often lag behind other communities in terms of their access to, and adoption of affordable, high-speed broadband, would be disparately affected” by the NOI proposal to consider whether *some* form of advanced telecommunications capability is acceptable for the purposes of the 706 inquiry.)

⁸ Comments of the Institute for Local Self-Reliance and Next Century Cities, GN Docket No. 17-199 (fil. Sep. 21, 2017), p. 4.

⁹ NTCA Comments, p. 10 (“There are likely few, if any, businesses that do (or could) rely solely upon mobile broadband access and would view it as a “substitute” for fixed broadband services. Indeed, “mobile-only” communities are unlikely to be much of a draw to employers that will likely choose a community in the next county or the next state that has robust, wireline broadband infrastructure in place.”).

needs now and in the future. As Benton states, rural areas:

[w]ithout modern internet connections cannot attract new firms, and their isolation discourages the enterprises they have: ranchers who want to buy and sell cattle in online auctions or farmers who could use the internet to monitor crops. Reliance on broadband includes any business that uses high-speed data transmission, spanning banks to insurance firms to factories.¹⁰

Declaring “advancement” of broadband to equate to networks capable of little more than 10/1 speeds that may not even today enable reliable access to voice service, much less bandwidth-hungry applications, risks leaving entire rural communities relegated to second-class (or worse) service for years to come. The provision of broadband service, particularly in rural areas, rests upon a foundation of capital-intensive networks that take months or years to build and then are expected to provide services for years or even decades thereafter once constructed; the assets through which broadband is provided certainly cannot be redeployed every few years and thus it is imperative to “plan ahead.” The Commission should take this reality into account and therefore adopt a national broadband policy that looks beyond what’s “good enough” for today, as its failure to do so substantially increases the chance of that rural America will fall even further behind.

In that regard, the NOI’s proposal to consider the mere availability of *some* form of broadband Internet access as sufficient for purposes of Section 706 – a policy that would declare the presence of 10/1 mobile wireless broadband as “good enough” – poses the risk of substantial long-term damage for rural users and communities in particular. As other commenters state,¹¹ mobile wireless broadband service, while clearly valuable to consumers of all kinds, is simply

¹⁰ Comments of the Benton Foundation, GN Docket No. 17-199 (fil. Sep. 21, 2017), p. 5.

¹¹ See Comments of the Massachusetts Department of Telecommunications and Cable (“MDTC”), GN Docket No. 17-199 (fil. Sep. 21, 2017), p. 3; Public Knowledge, p. 20; Institute for Local Self Reliance and Next Century Cities, p. 8.

not a substitute for a robust, high-quality, fixed wireline connection that so many urban consumers take for granted. Indeed, even meaningful access to mobile broadband will increasingly depend upon robust fixed networks that are located within even just a few hundred feet of every location where “mobile” access is desired,¹² something that the NOI appears to overlook entirely. Moreover, even as they are an important complement to fixed offerings, mobile wireless services (as well as satellite-based services) have certain limitations of their own – such as latency and data caps¹³ – that cannot be ignored. These limitations prevent users from having a meaningful opportunity “to originate and receive high-quality voice, data, graphics, and video telecommunications using any technology,”¹⁴ as required by section 706, and thus they cannot rightly be deemed “advanced.”

¹² See Remarks of Federal Communications Commission Chairman Ajit Pai at the Mobile World Congress, Barcelona, Spain, February 2017 (stating that “our 5G future will require a lot of infrastructure, given the ‘densification’ of 5G networks. In my country alone, operators will have to deploy millions of small cells, and many more miles of fiber and other connections to carry all this traffic.”); See also, Vantage Point, *Evaluating 5G Wireless Technology as a Complement or Substitute for Wireline Broadband*, attachment to Letter from Michael R. Romano, NTCA, to Marlene H. Dortch, FCC, WC Docket No. 10-90 (fil. Feb. 13, 2017), pp. 22-23 (stating that “if 5G wireless is going to deliver on the claims of high speeds and high capacity that many hope, it will need to be a ‘deep fiber’ network that is very similar to FTTH in fact.” As a result, “it is unclear why, when one is putting fiber so deep into the network to enable such speeds and to overcome the capacity constraints [of 5G] identified in this paper, one would stop at the small cell rather than just delivering fiber to the premises a few hundred feet away – and thereby deliver the promise of much higher speeds and availability without the same kinds of capacity limitations.”).

¹³ As NTCA noted in initial comments, while the current trend toward unlimited data plans offered by the nation’s largest mobile wireless carriers is a positive development for many consumers, such plans may no longer be available as mobile wireless providers are forced to limit data usage and recover an increased portion of their costs from end-users hogging up additional data. In fact, even today, as the NOI acknowledges, most unlimited data plans come with “soft caps” under which consumers utilizing more than a certain amount of data have their traffic deprioritized or the quality of their video reduced. NOI, fn. 10. That such soft caps only apply to the largest “data hogs” today should be of little comfort to rural consumers stuck with mobile only, as these consumers’ data usage will rapidly increase and soft caps are forced upon more and more consumers. All of this is especially problematic for users in any given community that requires affordable access to higher bandwidth capabilities, including businesses, anchor institutions, and health care facilities providing telehealth services.

¹⁴ 47 U.S.C. § 1302(d)(1).

Fortunately, as a separate and distinct matter, even if the Commission were to conclude that “good enough” at a relatively low static speed level is sufficient for purposes of Section 706, Congress set forth a *universal service* policy via Section 254 that expects and demands better. This forward-looking provision does not define universal service as what might be deemed “good enough” today for a rural user. Instead, the statute requires the Commission to design universal service mechanisms that enable “reasonable comparability” in services and prices between urban and rural America. This means that rural and urban users alike must have access to services with similar, if not identical, features and capabilities, and that sufficient and predictable universal service support must be provided to enable such reasonably comparable access at reasonably comparable rates. And, echoing the long-term perspective that must underpin Section 706 as well, the most efficient use of universal service support is one that ensures that such reasonably comparable services are available over the long run, that scalable networks that can stand the test of time and provide high quality services on a community-wide basis are available and affordable in rural areas.

Respectfully submitted,



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