



SMALL COMPANY COALITION
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Ex Parte Communication – Filed Via ECFS

May 21, 2019

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: *In the Matter of Connect America Fund*, WC Docket No. 10-90; Performance Measures for Connect America High-Cost Support Recipients

Dear Ms. Dortch:

The Small Company Coalition (SCC) files this Ex Parte Communication in support of recent positions taken by WTA – Advocates for Rural Broadband (April 17 and May 6 Ex Parte Communications), and NTCA – The Rural Broadband Association (February 28, 2019 and May 7, 2019 Ex Parte Communications) regarding broadband performance testing.

Consistent with NTCA and WTA, the SCC members have significant concerns with the broadband testing protocols outlined in the *Performance Measurements Order* (WC Docket No. 10-90, DA 18-710, rel. 7/6/18). While the SCC members support the concept of testing broadband networks to ensure speeds advertised are actual speeds delivered for carriers receiving high-cost support, there is a legitimate concern that the testing protocols outlined in the *Performance Measurements Order* are not yet ready and will not be ready in time for testing to begin in the third quarter of this year. In addition, the SCC shares NTCA's and WTA's concerns about the requirement for carriers to test outside their networks, speeds and tiers to be tested, incompatible CPE, and the starting date.

In the aggregate, due to the above-stated concerns, it is the SCC's position that the broadband tests as outlined by the Commission are unfeasible at best and harmful at worst.

Perhaps more alarming still is the apparent inability to correct any failed tests, especially for issues that may be outside of a carrier's control, prior to high-cost support being reduced as a penalty. At the very least, a carrier should have an opportunity to correct for or document problems in the instances of failed tests.

The proposal at present seems to contradict the principles upon which the Commission has undertaken national broadband deployment; that is to say, it is the Commission's desire to facilitate broadband deployment to remote areas, yet if a carrier is found to underperform on these tests, their funding will be reduced. The SCC does not see the value in testing protocol which appears

to be too-readily punitive; rather, a robust remedial system should be implemented which seeks to *not* deny funding as anything but a last recourse. In the event of any such penalty, the Commission would be well-advised—and rural consumers well-served—to institute a method of reimbursement for any funding cuts. In other words, if a company fails to meet required thresholds, rather than permanently losing vital support, the SCC proposes that such funding might simply be withheld until said thresholds are met.

Sincerely,

Executive Committee
Small Company Coalition