Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of	)	
	)	
Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, and Possible Steps to Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996, as Amended by the Broadband Data Improvement Act	)	GN Docket No. 15-191

COMMENTS OF
NTCA – THE RURAL BROADBAND ASSOCIATIONS, WTA – ADVOCATES FOR RURAL BROADBAND, EASTERN RURAL TELECOM ASSOCIATION, and the NATIONAL EXCHANGE CARRIER ASSOCIATION, INC.

September 15, 2015

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I. INTRODUCTION AND SUMMARY

Section 706 of the 1996 Telecommunications Act requires the Commission to report annually to Congress on "whether advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion."[1] The Commission's *Notice of Inquiry*[2] in this proceeding initiates the FCC's eleventh annual assessment of broadband deployment and availability.

[1] 47 U.S.C. § 1302. Section 706 of the Telecommunications Act of 1996, Pub. L. No. 104-104, § 706, 110 Stat. 56, 153 (1996), as amended by the Broadband Data Improvement Act, Pub. L. No. 110-385, 122 Stat. 4096 (2008), as codified in Title 47, Chapter 12 of the United States Code. *See* 47 U.S.C. § 1301 *et seq*.

[2] *Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, and Possible Steps to Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996, as Amended by the Broadband Data Improvement Act*, GN Docket No. 15-191, Eleventh Broadband Progress Notice of Inquiry, FCC 15-101 (rel. Aug. 7, 2015) (*NOI*).

The Commission expects this year's inquiry to differ from prior proceedings under section 706 in several ways, most importantly due to the availability of more comprehensive data on mobile and satellite services obtained from Form 477 submissions.[3] The NOI accordingly requests comment on a number of topics related to such services, including whether consumers should have access to both fixed and mobile services before advanced telecommunications capability can be deemed "available" under section 706 of the Act, on the differing technical capabilities of such technologies, how various data sources for broadband deployment can be used in the Commission's inquiry, and how to assess broadband performance capabilities for varying services and technologies.

The Associations[4] continue to support the Commission in its efforts to assure reasonable and timely deployment of advanced telecommunications services, particularly in areas served by rate-of-return regulated local exchange carriers (RLECs). These companies have made substantial progress in deploying advanced networks in their communities – networks which often provide the backbone for local mobile services as well. The Associations have documented this progress in previous Commission proceedings related to section 706.[5] In these

[3] *Id.* ¶ 3.

[4] NTCA represents nearly 900 rural rate-of-return regulated telecommunications providers. All of NTCA's members are full service local exchange carriers and broadband providers, and many of its members provide wireless, cable, satellite, and long distance and other competitive services to their communities. WTA – Advocates for Rural Broadband is a trade association representing more than 280 rural telecommunications providers offering voice, broadband and video services in rural America. WTA members serve some of the most rural and hard-to-serve communities in the country and are providers of last resort to those communities. ERTA is a trade association representing rural community based telecommunications service companies operating in states east of the Mississippi River. NECA is responsible for preparation of interstate access tariffs and administration of related revenue pools, and collection of certain high-cost loop data. *See generally*, 47 C.F.R. §§ 69.600 et seq.; MTS and WATS Market Structure, CC Docket No.78-72, Phase I, Third Report and Order, 93 FCC 2d 241 (1983).

[5] *See, e.g.*, Joint Comments of NTCA, WTA, ERTA, and NECA, GN 14-126, at 5-8 (filed Sept. 4, 2014) (*Rural Associations September 2014 Comments*).

comments the Associations express support for the Commission's tentative findings regarding technical and marketplace differences between fixed and mobile broadband technologies and services, and reemphasize the need for modernizing federal universal service support mechanisms to focus on broadband in areas served by rate-of-return companies, not just to ensure deployment of advanced networks and services but to ensure their sustainability over time as well. This would represent a key step in addressing the disparity between deployment in rural and urban areas noted in the Commission's 2015 Broadband Progress Report.[6]

II. DISCUSSION

A. Fixed and Mobile Broadband Services Are Complementary, Not Substitutes, and Should Be Treated Accordingly by the Commission.

