



May 16, 2024

Ex Parte Notice

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

RE: *Connect America Fund, WC Docket No. 10-90; ETC Annual Reports and Certifications, WC Docket No. 14-58; Telecommunications Carriers Eligible to Receive Universal Service Support, WC Docket No. 09-197; Connect America Fund – Alaska Plan, WC Docket No. 16-271; Expanding Broadband Service Through the A-CAM Program, RM-11868*

Dear Ms. Dortch:

On May 15, 2024, the undersigned on behalf of NTCA–The Rural Broadband Association (“NTCA”) met with Ted Burmeister, Nathan Eagan, and William Layton from the Wireline Competition Bureau regarding matters in the above-referenced proceedings.

NTCA started by discussing the timing considerations of various grant programs and their interplay with the establishment of new service level commitments under the Connect America Fund–Broadband Loop Support (“CAF-BLS”) program. In raising these matters, NTCA noted that recipients of CAF-BLS support have made and continue to make substantial progress with respect to broadband deployment – far in excess of prior deployment obligations – as can be seen in the Broadband Data Collection (“BDC”) administered by the Federal Communications Commission (the “Commission”) and as affirmed by other data. *See, e.g., [NTCA Broadband/Internet Availability Survey Report](#)* (Dec. 2023) (highlighting that more than 80% of respondents’ customers have access to fiber-to-the-premises connectivity and broadband speeds in excess of 100 Mbps).

We next discussed several issues presented by NTCA’s pending petition in the above-referenced proceedings. First, NTCA urged the Commission to reconfigure the deployment timelines initially established under the Enhanced Alternative Connect America Cost Model (“ACAM”) program to correspond more to the timeframes for deployment that are more reasonably anticipated at this point under the Broadband Equity, Access, and Deployment (“BEAD”) program. *See* Petition for Reconsideration and/or Clarification of NTCA, WC Docket No. 10-90, *et al.* (filed Sept. 15, 2023) (“NTCA Petition”), at 17-20. (“Simply declaring ‘four years for performance’ to be the same under both programs is not alignment.”) Here again, NTCA observed that its members have collectively outperformed deployment obligations under various Commission universal service programs, but that clarity now especially with respect to deploying in the farthest reaches of wide-ranging study areas is necessary and warranted – and would be consistent with the readily apparent realities of timing under the BEAD program at this point.

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NTCA then raised the need for recalibration of the obligation under the Enhanced ACAM program to submit plans that reflect certain cybersecurity and risk management “best practices.” The ostensible goal of the Commission in imposing such a requirement was to “align” with the BEAD program. But as discussed in NTCA’s petition, the BEAD program is more specific and narrowly tailored in requiring plans to take account of the cybersecurity framework overseen by the National Institute of Standards and Technology rather than more amorphous and far-reaching “best practices.” *See id.* at 21 (observing that the BEAD program makes no mention of these “best practices” in requiring the submission of cybersecurity and supply chain risk management plans). NTCA asked the Commission to act on its petition to promote consistency across these and other programs.

Finally, NTCA reiterated concerns raised in recent meetings regarding the interplay of the Commission’s national broadband map and its high-cost universal service fund (“USF”) programs. Specifically, I highlighted the “anywhere/everywhere” problem, in which a provider might claim through BDC submissions that it could serve *any single location* in a given area, but where reasonable and objective technical considerations make it readily apparent that the provider could not serve *every location* in that geography – as might become necessary if high-cost USF support were reduced or eliminated based upon a finding of such competitive presence. *See Ex Parte* Letter from Michael R. Romano, Executive Vice President, NTCA, to Marlene H. Dortch, Secretary, Commission, WC Docket No. 19-195, *et al.* (filed May 2, 2024). In this regard, the BDC must be seen as informative but hardly dispositive in establishing effective qualified competition for purposes of high-cost USF programs, because the Commission should not and cannot presume a competitive provider’s BDC claims are tantamount to that competitive provider being willing or able to assume the place of a provider of last resort throughout a community. For this reason (among many others), the NTCA Petition had urged the Commission to require a simple certification from would-be competitors to ensure that BDC submissions could be translated into qualified competition for high-cost USF purposes. *See* NTCA Petition at 5-13 (“[T]he Commission should ensure through other reasonable processes that strict limitations within BDC systems and procedures that were not built for the kinds of concerns raised in identifying would-be unsubsidized competition will not frustrate the mission of universal service and deny potentially tens or even hundreds of thousands of consumers access to sufficient and sustainable broadband based upon nothing more than technicalities as to challenge code categorizations or the like.”) During the conversation, NTCA renewed its call for the Commission to consider ways to reflect accurately *qualified* competition that can substitute for universal service in lieu of overly simplistic mechanical references to the BDC.

Thank you for your attention to this correspondence. Pursuant to Section 1.1206 of the Commission’s rules, a copy of this letter is being filed via ECFS.

Sincerely,

/s/ Michael Romano

Michael Romano

Executive Vice President

cc: Ted Burmeister
Nathan Eagan
William Layton