



July 9, 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 Monday, July 8, 2024, the undersigned on behalf of NTCA–The Rural Broadband Association (“NTCA”) spoke with Theodore Burmeister, Nathan Eagan, William Layton, and Suzanne Yelen from the Wireline Competition Bureau regarding matters in the above-referenced proceedings.

As an initial point of advocacy, I raised the need for further guidance soon on the timing of deployment obligations under the Enhanced Alternative Connect America Model (“Enhanced A-CAM”) program). As NTCA previously highlighted in a pending petition, while “the Commission specifically cited the [Broadband Equity, Access, and Deployment or “BEAD” program] in designing the interim and final deployment milestones for those that accept enhanced A-CAM support,”¹ it was unrealistic even as late last year to presume that the BEAD program would result in “Internet for all” by 2028; indeed, even the Administration itself already had, as of that time, estimated completion of BEAD construction by 2030.² The passage of time has only reaffirmed that BEAD will take longer to connect many Americans than the 2028 timeframe established as an ostensibly complementary final deadline for the Enhanced A-CAM program. Given the long-term nature of capital planning and the substantial work to be done in connecting every unserved location in far-reaching rural study areas, NTCA urged the Federal Communications Commission (the “Commission”) to revisit and establish more reasonable Enhanced A-CAM deadlines consistent with its Petition as soon as possible.

¹ Petition for Reconsideration and/or Clarification of NTCA, WC Docket Nos. 10-90, *et al.* (filed Sept. 15, 2023) (“Petition”), at 17.

² See *id.* (citing *Fact Sheet: Biden-Harris Administration Announces Over \$40 Billion to Connect Everyone in America to Affordable, Reliable, High-Speed Internet* (available at: <https://www.whitehouse.gov/briefing-room/statements-releases/2023/06/26/fact-sheet-biden-harris-administration-announces-over-40-billion-to-connect-everyone-in-america-to-affordable-reliable-high-speed-internet/>).

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NTCA next highlighted continuing concerns with respect to the interplay of broadband mapping data and the Commission’s high-cost universal service programs, consistent again with its pending petition.³ Specifically, we discussed how even if the Broadband Data Collection (“BDC”) may permit a provider to identify as served *any* location because it could in theory serve there at a certain level of performance, it is bad policy and factually inaccurate to translate that sort of filing into a determination that the same provider could serve *every* location in a given area such that it could effectively substitute for the provider of last resort throughout that geography (*i.e.*, the “anywhere/everywhere problem”).⁴ As NTCA explained in its Petition, “the BDC may be *informative* when it comes to identifying as a threshold matter where unsubsidized competition as defined in the order might exist, but it is hardly *dispositive* with respect to determining where such competition does exist.”⁵ I therefore noted the importance of addressing NTCA’s concerns about aspects of the challenge process to determine what constitutes an “unsubsidized competitor” beyond mere consultation of BDC data, and the further need to implement a mechanism that takes into account the *realistic* capacity of providers to serve customers in translating BDC data into universal service impacts.

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: Theodore Burmeister
Nathan Eagan
William Layton
Suzanne Yelen

³ Petition, at 3-13.

⁴ See *Ex Parte* Letter from Michael R. Romano, Executive Vice President, NTCA, to Marlene H. Dortch, Secretary, Commission, WC Docket Nos. 19-195, *et al.* (filed May 2, 2024), at Attachment pp. 3 and 22-26.

⁵ Petition, at 6 (emphasis in original).