The NOI explains in detail how fixed and mobile service technologies differ from one another, and how consumers tend to use such services in different ways. The NOI correctly recognizes that fixed terrestrial broadband service has substantial advantages for high capacity home use, such as streaming HD video or working at home, due to factors including higher bandwidth, lower variability in speeds, higher usage allowances, and lower prices when compared to mobile broadband.[7] The NOI notes that mobile broadband has become increasingly important for accessing websites, navigating during travel, connecting on social media, communicating with family and friends, receiving timely news updates, and obtaining

[6] *Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, and Possible Steps to Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996, as Amended by the Broadband Data Improvement Act*, GN Docket No. 14-126, 2015 Broadband Progress Report and Notice of Inquiry on Immediate Action to Accelerate Deployment, 30 FCC Rcd. 1375 (2015) ¶ 134 (The Commission found that "disparities in rural areas and on Tribal lands, relative to urban areas, and the slow rate of deployment to these areas, also necessitate a negative finding.") (*2015 Broadband Progress Report).*

[7] *NOI* ¶ 8.

entertainment while away from a fixed broadband connection.[8] The NOI accordingly concludes on a tentative basis that fixed and mobile broadband meet different consumer needs.[9]

The NOI also points out how the high download speeds and lack of data caps and usage-charges associated with fixed terrestrial services permit users to rely on these facilities for high-capacity occupational, informational and entertainment uses, while the typically low data caps and overage charges associated with mobile services limit such use.[10] The NOI notes a large portion of U.S. households purchase both fixed terrestrial broadband service and mobile broadband service, and relatively few subscribe to only one such service where both are available.[11]

The Associations strongly agree there are significant technical and marketplace differences between fixed and mobile services. Indeed, the Associations have noted in prior comments the complementary nature of these services, and have also pointed out how mobile providers themselves agree their services face "unique technical and operational challenges," due to the shared nature of finite spectrum resources and challenges related to mobility.[12] The Commission's tentative findings as documented in the NOI confirm this view.

Such technical and marketplace differences do not necessarily compel the conclusion that both services must be "available" before the goals of section 706 can be considered achieved.

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[8] *Id.*

[9] *Id.*

[10] *Id.* ¶¶ 10-11.

[11] *Id.* ¶ 12.

[12] *See, e.g.*, Comments of the Rural Associations, *et al*., WC Docket No. 10-90, at 48-50 (filed Aug. 8, 2014) (*Rural Associations August 2014 Comments*); Initial Comments of NECA, NTCA, *et al*., WC Docket No. 10-90, at 36 (filed Jan. 18, 2012) (*Rural Associations January 2012 Comments*); Joint Comments of NECA, NTCA, *et al.*, WC Docket No. 10-90, at 12-13 (filed July 12, 2010).

They do, however, confirm that fixed and mobile services are not equivalent or substitutable for policymaking purposes. In particular, if a finding by the Commission that the presence of both fixed and mobile services in a given area is necessary for section 706 purposes, this should not affect the designation of an area as "served" or "unserved" for other purposes, including USF support determinations.

In considering availability issues, the Commission should also take into account the extent to which mobile broadband services depend upon fixed networks to meet broadband quality standards and consumer needs. As video, gaming and other bandwidth-intensive services increasingly move to mobile platforms, carriers will need to "offload" greater amounts of traffic from scarce and congested airwaves to high-capacity fiber networks, located as close to the consumer as possible. To avoid incurring the high mobile data and overage charges described in the NOI and to minimize the adverse impacts of congestion on speed and latency,[13] consumers and carriers will likely depend on a blend of fixed and mobile technologies (including Wi-Fi networks as discussed in the NOI)[14] to assure advanced telecommunications services are fully "available."

[13] *NOI* ¶ 9.

