

**Before the  
NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION  
Washington, D.C. 20230**

In the Matter of )  
 )  
**Proposed BEAD Challenge Process Guidance** )  
 )

**COMMENTS  
OF  
WTA – ADVOCATES FOR RURAL BROADBAND**

WTA – Advocates for Rural Broadband (“WTA”) is submitting comments on the NTIA Proposed BEAD Performance Measures Guidance (“Proposed Guidance”).<sup>1</sup> WTA is a national trade association that represents approximately 400 rural local exchange carriers (“RLECs”) that provide voice and broadband communications services predominately by wire, but also by radio, to some of the most rural, remote, rugged, sparsely populated and expensive-to-serve areas of the United States. WTA members have long constructed and operated rural voice and broadband communications networks – very often as providers of last resort – in high-cost farming, ranching, mining, mountain, forest and desert areas, as well as on Native American reservations and other Tribal Lands. The typical WTA member company serves fewer than 5,000 customers per service area and has fewer than 50 employees. WTA’s members have an interest in this proceeding because some of them may seek to participate in the BEAD program, and WTA thus briefly comments on the Proposed Guidance.

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<sup>1</sup> Available at: <https://www.ntia.gov/funding-programs/internet-all/broadband-equity-access-and-deployment-bead-program/program-documentation/draft-performance-measures-bead-last-mile-networks-policy-notice-public-comment>.

All WTA members also participate in the FCC’s USF program, and thus are familiar with the Commission’s broadband performance measurement requirements.<sup>2</sup> WTA recognizes the importance of a robust performance measurement program to ensure that grantees provide reliable broadband service at the required minimum speeds and maximum latency. Thus, WTA agrees that it is important to measure performance during peak periods, particularly for technologies that use shared “last-mile” capacity, such as spectrum-constrained low-Earth orbit satellites systems. WTA therefore supports NTIA’s proposed use of the measurements being taken during the hours of 6 p.m. to midnight.<sup>3</sup>

WTA also appreciates that NTIA is largely tracking the FCC performance measurement program. There is no benefit to NTIA attempting to “re-invent the wheel.” And many broadband service providers have experience with the FCC’s measurement program, as well as having already invested in the technologies used to meet those requirements. WTA does observe, however, that some of the Proposed Guidance requirements go beyond what the FCC measurement program dictates, and some of those requirements are beneficial. The addition of reliability assessments and monitoring of service outages helps ensure that the BEAD-supported services are actually available to customers. Likewise, the increase in sample size for supported locations to be a flat 10% -- rather than the use of the FCC’s capping the sample group to 50 locations – should enhance the accuracy of the testing. WTA also supports the proposed

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<sup>2</sup> *Connect America Fund*, WC Docket No. 10-90, Order, 33 FCC Rcd 6509 (2018); *Connect America Fund*, WC Docket No. 10-90, Order on Reconsideration, 34 FCC Rcd 10109 (2019).

<sup>3</sup> Proposed Guidance at p. 9.

requirement of testing by specific technology and across multiple service offerings and speed tiers.

But in a few respects, the Proposed Guidance differs from the FCC measurement program in ways that are burdensome and/or unnecessary, and WTA urges NTIA to re-think those proposed requirements. As one example, the Proposed Guidance indicates that:

For each round of performance testing conducted, providers must publish their throughput, latency, and reliability measurement results, at the location level, as a CSV file linked from their network management practice page, retaining at least three years of data.<sup>4</sup>

The Proposed Guidance also specifies additional detailed information that must be posted on the service provider's network management practices page.<sup>5</sup> To the extent that the service providers will be submitting comprehensive information to the States in their certified semi-annual measurement reports – and presumably those reports will be made publicly available by the States – it seems unnecessary to also require posting that information on the service providers' website. WTA also questions the extent to which the service provider's customers would find such detailed information useful or intelligible. And to the extent that academic researchers or others want access to that information, they should be able to obtain it from the States. WTA thus urges NTIA to eliminate this proposed requirement to post the test results on the service provider's website.

WTA is also concerned with the convoluted nature of the Proposed Guidance's requirements to ensure that a service provider does not manipulate the sample of customers that are tested in order to be able to skew the results in its favor.<sup>6</sup> Rural broadband providers with

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<sup>4</sup> Proposed Guidance at p. 14.

<sup>5</sup> Proposed Guidance at pp. 13-14.

<sup>6</sup> Proposed Guidance at Appendix A.

small staffs will have a difficult time complying with these very complex instructions. In contrast, under the FCC’s performance measurement program, USAC is responsible for ensuring that a random, representative set of customers are tested.<sup>7</sup> WTA would urge NTIA to more closely follow the FCC performance measurement program in this respect, too.

While WTA recognizes the importance of also assessing reliability, WTA is concerned that service providers could be penalized unfairly for “problems” that do not reflect any actual unreliability in their networks. For example, service providers will typically shut down their networks during off-peak periods in order to perform regularly scheduled maintenance, but such activities do not appear to be excluded from service “outages.” Likewise, the unavailability of service could be due to factors beyond the service provider’s control, such as none of the default Domain Name System (DNS) servers responding to queries, or border routers or other test hosts of the organizations being unreachable. The Proposed Guidance also indicates the service would be deemed unavailable if “[t]he packet loss to the customer exceeds 5 percent,” but does not define to where packet loss is measured. This also could occur in areas outside of the BEAD recipient’s control and should not impact their reliability score. Similarly, WTA suggests NTIA clarify the Proposed Guidance to avoid penalizing service providers for latency issues that are beyond its control.

WTA recognizes the importance of a robust performance measurement program to help ensure that the BEAD funds are being spent wisely and efficiently. But imposing burdensome and/or unnecessary requirements will discourage companies from participating in the BEAD

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<sup>7</sup> See, *Connect America Fund*, WC Docket No. 10-90, Order on Reconsideration, 34 FCC Rcd 10109 (2019) at nn.122 and 125.

program, which in turn will lead to less efficient use of the finite BEAD funds. WTA thus urges NTIA to make the modest changes proposed above in finalizing the performance measurement requirements.

Respectfully submitted,

**WTA – ADVOCATES FOR RURAL BROADBAND**

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