

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Establishing the Digital Opportunity Data Collection)	WC Docket No. 19-195
)	
Modernizing the FCC Form 477 Data Program)	WC Docket No. 11-10

**COMMENTS OF
THE NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION
(NRECA)**

The National Rural Electric Cooperative Association (“NRECA”) submits these Comments in response to the Fourth Further Notice of Proposed Rulemaking issued by the Commission in the above-captioned proceeding (“*4th FNPRM*” or “*FNPRM*”).¹

NRECA is the national service organization for nearly 900 not-for-profit rural electric cooperatives that provide electric power to 56% of the nation’s landmass, including approximately 42 million people in 48 states, or approximately 13 percent of U.S. electric customers. Rural electric cooperatives serve 88% of the counties of the United States, including 92% of the nation’s 353 persistent poverty counties. Electric distribution cooperatives are small business entities under the U.S. Small Business Administration’s legal and regulatory framework.

¹ *In the Matter of Establishing the Digital Opportunity Data Collection*, WC Docket Nos. 19-195, 11-10, Fourth Report and Order, Declaratory Ruling, and Fourth Further Notice of Proposed Rulemaking (rel. July 12, 2024).

The nation's rural electric cooperatives are committed to promoting the deployment of advanced telecommunications capabilities within the rural communities and areas in which they serve, and electric cooperatives are expected to play a crucial role in the development of broadband infrastructure to serve rural unserved and underserved locations. Over 200 rural electric cooperatives currently are working to provide these much-needed broadband services themselves or through partnerships with affiliated or unaffiliated ISPs. Another 100 such projects are being considered.

COMMENTS

I. NRECA Supports the Proposed Collection of Fixed Wireless Authorization Information.

The 4th *FNPRM* proposes to require fixed wireless BDC filers to provide additional information as part of biannual BDC filings in order to better verify claims of terrestrial fixed wireless service availability submitted in the BDC.² Filers reporting licensed service under code 71 (including CBRS PAL) would need to report call signs and FRN, and CBRS GAA operators would need to provide proof of SAS authorization.³ Operators authorized on an unlicensed basis under Part 15 would need to file FCC IDs of base station transmission equipment used. NRECA supports these proposals as important requirements to help verify fixed wireless coverage claims.

II. NRECA Supports Requiring Additional Certifications and Supporting Data from Satellite Providers.

The *FNPRM* proposes to require satellite providers to submit supplementary infrastructure data, including network type, total number of satellites in the active constellation, the number of orbital shells deployed, and overall system downlink and uplink capacity, for each state or territory

² 4th *FNPRM*, ¶ 62.

³ *Id.*, ¶ 63.

for which the provider claims to make service available.⁴ NRECA supports these proposals as important requirements to help verify satellite provider coverage claims.

The Commission also seeks comment on whether the Commission “should collect link budget data from satellite providers as part of the availability data submission process, similar to data collected from mobile wireless service providers and terrestrial fixed wireless service providers who submit polygon coverage maps using propagation maps and model details.”⁵

NRECA strongly agrees with this proposal. Such data will assist the Commission and others to determine whether a satellite provider’s broadband speed assertions are reasonable, may help identify potential capacity restraints, and may prove useful in identifying whether and how to allocate any broadband funding support to satellite infrastructure.⁶

Further, this data should presumptively be made public, for the same reasons the Commission articulated with respect to terrestrial fixed wireless infrastructure data, which is that “there is a strong public interest in having as much access to this information as possible in order to facilitate public review and input on its accuracy”⁷ If a satellite provider seeks confidential treatment of certain information, the Commission should entertain such individualized requests for confidential treatment, but these should be granted only in very narrow circumstances.

III. NRECA Reiterates that Electric Utility Operators Have Detailed and Reliable Geospatial Data on BSLs.

⁴ 4th FNPRM, ¶¶ 70-71.

⁵ *Id.*, ¶ 72.

⁶ To be clear, at this juncture NRECA does not support satellite service receiving broadband funding under any existing program. Any such determination would seemingly require a separate proceeding.

⁷ *Id.*, ¶ 75, quoting *Second Report and Order*, 35 FCC Rcd at 7473-74, ¶ 31.

With respect to challenges to Fabric BSL location data, the *FNPRM* states: “while some providers have submitted Fabric challenges that have resulted in updates to subsequent versions of the Fabric, it is unclear that providers (as a group) have better or more reliable geospatial data on BSL attributes than other groups (e.g., state, local or Tribal governments, consumers).”⁸

NRECA respectfully suggests that WCB, OET and CostQuest could make more effective use of electric service meter geolocation data to improve Fabric BSL location data, and that electric service meter geolocation data can help address a number of challenges relating to BSL verification. As previously noted to the Commission,⁹ electric cooperatives know precisely which locations receive electric service, on a geolocated basis, and know if a location is a home, a business, or other type of location that may or may not meet the definition of a BSL.

