

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Protecting Against National Security Threats)	WC Docket No. 18-89
to the Communications Supply Chain)	
Through FCC Programs)	

**INFORMATION COLLECTION PROCESS COMMENTS OF THE RURAL WIRELESS
ASSOCIATION, INC.**

The Rural Wireless Association, Inc. (“RWA”)¹ submits these comments in response to the notice and request for comment published in the *Federal Register* on December 30, 2019.² On November 22, 2019, the Federal Communications Commission (“FCC” or “Commission”) adopted its *Information Collection Order*.³ The *Information Collection Order* proposes rules that, if adopted, would “require as a condition on the receipt of any USF support that ETCs not use or agree to not use within a designated period of time, communications equipment or

¹ RWA is a 501(c)(6) trade association dedicated to promoting wireless opportunities for rural telecommunications companies who serve rural consumers and those consumers traveling to rural America. RWA’s members are small businesses serving or seeking to serve secondary, tertiary, and rural markets. Each of RWA’s member companies serves fewer than 100,000 subscribers.

² *Federal Register*, Vol. 84, No. 249, pp 71935-71936 (December 30, 2019) (“*Federal Register Notice*”); see <https://www.govinfo.gov/content/pkg/FR-2019-11-27/pdf/FR-2019-11-27.pdf>.

³ *In the Matters of Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs, Huawei Designation, ZTE Designation, Report and Order, Further Notice of Proposed Rulemaking, and Order*, WC Docket No. 18-89, PS Docket Nos. 19-351, 19-352, FCC 19-121 (released November 26, 2019) (“*Information Collection Order*”).

services from” Huawei Technologies Company Ltd. (“Huawei”) and ZTE Corporation (“ZTE”).⁴ Additionally, the *Information Collection Order* proposes “to make the requirement to remove [Huawei and/or ZTE] equipment and services by ETCs contingent on the availability of a funded reimbursement program.”⁵

In order to know how much time, effort, and money it would take to replace and remove Huawei and ZTE equipment currently in operations in the United States, the Commission must first conduct an “information collection” targeting those wireless carriers actually utilizing Huawei or ZTE equipment and/or services. Among other things, the Commission’s information collection seeks information on:

- The potential costs associated with the complete removal and replacement of any equipment and services produced or provided by Huawei and ZTE.
- All equipment and services from Huawei and ZTE that are used or owned by ETCs.
- Whether or not ETCs own equipment or services from Huawei or ZTE, what that equipment is and what those services are, the cost to purchase and/or install such equipment or services, and the costs to remove and replace such equipment or services.
- How ETCs arrived at any cost estimates.

RWA recognizes the Commission’s need for a comprehensive information collection campaign so that it can work toward cost effective solutions to replace the equipment and mitigate national security concerns with the communications supply chain. The vast majority of RWA’s carrier members are ETCs and a significant portion of those members use Huawei and ZTE equipment in their domestic mobile wireless networks. Accordingly, the financial and operational impact of any FCC replacement and removal effort would have a significant impact on RWA’s carrier members.

⁴ *Id.* at ¶ 122.

⁵ *Id.*

Prior to conducting any information collection, the Commission seeks comment on the information collection process itself, and more specifically on:

[w]hether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further the information collection burden on small business concerns with fewer than 25 employees.⁶

How the Commission conducts its information collection process and the breadth and detail of the information sought in that process are both vitally important. Before the Commission embarks on its information collection campaign, it is imperative that it ask the proper questions so that it can accurately calculate the administrative, engineering, and especially financial costs of any equipment replacement and removal effort. To that end, RWA submits a list of recommendations in Attachment A which it respectfully requests the Commission take into consideration before commencing the information collection process.

Respectfully submitted,

RURAL WIRELESS ASSOCIATION, INC.

By: */s/ Caressa D. Bennet*

Caressa D. Bennet, General Counsel
5185 MacArthur Blvd., NW, Suite 729
Washington, DC 20016
(202) 551-0010
legal@ruralwireless.org

January 29, 2020

⁶ *Federal Register Notice.*

ATTACHMENT A

RWA Recommendations on Data Collection Process

The Time Burden on Carriers is Significantly Greater Than Estimated by the FCC

The FCC does not adequately consider the burden necessary to comply with the information collection envisioned.

- The FCC estimates a total time burden, per carrier, of three (3) hours in order to assess the scope and cost of all covered equipment within their respective networks, including networks of their subsidiaries and affiliates.
- RWA's carrier members estimate a *minimum* time burden of one (1) hour for every cell site deployed. For example, a network with thirty (30) cell sites would take approximately thirty (30) hours to collect and verify data.
 - This is not a one-size-fits-all process.
 - Carriers need to first understand *what* equipment needs to be replaced. Carriers must pull purchase orders to confirm equipment manufacturers, vendors, installers, third party contractors, as well as the origin of all components. There is no guarantee all of that can even be done given that the vendors integrate components from non-covered sources.
 - After a thorough inventory, carriers must also do physical inspections to verify the equipment is actually used in the field and was not replaced after the contracting period.
 - Different cell sites might have different equipment because they were deployed in separate phases.
 - Some cell sites might have up to three (3) generations of technology deployed at the same location, and those systems are often dependent on common parts.
 - In order to calculate "the cost to remove and replace [] equipment or services,"⁷ carriers must issue Requests for Proposals ("RFPs"), and then analyze one or more RFPs to determine costs.
 - There will need to be a structural analysis done on most of the tower locations. In order to continue operating our existing networks while we are replacing equipment, the load on our towers could require extensive construction to be compliant. This process could take over a month to identify any issues and much longer to upgrade the structure based on the analysis.
 - All of this takes additional time.

