



July 10, 2019

**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 Monday, July 8, 2019, Mike George of NortheastTel (Louisiana); Matt Johnson of Shawnee Communications (Illinois); Mark Gailey of Total Communications (Oklahoma and Kansas) (by telephone); and Derrick Owens, Eric Keber, Bill Durdach and Gerry Duffy representing WTA – Advocates for Rural Broadband (“WTA”) met with Sue McNeil (by telephone), Suzanne Yelen and Ian Forbes of the Wireline Competition Bureau; and Cathy Zima (by telephone) and Alec MacDonell (by telephone) of the Office of Economics and Analytics to discuss performance testing requirements for Rate of Return (RoR) recipients of high-cost support.

WTA reiterated that its members support reasonable testing of their networks and other networks receiving high-cost support to ensure that such support is being used for the intended purposes.

WTA noted that the testing software solutions being developed by various vendors are not likely to be easy and inexpensive to implement, and are extremely unlikely to be ready to support the presently scheduled initiation of full performance testing during the First Quarter of 2020. First, WTA members have seen little or none of the contemplated new testing software to date, know from long experience that software rarely works perfectly at the time of its initial release, and are well aware that software-hardware configurations generally function somewhat differently in the field than in the laboratory. And even if the software being developed works perfectly from the start, many small rural telephone companies are likely to suffer delays in obtaining such testing software and compatible hardware due to supply chain issues as 500-to-1,000 or so high-cost support recipients are going to need the same equipment at approximately the same time. These factors alone demonstrate the need for a further postponement of the scheduled initiation of performance testing by rural local exchange carriers (“Rural LECs”), and for a substantial period of pre-testing without loss of high-cost support to find and resolve software bugs and other testing problems.

The initiation of testing is further complicated by the fact that the software being developed will not work with many of the older optical network terminals (“ONTs”), modems and other customer premises equipment (“CPE”) that are currently in use. In many instances, Rural LECs will need to purchase new equipment compatible with the testing software, and install such equipment at the premises of the customer locations being tested. In other instances, the problem is more complicated because the customers themselves own the equipment that interfaces with the testing software, and

may not agree to allow their equipment to be modified or replaced, much less to buy new equipment. WTA members know their customers, and have been warning the Commission on repeated occasions that some rural customers are unlikely to participate in federal testing of their broadband service under any circumstances, while others are unlikely to agree to replace or modify their functioning CPE or to have separate measuring devices installed in their homes. Customer resistance is likely to be a significant problem during the initial years of performance testing, and nothing that the Commission can do is likely to change this. Over time, the incorporation of testing-capable software in CPE and the use of appropriate testing language in terms and conditions of service may reduce customer cooperation issues significantly, but this is likely to take several years. WTA members are very concerned that they not be penalized due to these circumstances, including being forced to expend substantial financial resources to obtain customer cooperation or replace customer CPE – dollars that would much better be spent on upgrading and extending their broadband networks.

WTA has also expressed concerns about the current requirements for the testing route to extend far beyond the broadband networks which Rural LECs build, operate and control into customer premises on one end and over one or more middle mile networks to distant Internet Exchange Points (“IXPs”) on the other. One WTA member that has been testing broadband speeds to its two closest IXPs has found that its test speed results differ not only between the two IXPs, but also between different servers at the same IXP. Whereas WTA has previously been concerned that congestion and routing changes on middle mile facilities that are outside the control of Rural LECs can adversely impact their test results, it is wholly disconcerting that the mere chance of which server at an IXP gets a test packet can also affect test results. WTA members are willing to engage in substantial pre-testing and to determine whether the current 80/80 standard provides a sufficient cushion to prevent testing failures due to middle mile and/or CPE problems outside their networks. However, WTA reiterates that, if middle mile and/or CPE problems cause actual test failures, it is wholly unreasonable and inequitable for Rural LECs to lose critically needed high cost support due to circumstances that occur outside their networks and over which they have no control.

Finally, WTA expressed concerns that cross-talk delays can adversely impact performance testing. This is yet another reason for a substantial period of pre-testing, and WTA expressed willingness to wait for pre-test data to determine the existence and extent of cross-talk delay problems, and its hope that the Bureau will address such problems if they are found to be significant.

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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