Because electric meter location is so often closely tied with broadband service locations, NRECA suggests that the Commission should treat electric meter geolocation data supplied by an electric utility as a presumptively valid BSL indicator, to be immediately approved by CostQuest and the Commission (or OET) without further substantiation from the provider. While some complications may exist,¹⁰ NRECA would welcome further conversations with the Commission regarding the utility of electric meter geolocation data to the Commission and stakeholders.

⁸ *Id.*, ¶ 91.

⁹ See *Wireline Competition Bureau Seeks Comment on Leveraging the Broadband Serviceable Location Fabric for High-Cost Support Mechanism Deployment Obligations*, WC Docket Nos. 10-90, 16-271, 18-143, 19-126, AU Docket No. 20-34, Public Notice, DA 24-77 (rel. Jan. 25, 2024), Reply Comments of the National Rural Electric Cooperative Association, April 1, 2024.

¹⁰ For example, not all electric meters are geolocated, and not all of the data is accurate. Some cooperatives may also be unwilling to provide access to such data, and there may also be individual privacy concerns. Some properties – especially in rural and agricultural areas – may have multiple electric meters.

IV. NRECA Supports the Proposal to Permit BDC Filing Certifications by a “Qualified Engineer”.

The Commission proposes to eliminate the requirement in its rules that BDC filings must be certified by a licensed professional engineer, to amend its rules to state that filings can be certified by a “qualified engineer,” and to define “qualified engineer” with reference to the *2022 BDC PE Order* and the *PE Waiver Extension Order*.¹¹

NRECA strongly supports this proposal. Small ISPs in particular face significant challenges in meeting any licensed professional engineer requirement. In NRECA’s view, the Commission’s alternative qualifications adopted in the *2022 BDC PE Order* and the *PE Waiver Extension Order* strike a sensible balance.

V. The Commission Should Further Clarify the Proposed Alignment of Form 477 and BDC Definitions.

The *FNPRM* proposes to harmonize the Form 477 reporting obligation applicable to facilities-based providers of “broadband connections” with the definition of “broadband internet access service” used in the BDC.¹²

NRECA supports the harmonization objective and the overall approach. However, NRECA requests that the Commission provide additional clarification as to how the term “broadband internet access service connection” would apply for purposes of the Form 477 requirement. In particular, how would this work in the case of an open access network, or other instances where a network owner has partnered with a separate ISP? Would the underlying network owner need to file (because it provides a “broadband internet service connection”), while the ISP would not (because it is not “facilities-based”)?

¹¹ *4th FNPRM*, ¶ 100.

¹² *Id.*, ¶ 117.

NRECA agrees with the Commission’s interpretation that the proposed revision to the Form 477 reporting requirement would mean that providers of broadband connections offered on a customized basis would not fall within the scope of Form 477.¹³

NRECA suggests, however, that the Commission specifically state that broadband service provided to enterprises falls outside of the scope of Form 477, in accordance with Commission statements dating to 2010 that “mass market” does not include enterprise service offerings.¹⁴

CONCLUSION

NRECA appreciates the opportunity to provide the above Comments in this proceeding.

Respectfully submitted,

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¹³ 4th FNPRM, ¶ 118.

¹⁴ *In the Matter of Preserving the Open Internet*, GN Docket No. 09-191, Report and Order, FCC 10-201 (rel. Dec. 23, 2010)(“2010 Open Internet Order”), ¶ 45; *In the Matter of Protecting and Promoting the Open Internet*, GN Docket No. 14-28, Report and Order on Remand, Declaratory Ruling, and Order, FCC 15-24 (rel. March 12, 2015)(“2015 Open Internet Order”), ¶¶ 26, 189, n.466; *In the Matter of Restoring Internet Freedom*, WC Docket No. 17-108, Declaratory Ruling, Report and Order, and Order, FCC 17-166 (rel. Jan. 4, 2018)(“Restoring Internet Freedom Order”), n.58; *In the Matter of Safeguarding and Securing the Open Internet*, WC Docket Nos. 23-320, 17-108, Declaratory Ruling, Order, Report and Order and Order on Reconsideration, FCC 24-52 (rel. May 7, 2024)(“2024 Open Internet Order”), ¶ 192.

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