



February 5, 2024

VIA ECFS

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

**RE: 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 Thursday, February 1, 2024, Derrick Owens and Gerry Duffy of WTA – Advocates for Rural Broadband (“WTA”) met via the TEAMS video conference platform with Elizabeth Cuttner, Legal Advisor, Wireline and Enforcement, and Rashann Duvall, Legal Advisor, Affordable Connectivity Program and Wireline, to Chairwoman Jessica Rosenworcel, to discuss some aspects of the Commission’s Section 706, Universal Service Fund (“USF”), Open Internet and Data Breach Reporting proceedings.

WTA stated its support for the Commission’s proposal in the Section 706 proceeding to increase the universal service speed to 100/20 Mbps for fixed broadband service, and particularly for the Commission’s recognition that higher long-term broadband speed goals are needed. WTA noted that 100/20 Mbps appears to be only a temporary point on a broadband growth path that is rapidly evolving toward Gigabit speeds and symmetrical downstream and upstream service. In fact, both the downstream and upstream elements of the 100/20 Mbps standard are currently exceeded in many areas.

WTA emphasized that scalability is the key to keeping up with burgeoning broadband speed demands in an expeditious and economical manner. In fact, scalability is such an essential characteristic for responding to evolving broadband speeds that it requires review and modification of the “technological neutrality” principle in order to focus much more upon long-term advantages and costs. Specifically, the provision of 100/20 Mbps service requires most rural local exchange carriers (“RLECs”) to deploy fiber-to-the-home (“FTTH”) technology to most or all of their customer locations. Once deployed, FTTH is scalable and can be upgraded rapidly to higher and/or symmetrical speeds without substantial reconstruction cost. In contrast, an alternative technology that has limited download or upload speeds or that cannot provide evolving higher speeds without expensive and time-consuming reconstruction or reconfiguration is not equivalent or even reasonably comparable to a scalable FTTH network. Its presence in an area should not be used to reduce or eliminate high-cost support for a FTTH network that is capable of meeting the area’s long-term broadband service needs.

Marlene H. Dortch, Secretary

February 5, 2024

Page 2 of 3

To be very clear, WTA does not propose any restrictions on the entry of fixed wireless or any other alternative technology into any market. And it recognizes that fixed wireless and/or satellite service may be the only technologies able to provide 100/20 Mbps broadband service in certain areas where FTTH technology is not technically or economically feasible. However, where a scalable FTTH network and a non-scalable alternative technology are both present in a market area, the presence of the non-scalable facilities should not be allowed to reduce or eliminate the USF support provided to the scalable FTTH network which can provide evolving and economical service in the long run as broadband demands continue to grow. Unfortunately, “technological neutrality” has increasingly become a device used by some service providers to lobby the Commission to limit USF-supported broadband speeds and services in order to obtain support for slower or limited services in the short term or to prevent scalable networks from receiving support 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 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 appreciates the Commission’s decision to wait a year before reviewing and revising the Connect America Fund – Broadband Loop Support (“CAF-BLS”) program and service obligations. The additional time is needed to better understand continuing CAF-BLS and other cost-based support needs in light of the recent Enhanced Alternative Connect America Cost Model (“Enhanced ACAM”) revisions and transitions as well as the implementation of the various National Telecommunications and Information Administration (“NTIA”), Rural Utilities Service (“RUS”) and Department of Treasury (“DoT”) broadband grant programs. WTA believes that continuing high-cost support will be needed for broadband network deployment and upgrades in high-cost areas not reached by the various grant programs and for high per-customer operating expenses such as maintenance in rural areas and growing middle mile and cybersecurity costs.

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 customer and/or advertising revenues of the large edge service providers that benefit substantially from broadband deployment and that impose major costs upon broadband networks. WTA commended the excellent analysis of various USF contribution alternatives in Chairwoman Rosenworcel’s January 12, 2024 letter to Senator Ben Ray Lujan.

Marlene H. Dortch, Secretary

February 5, 2024

Page 3 of 3

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 over long distances 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 RLECs to report and investigate breaches of security for 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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