

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

In the Matter of)	
)	GN Docket No. 25-133
Delete, Delete, Delete)	

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

The National Rural Electric Cooperative Association (“NRECA”) submits these Comments in response to the Public Notice issued by the Commission in the above-captioned proceeding.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.

Rural electric cooperatives were formed to provide safe, reliable electric service to their member-owners at the lowest reasonable cost. They are dedicated to improving the communities in which they serve, and the management and staff of rural electric cooperatives are active in rural economic development efforts. Electric cooperatives are private, not-for-profit entities that are owned and governed by the members to whom they deliver electricity, are democratically

¹ Public Notice, *In Re: Delete, Delete, Delete*, DA 25-219, GN Docket No. 25-133 (rel. March 12, 2025).

governed, and operate according to the seven Cooperative Principles.² All of NRECA's electric distribution cooperatives are small business entities as defined by the U.S. Small Business Administration.

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

As further discussed below, NRECA suggests that the Commission should delete or amend its rules relating to the following:

- A. Broadband Data Collection: "Certified Professional Engineer" Requirement (47 CFR § 1.7004(d))**
- B. Broadband Data Collection: Duplicative HUBB and BDC Filings**
- C. Transparency Rules: Network Practices Disclosure Requirement (47 CFR § 8.2(a))**
- D. Digital Discrimination of Access: "Discriminatory Effect" Finding of Discrimination (47 CFR § 16.4(b))**
- E. Universal Service: Emergency Broadband Benefit (47 CFR § 54.1600-1612)**
- F. CPNI Annual Certification (47 CFR § 64.2009(e))**

² The seven Cooperative Principles are: Voluntary and Open Membership, Democratic Member Control, Members' Economic Participation, Autonomy and Independence, Education, Training, and Information, Cooperation Among Cooperatives, and Concern for Community.

A. Broadband Data Collection: “Certified Professional Engineer” Requirement (47 CFR § 1.7004(d))

The Commission should amend Section 1.7004(d) of its rules so that Broadband Data Collection (“BDC”) filings may be certified by an otherwise qualified engineer, and need not be certified by a licensed Professional Engineer (PE) as the rule currently states.

The Commission has repeatedly granted waivers of the PE certification requirement for several years of BDC filings, for good reason.³ The certified PE requirement is unnecessary and creates a significant hardship, for smaller ISPs in particular.

It is worth noting that the certified PE requirement in Section 1.7004(d) was created by the Commission, not Congress, as the Broadband DATA Act only required certification by a “corporate officer.”⁴ The Commission’s rule thus goes well beyond the requirements of the statute, and implicitly assumes, without justification, that only the involvement of a certified PE will ensure the accuracy of reported mapping data.

As NRECA and others explained at length in the *BDC Limited Waiver* docket, certified PE’s that have experience relevant to broadband network mapping are not readily found, and are even less readily available in rural America.⁵ Procuring the services of such a certified PE to look

³ Petition for Extension of Waiver of Competitive Carriers Association and USTelecom – The Broadband Association, WC Docket No. 19-195 (filed August 4, 2023)(“Petition”); *Comments Sought on Petition for Extension of Waiver of the Requirement for a Certified Professional Engineer to Certify Broadband Data Collection Availability Data*, Public Notice, WC Docket No. 19-195 (rel. August 11, 2023); *Establishing the Digital Opportunity Data Collection; Competitive Carriers Association Petition for Declaratory Ruling or Limited Waiver Regarding the Requirement for a Certified Professional Engineer to Certify Broadband Data Collection Maps*, WC Docket No. 19-195, Declaratory Ruling and Limited Waiver, DA 22-733 (July 8, 2022).

⁴ 47 U.S.C. § 642(b)(4)(A).

⁵ Reply Comments of National Rural Electric Cooperative Association (NRECA), *In the Matter of Establishing the Digital Opportunity Data Collection, Professional Engineer Certification in the Broadband Data Collection Process*, WC Docket No. 19-195, Sept. 11, 2023.

over the ISP's shoulder for BDC reporting every six months, forever, imposes an unreasonable expense and unjustified hardship. To avoid this hardship without compromising accuracy, the rule should be revised so that a BDC filing may be certified by an "otherwise qualified" engineer, who need not be licensed by the state as a PE.

