Utilities Technology Council™

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July 9, 2020

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 - 12th Street, S.W.
Washington, D.C. 20554

Ex Parte

Re: Notice of Ex Parte Presentation, WC Docket Nos. 19-195, WC Docket No. 11-10

Dear Ms. Dortch:

The Utilities Technology Council ("UTC") is providing the following written ex parte presentation in the above-referenced proceedings in accordance with Section 1.1206 of the Commission's Rules. Specifically, UTC requests that the Commission revise its draft Digital Opportunity Data Collection *Report and Order* regarding maximum buffers for wireline broadband service reporting, as more fully described below.[1]

In the draft Report and Order, the Commission states that it adopts specific maximum buffers around network facilities for wired technologies for purposes of compliance with broadband reporting requirements.[2] For all three technologies -- Hybrid-Fiber Coax (HFC or cable), Fiber to the Premises (FTTP or fiber), and Digital Subscriber Line (DSL) technologies – the Commission adopts a maximum distance of 6,600 route feet (or 2,000 route meters) from the aggregation point and a maximum drop distance of 240 feet. These buffers will determine the areas that are served by providers, and subject to certain specific exceptions, locations included in a provider's coverage polygon may not be outside of the maximum buffers established by the Commission.[3]

UTC is concerned that these maximum buffers are not appropriate for fiber to the premises networks in rural unserved areas. Instead, the Commission should increase the maximum buffer distance for fiber to the home technologies to 20-60 kilometers (km) from the aggregation point. This is consistent with the ITU standard for GPON technologies, which are used in many fiber to the premise networks.[4] It is also consistent with the way that utilities are deploying fiber to the premises networks in rural areas, where the distance between the optical line terminal (OLT) and the optical network terminal (ONT) typically exceeds 40-45 km and the ONT is located on the side of the house.[5] The reality is that in

[1] Establishing the Digital Opportunity Data Collection, Second Report and Order and Third Further Notice of Proposed Rulemaking, WC Docket No. 19-195, FCC-CIRC2007-07 (rel. Jun. 25, 2020)(hereinafter "Draft Report and Order").
[2] *Id.* at ¶17.
[3] *Id.* at ¶18.
[4] SERIES G: TRANSMISSION SYSTEMS AND MEDIA, DIGITAL SYSTEMS AND NETWORKS Digital sections and digital line system – Optical line systems for local and access networks, Gigabit-capable passive optical networks. (GPON): General characteristics, ITU-T G.984.1, 03/2008. (https://www.itu.int/rec/T-REC-G.984.1).
[5] *See* CALIX Frequently asked questions about GPN https://community.calix.com/s/question/0D50g00004pX3k7CAC/frequently-asked-questions-about-gpon, March 25, 2020. *See also* 5000 8-port GPON Octal OLT at p. 2, available at https://portal.adtran.com/web/fileDownload/doc/32117, showing GPON can reach up to 45 km when using a 16x split.

rural areas, many homes and businesses are located miles apart from each other, which is why fiber runs are typically longer than in suburban or urban environments. Moreover, utilities are able to deliver gigabit services using fiber, and the quality of service is not limited by distance the same way that other technologies such as HFC or DSL are affected. Accordingly, if the Commission does decide to adopt a maximum buffer for fiber (which UTC does not believe is necessary), it should be greater than other wireline technologies. UTC recommends that the maximum standard buffer allowed should be set at 37.2 miles (60 km), and the Commission should extend the maximum buffer when fiber technologies use active ethernet (AE), which can serve customers 80 km away from the aggregation point.[6] UTC also supports the position of the National Rural Electric Cooperative Association on this issue.[7]

UTC is also concerned that the drop distance maximum buffer prescribed in the draft Report and Order is also inappropriate for fiber to the premise technologies. UTC recommends that the drop distance maximum buffer should be eliminated completely for fiber to the premise technologies, given the capabilities of fiber compared to other technologies and the typical way in which fiber networks are deployed directly to the home as a practical matter. Moreover, limiting the drop distance to 240 feet is fundamentally at odds with rural environments, where homes and businesses may be located down a gravel road or on a farm that require longer drops. Utilities report that their fiber based networks are designed to have drop access within 2000 feet of all locations and while some drops are shorter, a location is considered "drop ready" if it is within 2000 feet. If the Commission adopts a drop limit of 240 feet on fiber to the premise technologies, it will arbitrarily and unnecessarily exclude locations in rural areas that are typically served using fiber drops. Therefore, UTC agrees with NTCA that there is no need to adopt a drop distance maximum buffer for fiber, particularly one that fails to capture the nature of rural serving areas and is instead more reflective of an urban or suburban neighborhood.

UTC appreciates and supports the Commission's efforts to provide safeguards to prevent providers from overstating coverage; however, UTC is concerned that one of the limited exceptions to the maximum buffer prescribed in the draft Report and Order could allow providers to claim to serve many locations that are in fact unserved. Under this exception, a provider could include all of the locations in an area where the provider is receiving or has received universal service support to provide broadband service in a particular geographic area—or has other federal, state, or local obligations to make service available in the area and the provider has begun to make service available in that area. To be sure, some providers have only recently been awarded funding and have not had sufficient opportunity to serve all the locations in the areas that are being funded. But there are many providers who may have had ample opportunity to deploy and serve locations using federal, state or local funding but have still not done so. UTC is concerned that this exception to the maximum buffer would as a practical matter undermine the larger intent of the rule and result in large parts of the country being removed from eligibility unnecessarily. Accordingly, UTC urges the Commission to narrowly tailor this exception and exclude locations that fall outside of the maximum buffer, even if the provider has received federal, state or local broadband funding to provide service to these locations, and despite sufficient opportunity to do so, has not provided service to them.

UTC supports the Commission's efforts to implement the provisions of the Broadband DATA Act, which promises to provide much more granular information about broadband availability. Accordingly, UTC supports the draft Report and Order and looks forward to working with the Commission going forward on the Digital Opportunity Data Collection.

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[6] *See* IEEE 802.3, *available at* https://standards.ieee.org/standard/802_3-2018.html.

[7] Letter from Brian M. O'Hara, Senior Director Regulatory Issues, National Rural Electric Cooperative Association to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 19-195 (filed July 8, 2020).

Thank you for your help in this matter. If there are any questions concerning this matter, please contact the undersigned.

Respectfully,

Brett Kilbourne