



Advocates for Rural Broadband

Paul Kelly
President

Kelly Worthington
Executive Vice President

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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 20, 2016, Evelyn Jerden of LICT Corporation; Bob DeBroux of TDS Telecom; Mark Gailey of Totah Communications; Eric Schmidt of Home Telephone Co. (Illinois); and Derrick Owens and Gerry Duffy representing WTA – Advocates for Rural Broadband (“WTA”) met with Stephanie Weiner, Senior Legal Advisor to Chairman Tom Wheeler, and with Carol Matthey, Alexander Minard and Suzanne Yelen of the Wireline Competition Bureau to discuss WTA’s pending petition for reconsideration of the March 30, 2016 *USF Order*.

The particular focus of the meeting was WTA’s August 3, 2016 proposal in this docket regarding the burden of producing evidence that should be required from an entity before it is deemed to have filed a *bona fide* claim in the Rate of Return Path challenge process for classification as an “unsubsidized competitor” in one or more specified Census Blocks.

Ms. Jerden and Mr. Schmidt indicated that there are substantial differences between the theoretical and actual service areas and broadband speeds of many fixed wireless service providers [including wireless Internet service providers (“WISPs”)]. This is because factors such as technology, tower heights, frequency bands, antennas and antenna patterns, terrain, foliage, weather and backhaul facilities can significantly affect fixed wireless coverage, broadband capacity and signal quality.

As previously proposed by WTA in its August 3, 2016 letter in this proceeding:

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 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 height on the tower at which each of its

antenna(s) are located; (3) the make and model of each antenna; (4) the propagation pattern of each antenna (including any adjustments for side mounting); (5) the effective radiated power of each antenna; (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. 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.

Mr. Gailey, who operates both wireline telephone companies and WISP services, indicated that the proposed burden of proceeding is reasonable in that it should produce the information needed both to substantiate and to test an unsubsidized WISP competitor’s voice and broadband service claims, and that it would not be unduly burdensome for WISPs.

WTA submits that none of the requested information is proprietary or confidential. In fact, it is quite similar to the technical information traditionally submitted by applicants in the mobile telephone, paging and other highly competitive common carrier radio services in order to establish the extent of their licensed radio service areas and to prove that they do not interfere with other co-channel and adjacent channel licensees.

WTA also noted that its pending petition for reconsideration had sought clarification of the treatment of future mergers and transactions involving rural local exchange carriers (“RLECs”) in the same state where one of the newly affiliated entities had elected the Model-Based Support Path and the other had elected the Rate of Return Path. Whereas its petition had focused upon transactions taking place after implementation of the two paths, WTA noted that there may also be some situations where transactions may be commenced and/or completed between the November 1, 2016 ACAM opt-in deadline and the January 1, 2017 (or later) implementation date for one or both paths.

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

Gerard J. Duffy
WTA Regulatory Counsel
Blooston, Mordkofsky, Dickens, Duffy & Prendergast, LLP
2120 L Street NW (Suite 300)
Washington, DC 20037
Telephone: (202) 659-0830
Email: gjd@bloostonlaw.com

cc: Stephanie Weiner
Carol Matthey
Alexander Minard
Suzanne Yelen