



N A R U C
National Association of Regulatory Utility Commissioners

June 1, 2020

The Honorable Ajit Pai, FCC Chairman
The Honorable Michael O’Rielly, FCC Commissioner
The Honorable Brenden Carr, FCC Commissioner
The Honorable Jessica Rosenworcel, FCC Commissioner
The Honorable Geoffrey Starks, FCC Commissioner
Federal Communications Commission
445 12th Street, SW, Portals II Building
Washington, D.C. 20544

RE: Request to Accelerate Key Aspects of the Phase I Rural Digital Opportunity Fund Auction.

Written Ex parte filed in the proceeding captioned: *In the Matter of the Rural Digital Opportunity Fund Phase I Auction*, AU Docket No. 20-34, WC Docket Nos. 19-126 and 10-90

Dear Chairman Pai and Commissioners O’Reilly, Carr, Rosenworcel, and Starks:

NARUC applauds the FCC for the steps the agency has taken thus far in response to the COVID-19 pandemic. Uncertainty about when and how this cycle of COVID-19 will trend down, and about a potential fall resurgence, increases the need for additional FCC action. A significant percentage of the U.S. population is currently working from home. As the country reopens, many are likely to continue remote operations. The need to expedite access to high-speed Internet to underserved communities has never been more apparent. Aside from telework, it is evident some schools intend to start in August with only online classes. Telemedicine options are accelerating to allow patients access to medical services, without exposing medical personnel and others to the risk of infections. What once was a convenience is now a necessity.

Although the FCC has taken many laudable actions, and done so quickly, there still are options on the table that might assist some Americans during the 2020-2021 flu season during any resurgence of COVID-19. Plus, the FCC also has an opportunity to expedite implementation of an existing program that can only jump-start needed economic activity: the FCC’s Rural Digital Opportunity Fund (RDOF).

This Commission has already demonstrated its ability to act and act quickly. Only a few months ago, on January 30, 2020, the FCC adopted the [Rural Digital Opportunity Fund Report and Order](#). The Phase I auction is scheduled to begin on October 22, 2020, will target more than six million homes and businesses in census blocks that are entirely unserved by voice and broadband, with download speeds of at least 25 Mbps.

Last Thursday, Representative James Clyburn (D-SC) and Fred Upton (R-MI) introduced the bipartisan Rural Broadband Acceleration Act (H.R. 7022). The FCC should accelerate RDOF

implementation as per that bipartisan legislation to ensure that there is new rural broadband infrastructure investment and construction this year. The changes suggested should not significantly increase the total cost of the auction and it will result in a more rapid rollout of service in targeted areas.

Specifically, NARUC urges the FCC to use the March 17, 2020, list of census blocks eligible for funding. The additional delay inherent in the limited challenge process is unlikely to result in significant alteration and delays needed investments. The country needs to begin solving the problem now. We also urge the FCC to use the short-form application and add an accelerated long-form option. That long-form application can be identical to those used in the CAF II auction, and should include a letter of credit with the application. The evaluation of long forms by the FCC is necessarily time-consuming and delays the award of actual funds.

To speed up the process, the FCC should accept with the short-form application an attendant long-form application for projects that would almost certainly win funding under current RDOF auction rules: projects proposing fiber-to-the-home (FTTH) symmetrical Gigabit-capable networks. The census blocks identified in those long-form applications should be removed from the RDOF auction, unless two or more Gigabit applicants seek funding for the same blocks. "Gigabit" bidders submitting a long form in a block with no competing Gigabit applicants could agree to accept in advance the clearing round price point in the subsequent auction. Alternatively, the FCC could alter the rules to award the reserve price for Gigabit projects. As a condition of this early action, the FCC should condition the award on the awardee beginning construction within 6 months of the award and beginning to offer service within one year of the award.

Third, the FCC should immediately begin to separately evaluate the long-form applicants, while continuing its established process for qualifying bidders through the short-form application. This will allow the agency to award successful Gigabit long-form applicant's census blocks by September.

All other census blocks would remain in the auction and the rest of the RDOF Phase I auction would proceed on its current schedule.

Whether the current health and economic crises lasts a few months or a year, funding on long-term rural fiber networks will be money well spent.

If you have any questions about this proposal, please do not hesitate to contact NARUC's General Counsel Brad Ramsay at jramsay@naruc.org or 202.257.0568.

Sincerely,

Brandon Presley
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Chair, NARUC Committee on Telecommunications

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