

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)
Connect America Fund) **WC Docket No. 10-90**

REPLY COMMENTS OF ITTA AND USTELECOM

The Independent Telephone & Telecommunications Alliance and the United States Telecom Association, on behalf of their price cap incumbent local exchange carrier members (hereinafter “the price cap carriers”), submit the following reply comments in response to the Wireline Competition Bureau (“Bureau”) Public Notice requesting input on the published list of census blocks for which price cap carriers would be eligible to receive Connect America Fund (“CAF”) Phase I incremental support.¹

Various commenters, as directed by the Bureau, have submitted lists of areas where they believe coverage on the list is either overstated or understated. These submissions are available to interested parties only in PDF format, except for those submissions that were made under protective order and thus are not readily available to interested parties at all. The commenters may have submitted, as they were requested, electronic copies of these lists to the Commission, but the Commission has not released a compiled list, in electronic format or otherwise, of the census blocks proposed to be added or removed from its current list. Thus, the price cap carriers

¹ *Wireline Competition Bureau Seeks Comment on Areas Shown As Unserved on the National Broadband Map For Connect America Phase I Incremental Support*, Public Notice, WC Docket No. 10-90, DA 12-1961 (rel. Dec. 5, 2012) (“*Public Notice*”). See also *Wireline Competition Bureau Updates the List of Potentially Unserved Census Blocks in Price Cap Areas and Extends the Deadline for Comment on the List*, Public Notice, WC Docket No. 10-90, DA 12-2001 (rel. Dec. 10, 2012).

at this time have no reasonable way of evaluating these challenges in their ILEC service areas and responding to them. The price cap carriers' failure to respond to any specific challenges at this time should not be construed as a judgment that such challenges are valid or invalid.

The price cap carriers share the Commission's interest in proceeding expeditiously on CAF implementation. However, the fact that we feel compelled to submit such a "placeholder" here underscores the need for the Commission to set forth a rational and clearly delineated method for determining the areas that should be eligible for CAF Phase I incremental support in 2013. This would require, first, a prompt determination by the Commission as to the eligibility questions presented in the pending *Further Notice of Proposed Rulemaking* on modifications to the CAF Phase I program.² In addition, this would involve the development of a swift and efficient challenge process through which (1) the Commission identifies eligible areas based on data that reflects its actual deployment standard of 4 Mbps download and 1 Mbps upload speeds, and (2) carriers receive a meaningful opportunity to address situations where they believe the data on which the Commission is relying is inaccurate or insufficient.³ The price cap carriers are committed to the goals of CAF Phase I,⁴ and we look forward to working with the Commission

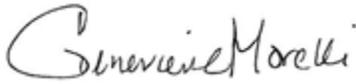
² *Connect America Fund*, WC Docket No. 10-90, Further Notice of Proposed Rulemaking, at ¶¶ 10-12 (rel. November 19, 2012) (*FNPRM*).

³ The price cap carriers intend to elaborate on their proposal for such a challenge process in their comments in response to the *FNPRM*.

⁴ See *Connect America Fund et al.*, WC Docket No. 10-90 et al., Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663, at ¶ 21 (2011) (*USF/ICC Transformation Order*) (noting that CAF Phase I is intended "to spur immediate" deployment of "robust, scalable broadband" meeting the 4/1 standard). See also *id.* at ¶ 145 (enunciating goal "to promote the most rapid expansion of broadband to as many households as possible" and "where there is no private sector business case for deployment of broadband").

to develop a process that ensures that all areas that actually are unserved by 4/1 broadband would be eligible for support.

Respectfully submitted,

By: 

Genevieve Morelli
Micah M. Caldwell
ITTA
1101 Vermont Ave., NW, Suite 501
Washington, D.C. 20005
(202) 898-1520

By: 

David Cohen
Vice President, Policy
USTelecom Association
607 14th Street, NW, Suite 400
Washington, D.C. 20005
(202) 326-7300

January 24, 2013