



September 14, 2016

**Filed Via ECFS**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

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

Dear Ms. Dortch:

On September 11, 2016, Paul Kelly of Cordova Telephone Cooperative; Mark Gailey of Totah Communications; Bob DeBroux of TDS Telecom; Lynn Merrill of Monte Lee & Company; and Derrick Owens and Gerry Duffy representing WTA – Advocates for Rural Broadband (“WTA”) met with Nick Degani, Legal Advisor, Wireline to Commissioner Ajit Pai, to discuss WTA’s pending petition for reconsideration of the March 30, 2016 *USF Order*, and subsequent refinements thereof. WTA focused particularly upon its August 3, 2016 proposal regarding the burden of producing evidence that should be required from entities before they will be deemed to have filed a *bona fide* claim for classification as an “unsubsidized competitor” that can deprive a rural local exchange carrier (“RLEC”) on the Rate of Return Path of Interstate Common Line Support (“ICLS”) and/or Connect America Fund Broadband Loop Support (“CAF-BLS”) in one or more specified Census Blocks.

For fixed wireline competitive local exchange carriers (“CLECs”) and cable television service providers (“CATVs”), the burden of producing evidence should include submission of network maps showing that they have fiber or coaxial trunks and associated facilities capable of providing the requisite voice and broadband services (including broadband speed, latency, usage capacity and allowances, and reasonably comparable rates) to 85 percent of the household locations in each of the specific and enumerated Census Blocks in which they seek “unsubsidized competitor” status.

For fixed wireless service providers [including wireless Internet service providers (“WISPs”)], it is not possible to determine whether they can provide the requisite voice and broadband services merely by looking at their network maps and tower locations. This is because factors such as technology, tower heights, frequency bands, antennas and antenna patterns, terrain, foliage, weather and backhaul arrangements can significantly affect fixed wireless coverage, capacity and signal quality.

The burden of producing evidence for a fixed wireless service provider seeking classification as an “unsubsidized competitor” should begin with its submission of a list of the towers from which it claims to serve specific Census Blocks within the targeted RLEC’s service area. Whereas the Commission has indicated that “unsubsidized competitor” candidates are not required to submit geocoded information regarding the customer locations they claim to serve (March 30, 2016 *USF Order*, par. 131), they should, however, be required to provide geocoded or similarly accurate location data for their antenna towers so that the Commission and interested parties can readily calculate and verify their coverage claims.

For each listed geocoded tower location, the asserted “unsubsidized competitor” should be required to provide, at minimum, the following information: (1) the specific Census Blocks it claims to serve from the tower location and the number of locations claimed to be served from the tower within each such Census Block; (2) the azimuth and height on the tower at which each of its antenna(s) are located; (3) the make and model of each antenna; (4) the radiation pattern of each antenna (including any adjustments for side mounting and down tilt); (5) the effective radiated power of each antenna system; (6) the frequencies and bandwidths being used; (7) the modulation scheme (*e.g.*, QPSK or QAM); (8) the identity and location of any and all natural and man-made obstructions to signal propagation from the tower (*i.e.*, clutter data); and (9) the nature, extent and capacity of the backhaul facilities serving the location. WTA notes that most of the requested data is required from wireless license applicants to allow the Commission and interested parties to calculate their signal coverage and to determine whether they may cause interference to other wireless licensees or used to report that they meet the FCC’s buildout requirements. It is appropriate to request similar information from entities seeking status as fixed wireless “unsubsidized competitors” – both licensed and unlicensed – to allow the Commission and interested parties to determine whether they can serve the Census Blocks in which they are trying to displace RLEC high-cost support recipients.

In addition, both fixed wireline and fixed wireless providers seeking “unsubsidized competitor” status and benefits should be required to substantiate their ability to provide quality and reliable voice service by identifying: (a) their Local Exchange Routing Guide (“LERG”) switch locations; (b) the Local Access and Transport Area (“LATA”) switch or switches to which they are interconnected for voice service purposes; and (c) the redundancies, if any, they have in their transport networks to maintain or restore voice service in the event of storms or other network damage.

WTA recognizes that entities face criminal penalties for knowingly and willfully making materially false, fictitious or fraudulent statements or representations in official matters before the Commission. March 30, 2016 *USF Order*, n. 261. It asks the Bureau to reiterate this fact in its public notices initiating challenges, and to vigorously enforce it.

Pursuant to Section 1.1206(b) of the Commission's Rules, this submission is being filed for inclusion in the public record of the referenced proceeding.

Respectfully submitted,

/s/ Gerard J. Duffy

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