



Advocates for Rural Broadband

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January 19, 2024

VIA ECFS

Marlene H. Dortch, Secretary
Federal Communications Commission
45 L Street NE
Washington, DC 20554

RE: Affordable Connectivity Program, WC Docket No. 21-450
Connect America Fund, WC Docket No. 10-90
Expanding Broadband Service Through the ACAM Program, RM-11868
Deployment of Advanced Telecommunications Capability to All Americans, GN Docket No. 22-270
Safeguarding and Securing the Open Internet, WC Docket No. 23-320
Data Breach Reporting Requirements, WC Docket No. 22-21

Dear Ms. Dortch:

On Wednesday, January 17, 2024, Jerry Piper of Cambridge Telephone Company (Idaho), Kip Wilson of Direct Communications (Maine, Missouri, Louisiana, Idaho, Utah, Colorado, Oregon and Washington), Scott Draper of PMT Cooperative (Idaho), Kyle Bradshaw of the Idaho Telecom Alliance and ATC Communications (Idaho), and Derrick Owens, Eric Keber and Gerry Duffy (by telephone) of WTA – Advocates for Rural Broadband (“WTA”) met with Hayley Steffen, Acting Legal Advisor for Wireline and Space, and Edyael Casaperalta, Acting Legal Advisor for Wireless, Public Safety and Consumer Protection, to Commissioner Anna M. Gomez, to discuss the Affordable Connectivity Program (“ACP”) and some aspects of the Commission’s Section 706, Open Internet and Data Breach Reporting proceedings.

WTA indicated that it is a national trade association that has approximately 400 rural local exchange carrier (“RLEC”) members, including the companies represented by the members present at this meeting.

While recognizing that continued funding of the ACP program was a Congressional matter outside the Commission’s control, the WTA members emphasized the hardships and complications that will result from a permanent termination or temporary interruption of the program. Depending upon the demographics of their service areas, WTA estimates that its members have from about 10 percent to over 50 percent of their rural customers enrolled in the ACP program. WTA members have generally found the program to be important and effective, particularly for lower-income customers who could now afford broadband for online school and medical purposes.

WTA has shared with its members the ACP wind-down guidance that was recently issued by the Commission. Members are starting to take the steps required to comply with the Commission’s guidance (e.g., the 90-60-30-day notices to customers about the program no longer being available and what that means to ACP customers). If delays in Congressional reauthorization or extension cause the ACP program to be suspended or terminated for

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a period, WTA and its members urge the Commission to make it as simple and rapid as possible for RLECs and other service providers to re-qualify eligible customers and resume their ACP broadband service.

The WTA members praised the dignity of the Commission's ACP qualification process. In particular, the ability of interested recipients to apply and qualify online without the need for personal interviews has simplified administration and made the eligibility process much more comfortable for both customers and service providers.

WTA supports the Commission's proposal in the Section 706 proceeding to increase the universal service speed to 100/20 Mbps for fixed broadband service, and commends the Commission for recognizing that higher long-term broadband speed goals are needed as both downstream and upstream speeds and usage continue to grow rapidly toward Gigabit levels. WTA emphasizes that high-speed broadband deployment is the prerequisite for achieving the other Section 706 goals (affordability, availability, adoption and equitable access), and that scalability is the key to keeping up with burgeoning broadband speed demands in an expeditious and economical manner.

WTA emphasized that scalability is such a critical factor with respect to evolving broadband speeds that it requires review and modification of the "technological neutrality" principle to consider long-term advantages and costs. A technology that has limited download or upload speeds or that cannot provide needed higher speeds without expensive and time-consuming reconstruction or reconfiguration is not equivalent or even reasonably comparable to a scalable fiber optic network that can be upgraded rapidly to higher and/or symmetrical speeds without substantial reconstruction cost. "Technological neutrality" has increasingly become a device used by some service providers to lobby the Commission to limit the broadband speeds and services supported by the Universal Service Fund ("USF") in order to obtain USF support for slower or limited services in the short term or to prevent scalable networks from receiving USF for readily upgradable services in either the short or long term

Symmetrical service is also increasingly demanded by rural customers for a variety of applications including work-from-home, file transfers, remote medical examinations, distance learning, livestock auctions, and various home, office and farm monitoring uses. With fiber to the home ("FTTH") service, it is a relatively minor provisioning procedure and expense to upgrade a customer from a non-symmetrical service such as 100/20 Mbps to a symmetrical service such as 100/100 Mbps.

WTA did not support or oppose the Commission's pending proposal to reclassify Broadband Internet Access Service ("BIAS") as a Title II telecommunications service. However, if the Commission reclassifies BIAS, WTA opposes the proposed forbearance from the imposition of USF contributions upon BIAS and other broadband telecommunications services and the proposed forbearance from the application of the negotiation and arbitration provisions of Sections 251 and 252 of the Communications Act to Internet Protocol ("IP") interconnection.

Given that broadband deployment is the focus of the Commission's High Cost, Schools and Libraries ("E-Rate") and Rural Healthcare programs, it makes no sense to exempt broadband services from USF contributions. In fact, it appears to be unduly discriminatory to impose USF contributions upon other telecommunications service providers and their customers while exempting the broadband service providers and customers that benefit the most from current USF programs. Affordability issues can be minimized by exempting low-income program participants and by seeking statutory authorization to impose USF contributions on the large edge service providers that both benefit substantially from broadband deployment and that impose major costs upon broadband networks.

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Application of the Section 251 and 252 provisions to IP interconnection are necessary because RLECs and other small broadband service providers are subject to the same disparities in negotiating power that these provisions were adopted to address in the Regional Bell Operating Company (“RBOC”) and competitive local exchange carrier world of the mid-1990s. Some WTA members have had difficulty obtaining quality and affordable middle mile service from large carriers, while others have encountered indifference and take-it-or-leave-it offers when they attempted to negotiate IP interconnection arrangements with large carriers. It appears that some of the large broadband trunk providers may be threatening to require RLECs and other small providers to bear the cost of bringing their traffic to a couple of large urban traffic exchange points.

Finally, WTA noted that the Commission’s recent addition of Personally Identifiable Information (“PII”) to Customer Proprietary Network Information (“CPNI”) for cybersecurity breach reporting purposes has raised questions regarding the liability of RLECs with respect to the PII that they provide to third party billing contractors for billing and collection purposes. Most WTA members and other RLECs retain large billing companies that perform billing and collection services for hundreds, sometimes thousands, of other entities. Because individual RLECs provide only a small fraction of a billing contractor’s revenues, there is concern that RLECs will be unable to obtain billing company compliance with RLEC cybersecurity policies regarding the provided PII and/or to obtain expeditious responses with the information needed to enable the reporting and investigation of a breach of the PII in a billing contractor’s custody.

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,

WTA – ADVOCATES FOR RURAL BROADBAND

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