[14] The NOI points out that mobile broadband consumers use devices that are able to obtain access to fixed broadband networks via Wi-Fi technology, and questions whether this technology should factor into consideration of differences between fixed and mobile services. *Id.* ¶ 17. At this stage, however, sporadic availability of Wi-Fi "hotspots" should probably not be given weight in the Commission's broadband inquiries under section 706. While occasionally convenient for consumers and travelers in commercial establishments offering Wi-Fi, or for those who happen to be near a wireless router broadcasting a Wi-Fi signal, such networks do not appear to be sufficiently robust or reliable to impact the Commission's "availability" analysis under section 706.

B. The Proposed Speed, Latency and Consistency Benchmarks Are Reasonable National Goals Appropriate for Section 706 Purposes, But Their Interactions with Other Key Programs that Promote Broadband Availability and Adoption Must be Carefully Considered.

The Commission proposes to retain the speed benchmark of 25 Mbps/3 Mbps applied to fixed terrestrial services in the *2015 Broadband Progress Report*, and seeks comment on applying the same speed benchmark to fixed satellite services. It also seeks comment on applying a lower speed benchmark for mobile broadband service, if the Commission elects to include such services in the definition of "advanced telecommunications capability."

The NOI suggests in this regard that the critical difference between fixed and mobile product offerings may be mobility, not any transmission media or technology, and therefore adopting a lower speed benchmark for mobile broadband would not necessarily conflict with the section 706 instruction to define advanced telecommunications capability "without regard to any transmission media or technology."[15] It specifically asks if a benchmark of 10 Mbps/1 Mbps for mobile broadband would be appropriate.[16]

The Rural Associations have previously urged the Commission to adopt section 706 benchmarks for complementary services based on the consumer's perspective, regardless of technology.[17] The Associations agree the Commission should retain the newly adopted speed benchmark for fixed terrestrial broadband service of 25 Mbps/3 Mbps for section 706 reporting purposes, and believe this speed benchmark should apply to fixed satellite service as well because satellite service is likely to be used by consumers as a household broadband solution.[18]

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[15] *Id.* ¶ 26.

[16] *Id.* ¶ 30.

[17] *Rural Associations September 2014 Comments* at 10.

[18] While the Associations have also previously suggested the Commission adopt an evolving definition for advanced telecommunications services, it is unclear how the "forward-looking"

By contrast, the Commission's own findings, summarized above, make clear that consumers use fixed and mobile broadband differently and have different expectations of each service. Establishing a separate speed benchmark for mobile services therefore may be reasonable to the extent the selected benchmark reflects consumer expectations and actual use of such services.

The same principle should apply to standards for latency and service consistency. In the case of broadband networks used to deliver fixed services to consumers, it would appear reasonable to apply a latency standard that aligns with the 100 ms benchmark used for CAF Phase II funding.[19] The Associations would support incorporating similar standards for service consistency in the definition of "advanced telecommunications capability." Such a standard should include consideration of variations in speeds consumers actually experience when using such service, variations in latency (*i.e.*, jitter) experienced by consumers over time, the extent to which service providers have control over the paths over which standards are measured,[20] and the effect of weather conditions and physical obstacles on service quality. Insofar as the laws of physics preclude geostationary satellite services from meeting the 100 ms latency benchmark, they should not be deemed "advanced" telecommunications services.

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100 Mbps/10 Mbps benchmarks suggested in the NOI might actually be incorporated in Commission rules or policy. The Associations therefore would not support adoption of theoretical benchmarks in addition to the current, specific 25 Mbps/3 Mbps benchmarks. *See, e.g., Rural Associations August 2014 Comments* at 29-30.

[19] *Connect America Fund*, WC Docket No. 10-90, Report and Order, 28 FCC Rcd. 15060 (2013) ¶ 22. *See, e.g., Rural Associations August 2014 Comments* at 37-38.