The Commission should amend Section 1.7004(d) of its rules to reflect the Commission's determination that PE certification is not required to ensure the validity of reported BDC data.

B. Broadband Data Collection: Redundant HUBB and BDC Filing

Broadband providers that receive high-cost support are currently required not only to file detailed deployment data in the USAC High Cost Universal Broadband portal (HUBB), but also to file coverage data twice each year in the Broadband Data Collection program. These are burdensome, duplicative exercises. While NRECA appreciates the distinct purposes of USAC's HUBB portal and the BDC program, the Commission is requiring providers to submit the same information multiple times. The Wireline Competition Bureau recently adopted an order establishing the BDC's Broadband Serviceable Location Fabric (Fabric) as the basis for generally verifying compliance with high-cost program deployment obligations and for adjusting the location obligations for RDOF and other certain high-cost support mechanisms (<https://docs.fcc.gov/public/attachments/DA-25-32A1.pdf>). In light of the reliance on the Fabric to verify high-cost deployment obligations going forward, the utility of requiring filings in both the HUBB and BDC is questionable. To avoid this duplication, the Commission should explore how to streamline this process so that the BDC and HUBB filings can be unified, working with CostQuest Associates and others as necessary to do so.

C. Transparency Rules: General Network Practices Disclosure Requirement (47 CFR § 8.2(a))

While the Broadband Consumer Label requirement set forth in Section 8.2(a)(1) of the rules was directed by statute, the Commission can and should delete the more general transparency requirement set forth in Section 8.2(a). A legacy provision that survived the Commission’s 2018 repeal of the open Internet conduct rules, Section 8.2(a) requires broadband Internet access providers to “publicly disclose accurate information regarding its network management practices, performance characteristics and commercial terms....”⁶ Unlike the Broadband Consumer Label requirement, Section 8.2(a) was not mandated by statute, and in effect has been superseded by the Broadband Consumer Label requirement. Its continued existence alongside the Broadband Consumer Label rule only adds confusion and uncertainty, and for that reason it should be removed.

D. Digital Discrimination of Access: “Discriminatory Effect” Finding of Discrimination (47 CFR § 16.4(b))

The Commission should amend its rules implementing the “digital discrimination” provisions of the Infrastructure Investment and Jobs Act.⁷ Section 16.4(b) of the Commission’s rules currently states that a “finding of discrimination” may be made based on “discriminatory effect,” when “a facially neutral policy or practice differentially impacts consumers’ access” to covered services.⁸ NRECA suggests that this broad, effect-based analysis, whereby liability can be found in the absence of discriminatory intent, is not required by the statute and creates significant uncertainty for service providers. Accordingly, NRECA respectfully proposes that this “discriminatory effect” language be removed.

⁶ 47 CFR § 8.2(a).

⁷ Infrastructure Investment and Jobs Act of 2021, P.L. No. 117-58, Nov. 15, 2021, § 60506(b).

⁸ 47 CFR § 16.4.

E. Universal Service: Emergency Broadband Benefit (47 CFR § 54.1600-1612)

The Commission should delete its rules at 47 CFR Subpart P, pertaining to the Emergency Broadband Benefit Program.⁹ The Emergency Broadband Benefit (“EBB”) was superseded by the Affordable Connectivity Program, which itself is moribund and unfunded. The EBB rules are therefore obsolete, serve no useful purpose, and should be removed.

F. CPNI Annual Certification (47 CFR § 64.2009(e))

The Commission should consider deleting its rule requiring telecommunications carriers to submit a CPNI compliance certificate and operating statement every year.¹⁰ The CPNI statute and rules at Subpart U address important matters relating to customer privacy and safeguards for CPNI, and the Commission should continue to actively enforce any violation of its rules. But it is not clear that requiring an annual CPNI certification meaningfully increases service provider compliance. Unquestionably, however, it adds an additional compliance burden.

As an alternative, NRECA respectfully proposes that the Commission could (a) delete the annual certification requirement at Section 64.2009(e) altogether, (b) amend it to require only a one-time filing by service providers (similar to the CALEA SSI plan filing requirement), or (c) require providers to generate and maintain CPNI operating procedure documents, with an obligation to produce them to the Commission promptly upon request.

CONCLUSION

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

⁹ 47 CFR §§ 54.1600-54.1612.

¹⁰ 47 CFR § 64.2009(e).

Respectfully submitted,

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