

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

In the Matter of)
)
Protecting Against National Security Threats to the) WC Docket No. 18-89
Communications Supply Chain Through FCC)
Programs)

**Comments of
WTA – Advocates for Rural Broadband**

WTA – Advocates for Rural Broadband¹ (“WTA”) files these comments in response to the Public Notice,² released by the Wireline Competition Bureau on April 13, 2020, seeking comment on the applicability of Section 4 of the Secure and Trusted Communications Networks Act of 2019³ (“Secure Networks Act”) to the Commission’s rulemaking in its *Protecting Against National Security Threats to the Communications Supply Chain* proceeding (WC Docket 18-89).⁴

Throughout this proceeding, WTA has represented the interests of its rural local exchange carrier (“RLEC”) membership. While WTA primarily represents the wireline interests of its members, a limited number have mobile wireless offerings and have Huawei and ZTE equipment in their networks. Any potential action will undoubtedly interrupt their normal

¹ *WTA - Advocates for Rural Broadband* is a national trade association that represents more than 340 rural telecommunications providers offering voice, broadband, and video-related services in rural America. Its members serve some of the most rural and hard-to-serve communities in the country and are providers of last resort to those communities.

² Public Notice, WC Docket No. 18-89, released March 13, 2020.

³ Pub. L. 116-124, 133 Stat. 158 (2020) (“Secure Networks Act”).

⁴ *Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs, et al., Report and Order, Further Notice of Proposed Rulemaking, Order, WC Docket Nos. 18-89, et al., (2019).*

business operations. As such, WTA has advocated for policies that will minimize any service disruptions to its affected members and their customers. This, among other things, has included protecting the sufficiency of the Universal Service Fund for all eligible telecommunications carriers (not just those with covered equipment in their networks) and ensuring that any “rip and replace” program is designed to maintain, and when possible, improve existing network coverage.

Under the Secure Networks Act, the Commission is unable to direct Universal Service funding to pay for the reimbursement program. Also, to ensure that carriers are able to transition in a manner that does not degrade service, the Commission should allow for multiple individual extensions as it may take several years for a carrier to fully transition without disrupting current service.

THE SECURE NETWORKS ACT PROHIBITS THE COMMISSION FROM USING THE UNIVERSAL SERVICE FUND FOR THE REIMBURSEMENT PROGRAM

Throughout this proceeding, WTA has warned against using USF to fund the reimbursement program. WTA noted that “the cost of identifying and eliminating potential security vulnerabilities in communications networks and their supply chains ... is a basic national security function that should be paid for out of the general treasury.”⁵ We also noted that “an additional demand on the fund due to a reimbursement program will result in a further increase in the contribution rate.”⁶ In response to these concerns and others stressed in the record, Congress stated in the Secure Networks Act that “The Program shall be separate from any Federal universal service program established under section 254 of the Communications Act

⁵ Comments of WTA – Advocates for Rural Broadband, WC Docket No 18-89, filed on February 3, 2020, at 3.

⁶ Id. at FN 4.

of 1934.”⁷ Section 254 governs the Commission’s authority over USF programs and establishes four separate programs with their own budgets and objectives. The only commonality of the four programs is their funding source, which comes from interstate end-user revenues. Having a dedicated and sustainable funding source is critical to each program meeting its goals, and issues may arise if a new program were to draw from that same, finite funding source. Therefore, if a new program is to be truly “separate” from an existing Universal Service program, it must have its own separate funding source. Further, if Congress wished that the new reimbursement program be funded through interstate end-user revenues, it would have amended Section 254 to include the new program.

Based upon that, WTA agrees with the Commission that the Secure Networks Act “appears to require an express appropriation from Congress.”⁸ This is additionally substantiated by the statutory language that requires the Commission to update Congress if it finds that \$1,000,000,000 will not be sufficient to fully fund all reimbursement applications. From this, it’s evident that Congress wishes to be updated as to how much money needs to be appropriated to accomplish the goals of the statute.

