

CPI-1/TC-1 Resolution Urging the FCC to Extend and Reform Process for Creating the MF-II Eligibility Map

Whereas the National Association of Regulatory Utility Commissioners (“NARUC”), by and through its members, has an interest in ensuring that the States it represents have access to adequate mobile voice and broadband telecommunications technologies;

Whereas in February 2017, the Federal Communications Commission (“FCC”) adopted rules to provide universal service funding through its Mobility Fund Phase II (“MF-II”) in the amount of \$4.53 billion over a term of ten years to provide ongoing support for the provision of 4G LTE service in areas lacking adequate mobile voice and broadband coverage absent subsidies;

Whereas on February 27, 2018, the FCC published its initial map of areas eligible for MF-II funding based on service provider-supplied propagation models that the FCC admits do not necessarily reflect the actual, on-the-ground consumer experience;

Whereas based on the understanding that actual, on-the-ground consumer experience may not be represented in the initial map, the FCC established a challenge process allowing interested parties to dispute maps with speed test measurements, with an initial challenge window of March 29, 2018, to August 27, 2018;

Whereas the FCC limits challengers to mobile service providers, other parties who obtain a waiver, and State, local and tribal government entities, including NARUC member State utility commissions;

Whereas the FCC does not appear to have anticipated the large number of challenges brought by certain NARUC members and others who rely on the recommended FCC Speed Test Cellular Telephone App and do not have the resources, human or technological, available to service providers, requiring an extension of the challenge period to November 26, 2018;

Whereas certain NARUC members have discovered technological glitches in the FCC Speed Test App, particularly as it relates to phones operating on iOS software; found it difficult to supply the required numbers of tests given the lack of human resources; dealt with overwhelmed FCC employees who are under immense pressure to answer a large volume of questions; and found the entire FCC process to be underdeveloped and inefficient, leading to a lack of trust on the part of these NARUC members that the final eligibility maps will accurately reflect the need for service in the poorest parts of the nation; *now therefore be it*

Resolved that the National Association of Regulatory Utility Commissioners, as convened at its 130th Annual Meeting and Education Conference in Orlando, Florida, urges the FCC to extend the MF-II challenge process until March 15, 2019, and to create an improved process in the interim that is transparent and will ensure that areas of the United States represented by NARUC members receive the universal support required to fulfill the purpose of the fund.

*Sponsored by the Committees on Consumers and the Public Interest and on Telecommunications
Recommended by the NARUC Board of Directors on November 13, 2018
Adopted by the NARUC Committee of the Whole on November 14, 2018*