

June 14, 2018

Via Electronic Submission

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Room TW-A325
Washington, DC 20554

Re: Notice of *Ex Parte* Presentation, *Accelerating Wireless Broadband Deployment*, WT Docket No. 17-79, *Accelerating Wireline Broadband Deployment*, WC Docket No. 17-84, *Accelerating Broadband Deployment, Broadband Deployment Advisory Committee (BDAC)*, GN Docket 17-83; and *Connect America Fund*, AU Docket No. 17-182

Dear Ms. Dortch:

On June 12, 2018, Jim Matheson, CEO of NRECA, and the undersigned met with Chairman Pai and his Wireline Legal Advisor, Jay Schwarz, to discuss issues in the above captioned proceedings. In the meeting we discussed NRECA's focus on rural issues and ensuring rural communities have access to quality broadband which the FCC defines as at least 25/3 Mbps.

Specifically, NRECA thanked the Chairman for broadening eligibility for participation in the CAF Phase II Reverse Auction (CAF II) beyond traditional incumbents. According to a May 14, Public Notice on the status of short-form applications, at least twenty-five (25) electric cooperatives filed short-forms to participate in the CAF II.¹ We are pleased with the level of member participation and are hopeful they will ultimately be successful. Electric co-op participation might have been even higher if more flexibility in the bidding areas were allowed. We also conveyed concerns

¹ Public Notice, Connect America Fund Phase II Auction Status of Short Form Applications to Participate in Auction 903; Corrections Due June 5, 2018, AU Docket No. 17-182, WC Docket No. 10-90 (DA 18-484), released May 14, 2018 and available at: <https://www.fcc.gov/document/status-applications-connect-america-fund-auction-auction-903>.

Letter to Marlene H. Dortch
June 14, 2018

from some of our membership about the potential incumbent overreporting of broadband coverage reflected in the final maps of eligible funding locations. Some member co-ops noted that ILEC broadband coverage in some areas increased from 10 to 15% coverage in the initial August 2016 map to 60% or more in the CAF II final eligible areas map released in December 2017 without any obvious signs of new construction or receiving additional pole attachment applications in their service territories.

We also briefly discussed the issue of coordination between the FCC and the Rural Utility Service (RUS) broadband programs and concerns with overbuilding. NRECA shares the goal of efficiently using precious federal dollars to reach those who need it most. However, proposals that prevent federal funding to rural areas with substandard broadband service, below the FCC standard of 25/3 Mbps, or that unnecessarily limit the use of RUS programs would perpetuate the status quo and widen the digital divide.

We also discussed concerns with the Broadband Deployment Advisory Committee (BDAC) and the state model code set for a final vote in July. NRECA has been very active on the state model code working group and provided input on a number of important issues. On several issues there was a good faith effort to reach consensus that resulted in improvements to the model code. On other important issues, unfortunately, there was less effort to reach consensus.

For example, and most egregious from NRECA's perspective, BDAC recommends that cooperative-owned poles be regulated under the model state code. This recommendation is being made despite Congressional recognition that the unique local control of electric cooperatives warrants excluding cooperative poles from federal pole attachment regulation. It also ignores the fact that none of the 19 state small cell laws enacted to date regulates attachments to electric cooperative poles.²

Additionally, only two of the thirteen articles in the state model code specifically address rural issues, which are the areas primarily unserved and underserved. NRECA formally submitted a letter on April 27 with proposed edits for consideration during reconciliation/harmonization and for when the state model code is brought back up before the full BDAC for a final vote.³

² States enacting small cell/5G laws to date that did not apply to electric cooperative poles: AZ, CO, DE, FL, IA, IL, IN, KS, MN, MO, NC, NM, OH, OK, RI, TN, TX, UT, and VA. The HI legislature adopted a bill that is awaiting signature by the governor, but like the others it also would not apply to cooperative owned poles. Many of these laws excluded electric utilities more broadly.

³ NRECA letter to BDAC Chair Elizabeth Bowles, April 27, 2018. Available at: https://ecfsapi.fcc.gov/file/10427060104146/18_04.27%20NRECA%20Ltr%20to%20BDAC%20w%20State%20Model%20Code%20for%20Reconciliation%20Cmte%20FINAL.pdf.

Letter to Marlene H. Dortch
June 14, 2018

NRECA and our member cooperatives remain committed to the goal of bridging the digital divide. We welcome the opportunity to continue working with the FCC, BDAC, and other stakeholders, to find a balanced approach to reaching our shared goal of ubiquitous broadband availability to all Americans.

If you have any questions regarding this ex parte notice, please contact the undersigned.

Sincerely,

/s/ Brian M. O'Hara

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cc: Jay Schwarz