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VIA ECFS

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

Re: *Connect America Fund, WC Docket No. 10-90; Expanding Broadband Service Through the ACAM Program, RM No. 11868*

Dear Ms. Dortch:

Last October, the ACAM Broadband Coalition (“Coalition”) filed a Petition for Expedited Rulemaking (the “Petition”) asking the Federal Communications Commission (“Commission”) to revise the existing ACAM program (the “Program”) so that it accelerates the deployment of higher performance broadband service to some of the highest cost areas of the country.¹ ACA Connects supports the Commission adopting a Notice of Proposed Rulemaking in response to the Petition.

The Petition explained that while the “current ACAM program is doing a commendable job of bringing broadband to Americans living in rural, sparsely populated areas,” consumers and businesses in these areas require even higher performance broadband much sooner than 2028 and that ACAM providers could meet this need if only the Program were to provide additional support.² The Petition, therefore, proposes that the Commission modify the Program to “provide to current ACAM plan companies that voluntarily agree to participate in the enhanced ACAM plan six (6) years of additional support at current support levels in return for providing significantly faster broadband speeds to consumers more quickly than consumers otherwise would receive them.”³ In

¹ *Expanding Broadband Service Through the ACAM Program, RM No. 11868, Petition for Expedited Rulemaking, ACAM Broadband Coalition (Oct. 30, 2020).*

² Petition at i.

³ Petition at ii. The Petition asserts that if all ACAM providers opted into the enhanced program “over 600,000 eligible locations being deployed to at speeds of 100/25 Mbps or higher. And the requirement to deploy broadband to eligible locations at lower speeds (i.e., 25/3 Mbps, 10/1 Mbps, and 4/1 Mbps) would decrease as, overall, new deployment obligations would bump up those locations to higher speed categories.”

seeking prompt action on the Petition, the Coalition claims that its proposal will neither “alter the program’s framework or annual budget.”⁴

In response to the Commission’s Public Notice seeking comment on the Petition,⁵ a handful of comments were filed – all in support of initiating a rulemaking with one exception. NTCA – The Rural Broadband Association, for instance, strongly supported the Petition, commenting “*The ACAM Broadband Coalition Petition* offers the Commission the chance to leverage an already existing and highly successful support mechanism to advance the state of broadband connectivity in rural America, and the agency would be remiss if it passed up this opportunity.”⁶ By contrast, the lone dissenting commenter, the Wireless Internet Service Providers Association (“WISPA”), asserted the Commission should not simply enhance the Program but should inquire whether the public interest would be better served by providing support in the ACAM areas through competitive bidding.⁷ In response to WISPA, the Coalition noted that its aim in enhancing the Program was relatively circumscribed – “as an immediate measure to help bring broadband at higher speeds to rural consumers more quickly than the ongoing ACAM I and ACAM II programs require” and “was not meant to address broader questions regarding the means that should be employed to get high-speed broadband to all Americans living in rural, sparsely populated areas of the country.”⁸

ACA Connects has been among the leading proponents for using competitive bidding to award high-cost universal service support. The recent Connect America Fund Phase II and Rural Digital Opportunity Fund auctions have demonstrated that, in high-cost areas served by large (price cap) carriers where broadband service was below 25/3 Mbps, reverse auctions have proven to be much more effective and efficient than traditional mechanisms for soliciting and awarding support.

Yet, ACA Connects also has recognized that because of the unique attributes of long standing, smaller providers in more rural areas, there may be other means to promote investment in higher performance broadband service that produce greater and more immediate public interest benefits. These smaller providers, for instance, most often already offer the highest performance broadband service in their territories. In addition, they have played a vital role in their communities over time, have made continuous investments in their networks, and can immediately begin to react

⁴ *Id.*

⁵ *Consumer & Government Affairs Bureau Reference Information Center Petition for Rulemakings Filed*, Federal Communications Commission, Public Notice Report No. 3161 (rel. Nov. 4, 2020).

⁶ Comments of NTCA – The Rural Broadband Coalition, RM-11868, WC Docket No. 10-90, at 4 (Dec. 4, 2020).

⁷ See Comments of the Wireless Internet Service Providers Association, RM-11868, at 3 (Dec 4, 2020) (“However, WISPA does not agree that the Commission should simply maintain its current ACAM funding model that makes support available only to rate-of-return carriers, as the Coalition proposes. In addition, the CAF Phase II and RDOF Phase I reverse auctions have demonstrated that competitive methods of allocating support are more efficient and reduce the Commission’s support level.”).

⁸ Reply Comments of the ACAM Broadband Coalition, RM-11868, at 4 (Dec. 18, 2020).

to newly-adopted incentives and requirements, often delivering upon policymakers' goals faster than what can be achieved by other means. ACA Connects believes that ACAM providers meet these criteria, and, in any event, the Commission can explore these issues in a rulemaking proceeding. As NTCA has commented, the issue at this time is limited to determining whether the Petition meets the standard set forth in Section 1.407 of the Commission rules to proceed to adopt a Notice of Proposed Rulemaking.⁹ It is for those reasons that ACA Connects supports having the Commission act expeditiously to initiate a rulemaking in response to the Petition.

Sincerely,

A handwritten signature in black ink, appearing to read "Ross Lieberman". The signature is fluid and cursive, with a large initial "R" and "L".

Ross Lieberman

⁹ Reply Comments of NTCA – The Rural Broadband Coalition, RM-11868, WC Docket No. 10-90, at 5 (Dec. 21, 2020) (“In any event, the question presented here is simply whether the ACAM Petition has established sufficient basis to initiate a rulemaking, and the answer on the record here is that it has. Questions regarding the promise and pitfalls of other kinds of mechanisms will continue to be debated and reviewed in many contexts to be sure.”).