FAILURE TO PROVIDE MULTIPLE INDIVIDUAL EXTENSIONS MAY LEAD TO SERVICE DISRUPTIONS IN AFFECTED AREAS

The Public Notice seeks comment on the timeline for the removing, replacing, and destroying of covered equipment pursuant to Section 4 of the Secure Networks Act. The Bureau states that carriers must complete this “within one year after the Commission distributes

⁷ The Act at § 4(j)

⁸ Public Notice at 3.

reimbursement funds to the recipient.”⁹ The Bureau also states that the Commission may “grant a six month general extension of time to all recipients and individual extensions for up to six months.”¹⁰

Since this proceeding began nearly two years ago, carriers have considered their options for replacing the Huawei or ZTE equipment in their networks, including the total replacement of any such equipment. However, much remains uncertain for these carriers as it relates to transition costs because the Commission must still make a determination as to what equipment poses a national security threat and needs to be replaced. As WTA explained in earlier comments, there is a critical difference between the Secure Networks Act and what the Commission adopted in its Report and Order. In its Report and Order, the Commission placed a blanket ban on all equipment from covered companies that pose a national security threat. On the other hand, the Secure Networks Act mandates the Commission to create a list of equipment that is produced by an entity that poses an unacceptable national security risk and is able to route/redirect traffic or grant visibility into a network, disrupt a network, or otherwise be a risk to national security.¹¹ The Commission has not yet made these determinations pursuant to the Secure Networks Act, and it remains unclear what and how much equipment carriers will be required to remove from their networks as well as how much they will be reimbursed for removing. This makes commenting on the adequacy of Section 4 deadlines rather difficult.

Not all parts of a network are equal when it comes to being a security risk. While equipment inside the core of a network may be capable of granting visibility into or disrupting a network, equipment on the edge of a network is likely unable to. In theory, limiting removal and

⁹ Id.

¹⁰ Id.

¹¹ Comments of WTA – Advocates for Rural Broadband, PS Docket Nos. 19-351, 19-352, filed on March 27, 2020, at 2-4.

replacement to core equipment could save the transition time and money as the equipment that is least likely to be a threat is on the edge of the network. However, it is the most expensive and time-consuming to replace due to the necessity of hiring tower crews to service hard-to-reach areas.¹² If removal and replacement was limited to core equipment, it's more possible that carriers could complete a transition within the 12-24 months outlined by the Secure Networks Act.¹³ However, due to the proprietary nature of telecommunications equipment, it's likely that removing core equipment will require the wholesale replacement of the entire network due to interoperability issues. Perhaps, this is an issue unforeseen by Congress when it considered and passed the Secure Networks Act.

Trusted supplier Ericsson outlined in a recent ex parte that transitions will take longer than 12 months for operators with a large number of sites especially if they wish to maintain service in the affected areas.¹⁴ Impacted WTA members have demonstrated their desire to maintain service by only turning off covered equipment once the new equipment is fully ready to handle the traffic - performing a "Sector by Sector" transition as described in Ericsson's presentation. This is preferable to a "Site by Site" transition that would require a carrier to turn down an entire site while swapping out covered equipment.¹⁵ If that were to happen, the carrier's customers as well as individuals using the network via a roaming agreement would undoubtedly lose their only viable wireless coverage while the site is being replaced.

¹² Id.

¹³ Further, some carriers may use core equipment from a trusted supplier that is designed to operate with Huawei RANs. If the RANs do not need to be removed, these carriers could continue their operations uninterrupted.

¹⁴ Ex parte Letter of Ericsson, WC Docket No. 18-89, filed on April 23, 2020, at 13 of attached presentation.

¹⁵ Id. Ericsson stressed similar concerns that WTA and others have previously shared such as the unavailability of tower crews, winter weather disruptions, and extended drive times. Ericsson stated that these factors could lengthen a transition as well as make it more costly.

As such, WTA advises the Commission that a shorter timeline of 12-24 months will result in service disruptions for customers after carriers are forced to perform a Site by Site transition and sacrifice coverage in the name of timeliness. Further, shorter transition times are more expensive. The Rural Wireless Association recently noted that tower crews are currently “charging two to three times standard crew rates.”¹⁶ Forcing all carriers to transition in a very limited time frame will only increase the demand and costs of tower crews – decreasing the actual value of funding appropriated by Congress.

In order to make this transition more affordable, efficient, and less disruptive, WTA supports the Commission granting multiple individual extensions when circumstances warrant. This would provide carriers more time to transition from covered equipment without sacrificing coverage, and it would lower the cost of transitioning by lessening the current demand on tower crews.

CONCLUSION

In the Secure Networks Act, there is a clear directive from Congress for the Commission to separate USF from the reimbursement program, and as a result, USF cannot be used to fund the program. It is also not in the public interest for the Commission to use a 12-24 month transition timeline. WTA recommends that the Commission grant multiple individual extensions in order to preserve service in affected areas as well as make the transition from covered equipment more efficient, affordable, and less disruptive.

¹⁶ Ex parte Letter of Rural Wireless Association, WC Docket No. 18-89, filed on April 22, 2020, at 2.

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