[20] All service providers should be responsible for the speeds, latency and service consistency measured on their own networks. However, some service providers must rely upon the facilities and services of unrelated third parties over a portion of the communications path over which standards could be measured. For example, some RLECs must rely upon Middle Mile facilities of varying quality and capacity provided by unrelated entities to take the traffic of their customers a portion of the way to and from the Internet. Whereas the Commission may use end-to-end measurements to locate areas that are experiencing certain service problems, it must not penalize service providers for the defects and shortcomings of third party facilities over which they have no control.

The Rural Associations further note and emphasize, however, that the 25/3 broadband speed standard established in this proceeding for purposes of the Commission's "availability" determinations under section 706 is somewhat incongruent with the standards the Commission has developed, or is developing, for rural high-cost universal service support mechanisms applicable to price cap and rate-of-return carriers. Despite being promulgated pursuant to a statute that mandates universal service systems ensure "reasonable comparability" between services available in urban and rural areas,[21] these high-cost mechanisms are currently aimed at providing only a minimum 10/1 broadband speed standard.[22]

Today, economics preclude many large and small rural carriers from delivering 25/3 speeds in significant portions of their service areas. To be sure, rural carriers have been able to make commendable progress toward deploying higher-capacity networks by leveraging a mix of their own capital and private and public financing, with universal service support then helping to keep prices for services "reasonably comparable" while recipients operate those networks and repay debt. But it is a tall task indeed to ask such carriers to deliver materially higher speeds over time on the basis of a high-cost universal service program that is the same in scope and size as it was 5 years ago (when speed targets were only 4/1), and in the face of intercarrier compensation revenues that are declining due to a combination of regulatory fiat and gamesmanship by other providers. Put another way, it is hard, if not impossible, to reconcile a national goal of 25/3 for purposes of section 706 with a key federal universal service program – and funding levels in particular – specifically crafted to enable carriers to provide only 10/1 services to rural consumers.

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[21] 47 U.S.C. § 254(b)(3).

[22] *Connect America Fund, et al.*, Report and Order, WC Docket No. 10-90, *et al.*, 29 FCC Rcd. 15644 (2014) ¶ 15.

To ensure that the goals of section 706 are met for *all* Americans – including those living in rural areas – the Commission should therefore improve and enhance the high-cost universal service program. Absent such steps to ensure the high-cost program can keep pace with national speed goals, contrary to section 706, rural America risks falling further behind even as urban residents experience significant leaps and bounds in speeds.[23]

C. To Assure Availability of Advanced Telecommunications Service in Rural Areas, the Commission Should Promptly Implement Reasonable, Carefully Crafted Universal Service Reforms that Advance and Sustain Broadband.

The NOI also questions whether the Commission should continue to consider pricing, data allowances, and adoption in determining whether advanced telecommunications capabilities are "available" to consumers as required under section 706 of the Act. In particular, the NOI seeks comment on whether the Commission should consider whether consumers have access to multiple service providers before advanced telecommunications services can be considered "available" under section 706.

Many small, low-density rural markets cannot economically support even a single provider, let alone multiple providers. In such circumstances, it would appear patently unreasonable for the Commission to find advanced services are not being deployed in a reasonable and timely manner simply because only one carrier is providing broadband services in the area. Rather than focusing on the presence of multiple providers in such areas as a criterion for "availability," the Associations believe the Commission's efforts would best be spent ensuring there is at least one provider capable of providing advanced services to consumers.

[23] *See 2015 Broadband Progress Report* ¶ 134.

As comments filed in response to the Commission's 2014 *Tenth Notice of Inquiry* made clear[24] (along with comments in other proceedings[25]), availability of advanced telecommunications services in rural areas depends critically on whether the Commission acts soon to modernize existing rate-of-return high cost support programs. The Commission is well aware, for example, that existing HCF mechanisms do not provide necessary support in situations where customers choose to subscribe to "broadband only" services from an RLEC. Customers who seek this option face rates equal to or in excess of $110 per month, a prohibitive price far above what urban consumers would pay for similar services. This significantly undermines consumer choice, affects local service pricing, deters broadband adoption, inhibits technological evolution, and frustrates the objectives of universal service and of section 706.

