

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
Information Collection Being Reviewed by) 81 Fed. Reg. 73400
the Federal Communications Commission) OMB Control No. 3060-XXXX

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

NTCA–The Rural Broadband Association (“NTCA”)¹ hereby submits these comments in response to the Notice of Information Collection (“Notice”)² regarding the Paperwork Reduction Act (“PRA”)³ burdens arising out of an information collection adopted by the Federal Communications Commission (“Commission”) in March, 2016.⁴ The Notice seeks comment on the online “portal” created by Universal Service Administration Company (“USAC”) through which rate-of-return carriers must report on their progress toward meeting buildout obligations adopted in the *Rate-of-Return Reform Order*.

In a December 8, 2016 Public Notice,⁵ the Wireline Competition Bureau provided guidance with respect to broadband deployment obligations, including the definition of the term “location.” NTCA believes confusion arising out of the narrow definition of “location” contained in the Public Notice must be considered in assessing the full burden of this reporting

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 Information Collection(s) Being Reviewed by the Federal Communications Commission, 81 Fed. Reg. 73400 (published Oct. 25, 2016).

³ Paperwork Reduction Act of 1995, Public Law No. 104-13, 109 Stat. 163 (May 22, 1995), *codified at* 44 U.S.C. §3501, *et seq.*

⁴ Connect America Fund, et al., WC Docket No. 10-90, et al., Report and Order, Order and Order on Reconsideration, and Further Notice of Proposed Rulemaking (rel. March 30, 2016) (“*Rate-of-Return Reform Order*”).

⁵ Wireline Competition Bureau Provides Guidance to Carriers Receiving Connect America Fund Support Regarding Their Broadband Locations Reporting Obligations, Public Notice, WC Docket No. 10-90, DA 16-1363 (rel. Dec. 8, 2016).

requirement, at least in the absence of subsequent clarification. As one specific example, the Public Notice guidance fails to account for the fact that many rural community anchor institutions (“CAIs”) – such as schools, libraries, and healthcare providers – are customers to whom “broadband” may be deployed. Many small rural schools, libraries, or medical clinics or other health care facilities may only have a need (or budget) for broadband connections on par with that utilized by residential users. These are locations to which broadband connections indistinguishable from those provided to many residential or other business customers are delivered, such that carrier systems and product definitions may not treat them any differently – and yet the definition of “location” in the Public Notice would seemingly exclude them all.

While the Public Notice seems to account for size differential in the business location context (stating that business locations that the carrier will offer a consumer-grade broadband connection fit within the definition of location), it fails to apply similar reasoning to CAIs and other facilities that fall outside the definition of a residential location yet may require a similar broadband connection. In addition to the burden of sorting out such locations from reported figures, such a restrictive definition of location may have the unintended effect of deterring deployment to such CAIs, with carriers potentially failing to deploy to somewhat-out-of-the-way schools, libraries, or other CAIs to the extent there is no “credit” to be obtained for such in terms of broadband buildout obligations.

The absence of reasonable flexibility to incorporate customers of this kind in the definition of a “location” has important consequences. In the PRA terms relevant to these comments, this will require rate-of-return carriers to expend substantial resources to determine if certain kinds of locations might qualify as a “location.” Arguably, a broadband connection to CAI locations such as those discussed above or others outside the narrow definition contained in

the Public Notice would ensure that Universal Service Fund supported networks have the greatest community-wide impact, yet the very fact that questions such as these persist complicates carriers' efforts to plan for the substantial network construction many are poised to undertake. It will also complicate efforts to report on their progress via the USAC portal.

Of course, these are only a sampling of similar questions that are likely to arise as carriers plan and begin making progress toward meeting their buildout obligations over the next several years. The rural communities that NTCA members serve are as diverse as the many possible uses for a broadband connection, and the Commission's universal service policies (including the definition of "location" at issue here) should be flexible enough to accommodate that fact. NTCA looks forward to further discussions with the Bureau and the full Commission regarding effective implementation of the recent reforms.

Respectfully submitted,

NTCA–The Rural Broadband Association

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