

**Before the
OFFICE OF MANAGEMENT AND BUDGET
Washington, DC 20503**

Information Collections Being Submitted	)	
for Review and Approval to the Office of	)	OMB 3060-XXXX
Management and Budget	)	
	)	
Federal Communications Commission	)	OMB 3060-1228
Connect America Fund: Performance	)	
Testing Measures	)	

**Comments of
NTCA–THE RURAL BROADBAND ASSOCIATION**

To the Office of Management and Budget:

I. INTRODUCTION

NTCA–The Rural Broadband Association (NTCA) hereby submits these comments in the above-captioned proceeding.¹ NTCA represents approximately 850 rural telecommunications and broadband providers. NTCA members serve about five-percent (5%) of the U.S. population, but more than 37% of the U.S. landmass. All NTCA member companies are broadband deployed and subject to the requirements promulgated by the Federal Communications Commission (FCC) in the relevant docket. NTCA submits these comments in response to the Supporting Statement of the FCC. As described in these comments, NTCA has identified aspects of the instant proposed data collection that indicate an average hourly burden that is larger than that anticipated by the FCC. These NTCA estimates are based upon interviews with rural operators and peer

¹ *Information Collections Being Submitted for Review and Approval to the Office of Management and Budget: Federal Communications Commission, Performance Testing Measures*, OMB 3060-XXXX, OMB 3060-1228, 84 Fed. Reg. 43130 (Aug. 20, 2019).

review of those findings. NTCA submits that consideration of these aspects, and their sources, will enable a more accurate prediction of the anticipated compliance burdens and analysis of the proposal and facilitate sound implementation of the requirements.

II. DISCUSSION

At the outset of this discussion, NTCA notes its consistent overall support for the performance measurement testing regime. Since the initial phases of the rulemaking proceeding, NTCA has affirmed the suitability of testing to ensure the proper deployment of broadband networks supported by high-cost funds. Accordingly, NTCA's prevailing comments in this proceeding have been aimed at ensuring that the requirements are tailored to meet the needs of small providers in order to enable greater administrative and economic efficiencies. Specifically, NTCA has urged the FCC, *inter alia*, to defer implementation of the rules until equipment necessary to comply with the regulations is sufficiently available in the marketplace, and to calibrate the size of the randomly-selected sample pools to the size of the respective internet service provider (ISP).² It is in that vein -- specifically, endeavoring to ensure administratively and economically efficient processes by which testing can be accomplished by small providers -- that NTCA's positions were submitted to the record.

As described in the FCC's Supporting Statement, NTCA was the only party to file comments in response to the notice seeking consultation with persons outside the FCC.³ NTCA presented information that it garnered from its members to demonstrate that the burden estimated by industry is higher than the burden estimated by the FCC and asked the FCC to "reassess the

² See, *i.e.*, *Application for Review and Request for Clarification of NTCA: Connect America Fund: Performance Measurement Obligations*, Docket No. 10-90, DA 18-710, at 9-18 (Sep. 19, 2018).

³ Supporting Statement at 5.

estimated hours burden per response.”⁴ To support this request, NTCA enumerated various steps its member companies identified as necessary for conducting the required testing.⁵ NTCA explained that the total estimated burden published by the FCC did not appear to contemplate the time that would be demanded by the sum of actions leading up to the testing. NTCA agrees with the FCC that each individual company will face different circumstances. As the FCC notes, “Some carriers will require more time, and others will require less.”⁶ In this regard, NTCA notes that the estimates it provided in its PRA comments similarly represent the anticipated experiences of a community of rural communications companies.

From a methodological standpoint, NTCA interviewed a representative sample of member companies to derive the antecedent steps providers would take prior to testing. Thus, NTCA appreciates the FCC’s recognition that “there are a number of steps involved for conducting the required testing,”⁷ as this acknowledgement is consistent with the approach NTCA took when surveying its member companies. Moreover, the Supporting Statement identifies several “pre-test” steps to testing, including “time to install any necessary software or testing equipment at the customer premises,” and predicts “setting up the testing makes up the bulk of the 45-hour estimate.”⁸ This perspective, too, is consistent with NTCA PRA comments,

⁴ See, *Comments of NTCA: Connect America Fund-Performance Measurement Obligations*, Docket No. 10-90, DA 18-710, OMB Control No. 3060-XXXX (Aug. 8, 2019) (NTCA Comments), *responding to Information Collection Being Reviewed by Federal Communications Commission*, OMB Control No. 3060-XXXX, 84 Fed. Reg. 26677 (Jun. 7, 2019).

⁵ See NTCA Comments at 2-3.

⁶ Supporting Statement at 5.

⁷ Supporting Statement at 5.