Efforts by Commission staff and the Associations to develop workable methods for implementing a Connect America Fund for RoR carriers were infused with new energy earlier this year, when Chairman Wheeler told Senator Boozman the Commission planned to complete universal service reform for rate-of-return carriers by "football season."[26]

Even prior to this renewed focus on completing reform work in the near future, the Associations have engaged in extensive discussions with interested parties and Commission staff over a period of several years to develop specific and workable solutions to the standalone broadband problem. Initially, the Associations proposed adjustments to existing rules in an

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[24] *Rural Associations September 2014 Comments* at 12-13.

[25] *See, e.g., Rural Associations August 2014 Comments* at 6-27; Comments of NTCA, NECA, WTA and ERTA, WC Docket No. 10-90, at 3-10 (filed June 17, 2013) (*Rural Associations June 2013 Comments*); *Rural Associations January 2012 Comments* at 9-20; Comments of NECA, NTCA, OPASTCO, and WTA, WC Docket No. 10-90, *et al.*, at 6-10 (filed Apr. 18, 2011) (*Rural Associations April 2011 Comments*).

[26] Press Release, *FCC Chairman Tells Boozman Stand Alone Broadband Ready by "Football Season*" (May 13, 2015).

approach described as the "RLEC Plan."[27] Recognizing the need for a solution to the problem, the Commission sought comment on the RLEC Plan[28] and subsequently requested comment on alternative approaches that could facilitate high-cost support for customers taking only broadband data connections.[29]

In response, the Associations filed a new "Data Connection Support" (DCS) plan structured to meet the specific guidelines set forth by Commission. [30] Since then, and especially over the course of this year in response to the Chairman's interest in a quick resolution for a rate-of-return CAF, the Associations have explored numerous adjustments to the DCS plan aimed at meeting parameters articulated by the Commission's staff.[31] For example, in July 2015, the Rural Association met with FCC staff to discuss potential limits on expenses that would be recoverable through federal support mechanisms.[32] The Rural Associations also reported on the status of efforts to explore an alternative methodology desired by some within the Commission to provide for the recovery of previously-incurred costs through existing mechanisms and new costs through a new mechanism (referred to as the "bifurcated" approach).[33] Furthermore, in

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[27] *See Rural Associations April 2011 Comments;* Comments of NECA, NTCA, *et al.*, WC Docket No. 10-90 (filed Aug. 24, 2011).

[28] *Further Inquiry Into Certain Issues in the Universal Service-Intercarrier Compensation Transformation Proceeding*, WC Docket Nos. 10-90, 07-135, 05-337, 03-109; CC Docket No. 01-92, 96-45 GN Docket No. 09-51, Public Notice, 26 FCC Rcd. 11112 (2011).

[29] *See Wireline Competition Bureau Seeks Comment on Options to Promote Rural Broadband in Rate-of-Return Areas*, Public Notice, 29 FCC Rcd. 7201 (2013).

[30] *See Rural Associations June 2013 Comments* at 3-10 and Attachment 1.

[31] *See, Connect America Fund: Notice of Ex Parte of the Rural Associations,* Docket No. 10-90 (Apr. 21, 2015).

[32] *See, Connect America Fund: Notice of Ex Parte of the Rural Associations,* Docket No. 10-90 (Jul. 30, 2015).

[33] *See, Connect America Fund: Notice of Ex Parte of ITTA, the Rural Associations, USTelecom, et al.,* Docket No. 10-90 (Jul. 30, 2015).