⁷ *Information Collection Order* at ¶ 165.

The Information Collection Process Requires Carriers to Certify Data That Might Be Difficult or Impossible to Certify

The FCC's definition of covered equipment imposes a *per se* ban on all equipment and services from Huawei and ZTE, including software.⁸ However, in order to comply with and certify the accuracy of the statements, carriers must assess the entirety of their communications networks, including sub-components to determine use of covered equipment or services. This auditing process involves a holistic inventory of all network components. Carriers must also determine the cost of the equipment and estimates to replace and remove the equipment and any ancillary equipment (that is not manufactured by Huawei or ZTE) that will become unusable because of incompatibility issues. There exist today so many unknowns in calculating these costs. Furthermore, it will take time until many of these open questions can be answered with any certainty.

- It will be extremely difficult for USF recipients to know the ultimate upstream supplier of every component in a network. Simple verification of impacted equipment will be difficult, time-consuming, and costly.
- Some air-interface technology systems (e.g., 3G-only CDMA systems) operated by rural carriers are no longer manufactured and/or supported by other, *non-covered*, equipment vendors. However, these legacy systems do provide essential services to not only a substantial percentage of customers who still have phones that only work on that CDMA network, but also service to a large number of inbound roamers of nationwide wireless carriers, support of IoT devices, remote medical devices, and even first responders.
 - Carriers might be forced to replace CDMA networks with full VoLTE-capable networks, and this would require 100 % of subscribers to purchase VoLTE-capable handsets, which is both timely and costly. It is unknown how many carriers will be impacted by CDMA-replacement scenario.
- Deploying, testing, and then activating parallel network equipment before de-commissioning and removing existing equipment requires each tower to go through a structural engineering analysis. Some cell sites might not even be eligible for added equipment due to load or space issues, which will force carriers to build temporary towers or deploy cell-sites-on-wheels. It is difficult to certify data based on so many variables.
- In order to find true replacement costs, carriers will need to conduct a formal RFP process, and there is no legitimate way to do that for CDMA network equipment.
 - If every carrier using covered equipment is conducting RFPs at the same time, this creates even more delays.
 - Depending on the timing of the funding to replace equipment, pricing offered through an RFP may expire and could increase or decrease based on demand.
- FCC wants all covered equipment to be destroyed. Where is all of this equipment destroyed? What are the costs? Are there environmental costs associated with the safe handling of these materials? Will third parties or non-U.S. companies be allowed to

⁸ *Id.* at ¶ 66.

destroy covered equipment? Until the FCC provides guidance on all of these matters, any data collection involving projected costs will be woefully incomplete.

- The FCC needs to:
 - Clarify the methodology carriers should use to determine the amount of covered equipment currently in their networks.
 - Create a practical transition-process for all impacted carriers that will not disrupt network operations and subscriber services, similar to what the FCC did in the TV Broadcaster Incentive Auction’s post-auction transition period.
 - Clarify how equipment should be destroyed taking into consideration environmental regulations and concerns if the equipment is transferred to a third party for disposal overseas.

Protecting Confidentiality of Carrier’s Proprietary Network Information from Competitors

The FCC acknowledges that the Wireline Competition Bureau (“WCB”), when managing the information collection process, should “consider the potential confidentiality of any information submitted.”⁹ Proprietary network information obtained from carriers currently using covered equipment contains data its marketplace competitors can use to their advantage. Neither the *Information Collection Order* nor the *Federal Register Notice* provide sufficient enough detail on the information collection submission process, and more specifically, whether competitors will have access to that information.

- The FCC needs to conduct its information collection process in a manner that benefits the public interest as it relates to national security, but at the same time, it must prevent a carrier’s competitors from taking advantage of proprietary information that would not otherwise be made public.

Improving the Practical Utility of the Data Collected

The FCC needs to clarify the methodology carriers should use estimate the to remove and replace existing equipment. Currently, the FCC provides no guidance regarding how to comply with the reporting requirements.

- The FCC needs to establish objective standards for cost estimation and methodology to allow for reasonable conclusions.
 - Without specific, uniform criteria for how respondents are to estimate cost figures, the FCC will receive estimates with incompatible assumptions and great variance methodology.
 - These complications will make the information the FCC receives of little utility and would not allow the FCC to reasonably estimate the costs of its proposed rule.

⁹ *Id.* at ¶ 166.