⁸ Supporting Statement at 5.

which focused primarily on many of the *pre-test* processes that carriers contemplate, including bench testing equipment, interfacing with customers and deploying equipment.⁹

However, even as the Supporting Statement enumerates the many steps involved in testing, the FCC suggests that NTCA’s estimated burden-hours “rely on false assumptions and exaggerated generalizations.” In response, NTCA submits that its members, who *support* testing, measured the relevant requirements against their operations and developed predictions of employee labor hours. While any representative survey sample inherently generates only a “generalization,” NTCA notes that the developed estimates were grounded in rational operational assumptions of operating companies. Indeed, NTCA notes that its approximately 850 members are among the 1,277 unique respondents the FCC predicts will be subject to the rules.¹⁰ The member experiences and perspectives that NTCA presented in its comments are fair estimates of the burdens as anticipated by the affected companies. Indeed, NTCA noted in its comments that certain hourly burdens may arise only in certain situations. To wit, NTCA estimated 40-50 hours of bench-testing new equipment but acknowledged that this would be a “one-time” event;¹¹ similarly, NTCA predicted customer-interaction times of approximately one hour per location where new equipment must be deployed with customer consent, leaving open the possibility of decreased burdens where a software solution is implemented.¹² Accordingly, rather than suggest an average overall hourly burden for *all* companies, NTCA provided the FCC with an estimated hourly burden on a per-task basis. And, in some instances, NTCA did not propose specific, defined numbers: when discussing truck rolls, NTCA provided examples of distances as

⁹ See, generally NTCA Comments, addressing bench testing, obtaining customer consent (where necessary), deploying and collecting equipment, and other questions related to CPE inventory.

¹⁰ 84 Fed Reg 43130 (2019).

¹¹ NTCA at 4.

¹² NTCA at 6.

provided by members, and explained the mileage “implicate[s] significant labor hours in rural areas.” Without proposing specific distances, NTCA instead commended that “[t]hese must be considered in the PRA analysis in order to arrive at an accurate assessment of the time per-response.”¹³

NTCA submits that OMB analysis of the instant matter may be assisted by considering the respective sources of the burden estimates. On the one hand, the FCC is endowed with an overarching view of regulatory goals; on the other hand, operating companies integrate policy outcomes with their on-going operations. For example, the FCC states, “NTCA’s 40-50 hour estimate for bench testing is substantially overstated because this equipment is already in use and has been thoroughly tested by other parties.”¹⁴ NTCA submits that while the relevant equipment may be fully functional “out of the box,” bench testing is not conducted to affirm the operational ability of the equipment or assess the usefulness of the device for other parties, but is rather aimed at ensuring the equipment meets the needs of the specific testing party. These criteria may include: interoperability with existing network equipment; integration with back-office systems; evaluation of customer reaction and adoption; and, comparisons of various vendor samples to determine the best option for market. Software, solutions, as well (for any various application), are generally tested by providers before a full implementation into an existing system.

Similarly, NTCA appreciates that the FCC’s “estimate took into account that some truck rolls would be necessary,” and agrees that “over time, as older end-user equipment is retired and replaced by new equipment, fewer truck rolls will be required.”¹⁵ However, NTCA is compelled

¹³ NTCA at 7.

¹⁴ Supporting Statement at 6.

¹⁵ Supporting Statement at 6.

to comment on the FCC’s observation that since “many testing-specific hardware solutions are easily installed by the customer . . . the customer may require assistance from a technician in a limited number of situations.”¹⁶ NTCA submits that this question was posed during its member surveys and was, in fact, the topic of discussion at *ex parte* meetings with FCC staff.¹⁷ The consensus among NTCA members, and as reflected by NTCA submissions to the record, is that when new CPE is deployed, a truck roll will be required for a significant proportion of customer locations. Finally, NTCA directs the attention of the OMB to NTCA’s acknowledgment that customer consent is likely most necessary where new CPE is deployed.¹⁸ As is the case with other aspects of its PRA comments, NTCA presented a balanced view that illuminated the issues warranting consideration.¹⁹

¹⁶ Supporting Statement at 6.

¹⁷ See, *Ex Parte Presentation of NTCA: Connect America Fund-Performance Measurement Obligations*, Docket No. 10-90, DA 18-710 (Aug 2, 2019).

¹⁸ See, “NTCA members estimate customer-interaction times of approximately one hour per testing location *where new equipment must be deployed with customer consent*.” NTCA at 6 (emphasis added). *Contrast*, “Although NTCA argues that customer consent will be needed for testing, this will only be the case where new equipment must be installed at the customer premises.” Supporting Statement at 6.

¹⁹ The Supporting Statement itself illuminates the reasonableness of NTCA estimates, which contemplated the separate testing required for each service tier. The FCC states,

NTCA also expects one aspect of the setup process to require one hour per test location, or up to 50 hours per state and service tier combination, totaling 100 hours for carriers with two service tiers in a state or 150 hours for carriers with three. Supporting statement at 6, citing NTCA Comments at 6.

The FCC then explains,

. . . the supporting statement defines [respondent] as a carrier testing in particular state and service tier. Thus, a carrier in a state with two service tiers is counted as two respondents, spending an estimated 45 hours for each service tier (90 hours total) for that requirement. Supporting Statement at 6.

The Supporting Statement appears to echo the NTCA understanding in these regards.

III. CONCLUSION

As demonstrated above and in NTCA's PRA comments, the estimated burdens presented by NTCA are drawn from interviews with operators who will be charged with implementing the requirements. In these regards and recognizing the variety of rural providers and their individual operational structures, NTCA identified specific antecedent measures and, where appropriate, provided hourly estimates. Where a defined hourly estimate could not be provided reasonably, NTCA alternatively described the task and commended the FCC and OMB to consider those aspects when estimating the hourly burdens associated with the requirements. As NTCA has stated numerous times in the record, it supports the goals and general approach of the performance measurement obligations rules. Its intent in illuminating the tasks and anticipated burdens associated with those requirements is to ensure the administratively and economically efficient implementation of those standards.

Respectfully submitted,

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