August 2015, the Rural Associations suggested specific potential modifications to the Commission's cost model intended to improve its usefulness for adoption on a voluntary basis by RoR carriers.[34] Toward the end of that month, the Rural Associations joined with representatives of the larger carriers to report additional outcomes of industry discussions and analysis of suggestions from the Commission.[35] Today, the Associations are continuing active discussions regarding potential implementation of the Commission's bifurcated approach and other options for support.

Throughout these discussions, the Associations have been driven by the reality that small rate-of-return carriers are highly dependent on high-cost support mechanisms, and that seemingly small changes in support mechanisms, or errors arising out of inappropriately designed models, can threaten far more adverse consequences for RLECs and their customers than for larger companies, whose size and scale render them better able to absorb regulatory and financial shocks. Arriving at a solution that advances support for "data only broadband" in rural areas served by RLECs would secure regulatory certainty for these companies and provide the proper environment for continued broadband deployment in rural areas. In contrast, actions that are not carefully crafted and tested will inject additional uncertainty into the process and make it more likely that available support funds will be distributed incorrectly, with potential adverse impacts on economic development, education, health care, public safety, civic engagement and other critical aspects of rural development.

The importance of "getting this right" cannot be underestimated nor ignored as a key component of fulfilling the objectives of section 706 of the Act. Accordingly, the Commission's

[34] *See, Connect America Fund: Notice of Ex Parte of the Rural Associations,* Docket No. 10-90 (Aug. 10, 2015).

[35] *See, Connect America Fund: Notice of Ex Parte of ITTA, the Rural Associations, USTelecom, et al.,* Docket No. 10-90 (Aug. 28, 2015).

first priority in assuring the availability of advanced telecommunications services in RLEC areas should be the prompt adoption of workable and effective rules implementing a rate-of-return CAF plan. The Commission has already amassed a substantial record on potential alternative mechanisms to resolve this issue; the Associations look forward to assisting the Commission with implementing a workable and successful RLEC-specific CAF plan in the very near future.

D. Broadband Data Sources and Analyses

The NOI seeks comment on a number of topics relating to how best to report broadband speeds going forward in light of the availability of Form 477 data, now collected on a mandatory, certified basis.[36] In particular, the NOI suggests that, pending completion of checks of the quality of data submitted, the Commission might rely on maximum advertised speeds as reported on Form 477 as a reasonable proxy for actual speeds for fixed broadband services (both terrestrial and satellite), and that the speeds and footprints reported on Form 477 might be valuable for the Commission's analysis of fixed terrestrial broadband.[37] The Commission also suggests that it may be able to rely on Measuring Broadband America data to confirm relationships between advertised and actual speeds for fixed broadband.[38]

Form 477 data may be useful as an indicator and as a tool for analysis, but the Commission must be mindful of its inherent limitations. While the Form requires filers to certify as to the accuracy of their submission, the Form 477 only requires providers to self-report advertised speeds and not actual speeds.[39] The Form also fails to capture location-specific

[36] *NOI* ¶¶ 56-57.

[37] *Id.* ¶ 58.

[38] *Id.*

[39] *Id.* ¶ 56.

data.[40] Therefore, the Commission should not, in fact cannot, draw conclusions about location-specific broadband availability or actual speed thresholds based on the Form 477 data. Commenters looking at the Commission's preliminary determination of RLEC service areas overlapped by unsubsidized competitors were emphatic in pointing out that the Form 477 data certification is not an indication that every location within each of the reported census blocks is served.[41] If the Commission does use Form 477 data to map out speeds and footprints of fixed terrestrial broadband for its section 706 analyses, the Commission must include qualifiers such that no one examining the report or any map attached thereto will draw the conclusion that every household, business, and school in an area reported as served can receive broadband service or at any particular speed.

