



November 26, 2018

Via ECFS

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

RE: NOTICE OF EX PARTE
WT Docket No. 10-208: *Universal Service Reform – Mobility Fund*
WC Docket No. 10-90: *Connect America Fund*

Dear Ms. Dortch,

The Rural Wireless Association, Inc. (“RWA”) and its members have been tremendously active in the Federal Communications Commission’s (“Commission” or “FCC”) Mobility Fund Phase II (“MFII”) proceeding since its inception.¹ RWA has provided insight and offered solutions related to the challenge process and has, more than once, expressed serious concerns about the data underlying the challenge process and the onerous procedures required to submit a successful challenge.

On November 19, 2018, the National Association of Regulatory Utility Commissioners (“NARUC”) submitted a Motion for an Extension of Time² requesting that the Commission extend the MFII Challenge Process for a second time, from November 26, 2018 to March 15, 2019. NARUC states that its association members passed a resolution “urg[ing] the FCC to extend the MF-II challenge process until March 15, 2019, and to create an improved process in

¹ See, e.g., *Universal Service Reform – Mobility Fund*; WC Docket No. 10-90, WT Docket No. 10-208, [Comments of Rural Wireless Association, Inc.](#) (Aug. 8, 2014); *Universal Service Reform – Mobility Fund*; WC Docket No. 10-90, WT Docket No. 10-208, [Rural Wireless Association, Inc. Petition for Reconsideration and/or Clarification](#) (Apr. 12, 2017); *Universal Service Reform – Mobility Fund*; WC Docket No. 10-90, WT Docket No. 10-208, [Comments of the Rural Wireless Association, Inc.](#) (Apr. 26, 2018); *Universal Service Reform – Mobility Fund*; WC Docket No. 10-90, WT Docket No. 10-208, [Comments of the Rural Wireless Association, Inc.](#) (Nov. 8, 2017); *Universal Service Reform – Mobility Fund*; WC Docket No. 10-90, WT Docket No. 10-208, [Ex Parte Letter](#) from Caressa D. Bennet, General Counsel, Rural Wireless Association, Inc. to Ms. Marlene H. Dortch, Secretary, FCC (Mar. 21, 2018); *Universal Service Reform – Mobility Fund*; WC Docket No. 10-90, WT Docket No. 10-208, [Comments of the Rural Wireless Association, Inc.](#) (Sept. 10, 2018).

² *Universal Service Reform – Mobility Fund*; WC Docket No. 10-90, WT Docket No. 10-208, [National Association of Regulatory Utility Commissioners Motion for an Extension of the Mobility Fund Phase II Challenge Process to March 15, 2019](#) (Nov. 19, 2018) (“NARUC Motion”).

the interim that is transparent and will ensure that areas of the United States represented by NARUC members receive the universal support required to fulfill the purpose of the fund.”³

While RWA completely agrees with NARUC that the MFII Challenge process has not worked, RWA does not support a second challenge process extension to March 15, 2019. Many of RWA’s members have participated in the challenge process. They have spent *millions* of dollars and *thousands* of work hours to do so.⁴ An extension through the winter season – a time when difficult weather and treacherous road conditions will make drive testing dangerous in many locations and completely impossible in others – is unlikely to yield a statistically significant increase in test points over what has already been compiled. Further, extending the deadline while still requiring prospective challengers to use the same map compiled with inaccurate data fails to address the real problem underlying the MFII Challenge Process. Doing so will simply cost prospective challengers more time and money, without yielding appreciably different results.

RWA *does* agree with NARUC that the Commission must improve its MFII Challenge Process, and RWA continues to believe that the best way to do this is to investigate the 4G LTE coverage claimed by Verizon and require re-filing of Verizon’s data to correct its grossly overstated coverage.⁵ RWA and others have expressed grave concerns regarding the accuracy of Verizon’s data,⁶ and Smith Bagley has joined RWA in requesting that the Commission take action on this issue.⁷ Like Smith Bagley, RWA would not have made its request “if it believed there is any reasonable basis to conclude that Verizon’s data has a colorable claim of accuracy.”⁸ RWA similarly agrees that coverage shown on the Commission’s publicly-available challenge maps, in what it believes to be Verizon’s service areas is “glaringly, systematically, and implausibly overstated.”⁹

³ NARUC Motion at p. 5.

⁴ See, e.g., *Universal Service Reform – Mobility Fund*; WC Docket No. 10-90, WT Docket No. 10-208, [Informal Request of the Rural Wireless Association, Inc. for Commission Action](#) (Aug. 6, 2018) (“RWA Informal Request”); *Universal Service Reform – Mobility Fund*; WC Docket No. 10-90, WT Docket No. 10-208, [Ex Parte Letter](#) from Caressa D. Bennet, Counsel to Panhandle Telecommunication Systems, Inc., to Ms. Marlene H. Dortch, Secretary, FCC (July 13, 2018); *Universal Service Reform – Mobility Fund*; WC Docket No. 10-90, WT Docket No. 10-208, [Ex Parte Letter](#) from Caressa D. Bennet, General Counsel, Rural Wireless Association, Inc. to Ms. Marlene H. Dortch, Secretary, FCC, [Attachment C](#) (Apr. 20, 2018)

⁵ RWA Informal Request at p. 1.

⁶ See, e.g., *Universal Service Reform – Mobility Fund*; WC Docket No. 10-90, WT Docket No. 10-208, [Ex Parte Letter from Radio Frequency Engineering Firm Coalition](#) to Ms. Marlene H. Dortch, Secretary, FCC (July 5, 2018); *Universal Service Reform – Mobility Fund*; WC Docket No. 10-90, WT Docket No. 10-208, [Ex Parte Letter from Radio Frequency Engineering Firm Coalition](#) to Ms. Marlene H. Dortch, Secretary, FCC (Aug. 3, 2018); *Universal Service Reform – Mobility Fund*; WC Docket No. 10-90, WT Docket No. 10-208, [Ex Parte Letter](#) from Brien J. Sheahan, Chairman, Illinois Commerce Commission, to Ms. Marlene H. Dortch, Secretary, FCC (July 30, 2018); *Universal Service Reform – Mobility Fund*; WC Docket No. 10-90, WT Docket No. 10-208, [Ex Parte Letter](#) from Shawn Hanson, CEO, Panhandle Telecommunication Systems, Inc. to Ajit Pai, Chairman, FCC (Sept. 7, 2018).

⁷ *Universal Service Reform – Mobility Fund*; WC Docket No. 10-90, WT Docket No. 10-208, [Informal Request of Smith Bagley, Inc. for Commission Action](#) (Oct. 18, 2018).

⁸ *Id.* at p. ii.

⁹ *Id.*

It is true that the parameters required for a successful challenge are tremendously onerous. But it is Verizon's overstatement of coverage that has necessitated such an expensive and time consuming drive testing process. Verizon's submission of incorrect data is the underlying problem, and it has caused tremendous harm to RWA's membership in the form of millions of dollars and thousands of hours spent to prove nonexistent coverage – coverage that Verizon knows does not exist.

RWA does not support a second extension of the MFII Challenge Process deadline to March 15, 2019 because such an extension is unlikely to yield additional test points that are statistically significant and will only cost prospective challengers additional time and money. Further, RWA urges the Commission to address the problem underlying the MFII Challenge Process by investigating the 4G LTE coverage claimed by Verizon and require re-filing of Verizon's data to correct its overstated coverage.

Pursuant to Section 1.1206 of the FCC's Rules,¹⁰ this *ex parte* is being filed electronically with the Office of the Secretary.

Respectfully submitted,

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¹⁰ 47 C.F.R. § 1.1206.