



April 27, 2020

VIA ECFS

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

**RE: *The Rural Digital Opportunity Fund Auction, AU Docket No. 20-34; Rural Digital Opportunity Fund, WC Docket No. 19-126; Connect America Fund, WC Docket No. 10-90***

Dear Ms. Dortch:

On Thursday, April 23, 2020, Brian O'Hara from the National Rural Electric Cooperative Association, Thomas Cohen of Kelley Drye & Warren LLP on behalf of the Fiber Broadband Association, Brett Kilbourne and David Rardin from the Utilities Technology Council, and the undersigned on behalf of NTCA–The Rural Broadband Association held separate telephone conversations with Austin Bonner, legal advisor to Commissioner Geoffrey Starks, and Travis Litman, chief of staff to Commissioner Jessica Rosenworcel. On Friday, April 24, 2020, the same parties held a telephone conversation with Preston Wise, rural broadband advisor to Chairman Ajit Pai.

In each of these conversations, we urged the Federal Communications Commission (the “Commission”) to utilize a technology neutral, “bright line” framework for the Rural Digital Opportunity Fund (“RDOF”) and determine the eligibility for bidding in specific performance tiers in the upcoming auction based upon clear evidence of established performance by each technology. We noted that such a framework had operated effectively in the Connect America Fund Phase II auction, and that its use in the RDOF auction is important to provide certainty and clarity to all would-be bidders. We further observed that rural Americans, who have been waiting far too long for quality broadband services, should not bear the risk that mere claims regarding the future capabilities of certain technologies might or might not come true. Moreover, it would be unwise for the Commission to stake millions or even billions of dollars of limited ratepayer resources on such speculative claims. Finally, we expressed concern that there would be a lack of transparency and accountability should the Commission decide to engage in a case-by-case, short-form application review of the potential and actual capabilities of only selected technologies to qualify them in given tiers. Case-by-case review of specific technologies would also require significant Commission staff time and resources that could jeopardize an effort to meet the timelines previously set for the auction. We therefore encouraged the Commission to revert to and to adopt the framework for determining performance tier eligibility as articulated in its draft procedures public notice as circulated prior to voting at the February open meeting.

Marlene H. Dortch

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Thank you for your attention to this correspondence. Pursuant to Section 1.1206 of the Commission's rules, a copy of this letter is being filed via ECFS.

Sincerely,

/s/ Michael R. Romano

Michael R. Romano

Senior Vice President –

Industry Affairs & Business Development

NTCA–The Rural Broadband Association

cc: Preston Wise  
Travis Litman  
Austin Bonner