Section 706 also directs the Commission to focus particularly on the deployment and availability of advanced communications capability to "elementary and secondary schools and classrooms."[42] The Commission specifically notes that it expects to use the information reported on the revised Form 471 for E-rate Funding Year 2015 to identify what services are available to schools and libraries and the extent to which progress is being made.[43] However, the data collected via Form 471, viewed on its own, provides a very narrow data set: a narrative description of the service for which E-rate applicants seek funding and the rate charged by the service provider. It does not provide, for example, data that allow for a complete picture of the

[40] *See, e.g.*, Letter from Mary McManus, Comcast to Marlene Dortch, Secretary, *Preliminary Determination of Rate-of-Return Study Areas 100% Overlapped by Unsubsidized Competitors*, WC Docket 10-90 (Aug. 28, 2015) at 1. ("Comcast does not claim it offers broadband to every location within each of those census blocks [reported as served on its Form 477].")

[41] *See, e.g.*, Comments of NTCA, WC Docket No. 10-90 (filed Aug. 28, 2015) (Urging the Commission seek specific information from competitors with respect to each and every location in a study area to determine locations of "unsubsidized competition.")

[42] 47 U.S.C. § 13202(b).

[43] *NOI* ¶ 62, n.123.

various options for E-rate eligible services available to applicants or the quality and type of network infrastructure accessible to applicants. The 471 data thus will not provide an accurate picture of broadband availability to the nation's schools and libraries, and accordingly should not be used as the basis for any policy goals or initiatives.[44]

E. The Urban/Rural Divide

The Commission invites comment on the factors that led to its prior negative finding in the *2015 Broadband Progress Report* on disparities in the availability of advanced telecommunications capability between urban and rural areas.[45] In particular, the NOI invites comment on whether there have been changes in the availability of advanced telecommunications capability that impact urban/rural disparities, and how the Commission should account for any such changes in makings its section 706 determination this year.[46]

As noted above, a key step toward resolving disparities in broadband availability between urban areas and rural areas served by RLECs would be prompt implementation of a specific, predictable and sufficient CAF plan for rate-of-return companies. Moreover, in considering ways to resolve differences in "availability" of advanced telecommunications services, the Commission must address *sustainability* of broadband services in rural areas. Advances in broadband deployment in RLECs areas have been achieved through an effective blending of

[44] In considering broadband "availability" issues in this context, the Commission should recognize that broadband deployment to schools and libraries is only part of the story. The Associations have previously pointed out in this regard that the E-rate program and the high-cost program are important complements to one another in achieving the broader, more comprehensive universal service mission. Coordination between the two mechanisms is essential to leverage the best aspects of both and maximize the use of USF resources. *See, e.g.*, Reply Comments of NTCA, CC Docket No. 02-6, at 3 (filed Sept. 18, 2014).

[45] *NOI* ¶ 88.

[46] *Id.*

private capital, RUS loans and universal service support mechanisms. These programs have historically been designed not only to permit construction of networks in rural areas, but to keep those networks viable *over time*. Rural broadband is not just about deployment. Good rural broadband policy must be about keeping rates and services on pace with those provided in urban areas over the lives of the networks, not just for one or two-year periods covered by grant programs.

III. CONCLUSION

The Associations agree with the Commission's tentative conclusions regarding the significant technical and marketplace differences between fixed and mobile broadband technologies. These factors confirm such services are complementary, not substitutes for one another, and should be treated accordingly by the Commission. The Associations further agree that the speed, latency and consistency benchmarks described in the NOI are reasonable national goals appropriate for purposes of analyzing "availability" under section 706 of the Act, but are not appropriate at this time for other purposes such as high-cost and Lifeline support program administration. The Associations caution against using Form 477 data for purposes outside of determining availability under section 706, as these data have significant limitations for use in other contexts.

Finally, to assure deployment and ongoing availability of advanced telecommunications services in rural areas, the Commission should promptly take action to implement the RLEC CAF Plan as proposed by the Associations. The Commission has amassed a substantial record on the Plan. The Associations remain engaged in ongoing discussions with Commission staff

and other industry groups, and are confident a workable plan can be implemented in the near future under the Commission's continued guidance and leadership.

Respectfully Submitted,

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