

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

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

**COMMENTS OF
ITTA – THE VOICE OF AMERICA’S BROADBAND PROVIDERS**

ITTA – The Voice of America’s Broadband Providers (ITTA) hereby submits its comments in response to the Commission’s *Public Notice* seeking to update the record regarding performance measures for certain Connect America high-cost universal service support recipients.¹

I. THE COMMISSION SHOULD ADOPT USTELECOM’S MEASUREMENT PROPOSAL WITH ONE MODIFICATION

The *Public Notice* seeks comment on USTelecom’s proposal for a broadband speed and latency measurement reporting and compliance framework.² Among the features of USTelecom’s proposal are that the group of locations tested only include locations with an active subscriber; the number of subscribers/locations to be tested in a year should be the lesser, in each state, either of 20 percent of the High Cost Universal Service Broadband Portal (HUBB) input locations, or 50 subscribers, and that testing occur once during each of four testing windows

¹*Comment Sought on Performance Measures for Connect America High-Cost Universal Service Support Recipients*, Public Notice, DA 17-1085 (WCB Nov. 6, 2017) (*Public Notice*).

² *See id.* at 4-6, paras. 5-9.

between 6:00 am and 12:00 am local time.³ In addition, USTelecom’s proposal calls for eligible telecommunications carriers (ETCs) to report and certify their results for each state by identifying one of five levels of compliance for both download and upload speed and latency.⁴

With one slight modification, ITTA supports the USTelecom proposal. ITTA is concerned with what would likely amount in most cases to a requirement to test a minimum of 50 subscribers in each state.⁵ For providers conducting testing using Whiteboxes, which entails customers volunteering,⁶ it may be quite difficult to find 50 subscribers to volunteer to undergo testing. The costs associated with such a test size may also far eclipse the incremental benefits of a sample that large. Therefore, ITTA recommends that the proposed sample size threshold be reduced to the lesser of one percent of HUBB input locations or 20 subscribers in each state.⁷

³ See *id.* at 4, para. 8 (citing Letter from Kevin Rupy, Vice President, Law & Policy, USTelecom, to Marlene Dortch, Secretary, FCC, WC Docket No. 10-90, at 2-6 (filed May 23, 2017) (USTelecom *Ex Parte*)).

⁴ See *id.*

⁵ Should the Commission decline to adopt the USTelecom proposal in favor of the Commission’s previous testing proposal, delineated in the *October 2014 Public Notice*, providers would definitively be required to test a minimum of 50 locations in each state they serve. See *Public Notice* at 3, para. 7 (citing *Wireline Competition Bureau, Wireless Telecommunications Bureau, and the Office of Engineering and Technology Seek Comment on Proposed Methodology for Connect America High-Cost Universal Service Support Recipients to Measure and Report Speed and Latency Performance in Fixed Locations*, Public Notice, 29 FCC Rcd 12623, 12626-27, paras. 5-12 (WCB 2014) (*October 2014 Public Notice*)).

⁶ Measuring Broadband America, Requirements, <https://www.measuringbroadbandamerica.com/fixed-broadband/fixed-broadband-requirements/> (last visited Dec. 6, 2017) (“The requirements we ask our volunteers to meet are as follows”). ITTA believes, however, that providers should be afforded flexibility to choose their testing methodology. See *infra* Sec. II.

⁷ See *Connect America Fund*, Report and Order, 28 FCC Rcd 15060, 15071, para. 23 n.64 (WCB 2013). ITTA acknowledges that the Commission’s latency testing program for price cap carriers requires at least 50 test subjects per state. However, such testing is designed to occur over a two-week period. See, e.g., *Public Notice* at 2, para. 3. Both the Commission’s 2014 and USTelecom’s testing proposals envision four consecutive weeks of testing. See *id.* at 3, para. 7; USTelecom *Ex Parte* at 3. Moreover, this doubling of the duration of testing is highly likely to be a further disincentive for customers to volunteer to undergo testing using Whiteboxes.

In addition, many providers have multiple speed tier offerings in the areas they serve. ITTA urges the Commission to clarify with respect to any speed testing regime it adopts that the required number of test subjects in a state, as discussed above, represents a total number by state, not a minimum sample size per speed tier offered per state.

II. THE COMMISSION SHOULD PERMIT FLEXIBILITY IN TESTING METHODOLOGIES

A further component of USTelecom’s proposal is that the Commission should permit “flexibility in selection of testing solutions to accommodate ETCs of different sizes.”⁸

Consistent with ITTA’s comments in response to the *October 2014 Public Notice*,⁹ ITTA wholeheartedly endorses this principle.

In its prior comments, ITTA emphasized that “rather than adopting a specific methodology for testing broadband speed and latency requirements,” the Commission should afford ETCs “flexibility with respect to the precise testing methodology used to verify network performance so long as it is reasonable and produces reasonably reliable results based on the network technology the provider has in place.”¹⁰ It also asserted that a one-solution-fits-all methodology would not be appropriate for determining compliance with broadband speed and latency obligations because it may not work for all network configurations.¹¹ Three years later, not only do these same rationales still apply, they are bolstered by the advent of new broadband customer premises equipment (CPE) that includes software allowing carriers to conduct tests for speed, latency, and other measures, as well as the identification of equipment directly attached to

⁸ USTelecom *Ex Parte* at 8. *See also id.* at 6 (“the Commission should ensure flexibility for ETCs in their implementation of CAF broadband measurement obligations”); *Public Notice* at 6, para. 10.

⁹ ITTA Comments, WC Docket No. 10-90 (Dec. 22, 2014) (ITTA 2014 Comments).

¹⁰ *Id.* at 2.

¹¹ *See id.* at 3-4.

CPE that can conduct required testing.¹² Providers should be permitted to utilize these solutions, Whiteboxes, ping tests, or any other methodology producing reasonably reliable results, in order to fulfill their measurement obligations in the most cost-effective manner that befits their particular network technologies.

III. CONCLUSION

For the foregoing reasons, the Commission should adopt USTelecom's performance measures proposal, with the slight modification that it should adopt a lower threshold for the required number of subscribers to be tested in each state. And, as a critical part of this proposal, the Commission should enable providers to implement the testing methodologies that best comport with their network technology and cost structures, so long as they produce reasonably reliable results.

Respectfully submitted,

By: /s/ Michael J. Jacobs

Genevieve Morelli
Michael J. Jacobs
ITTA
1101 Vermont Ave., NW, Suite 501
Washington, DC 20005
(202) 898-1520
gmorelli@itta.us
mjacobs@itta.us

December 6, 2017

¹² See USTelecom *Ex Parte* at 7-8; *Public Notice* at 3, para. 5.