



# PUBLIC NOTICE

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## WIRELINE COMPETITION BUREAU ANNOUNCES THE START DATE FOR PERFORMANCE MEASURES TESTING FOR THE RURAL DIGITAL OPPORTUNITY FUND, BRINGING PUERTO RICO TOGETHER FUND, AND THE CONNECT USVI FUND

WC Docket Nos. 10-90, 18-143, 19-126

By this Public Notice, the Wireline Competition Bureau (Bureau) announces January 1, 2024 as the start date for the requirement to begin one year of pre-testing and reporting of speed and latency results for the Bringing Together Puerto Rico Fund Stage 2 and the Connect USVI Fund Stage 2.<sup>1</sup> Testing will begin on January 1, 2025. For the carriers participating in the Rural Digital Opportunity Fund (RDOF),<sup>2</sup> pre-testing will begin on January 1, 2025, and testing will begin on January 1, 2026.<sup>3</sup>

In the Performance Measures Orders, the Commission adopted a uniform framework of performance measures requiring that recipients of high-cost universal service support test their broadband networks for compliance with the appropriate speed and latency metrics and report and certify the results.<sup>4</sup> The testing is necessary to protect ratepayers' investment and ensure that carriers receiving this support deploy networks that meet the performance standards they promised to deliver to rural consumers.<sup>5</sup> Carriers failing to meet the required testing standards will be subject to withholding and/or recovery of universal service support, based on the level of non-compliance.<sup>6</sup>

Carriers must conduct testing according to the Commission's performance measures testing requirements using a Universal Service Administrative Company (USAC)-determined randomly-selected sample of subscriber locations.<sup>7</sup> The population of subscribers from which the sample will be generated

<sup>1</sup> *The Uniendo a Puerto Rico Fund and the Connect USVI Fund*, Order, WC Docket Nos. 18-143, 10-90, 14-58, 34 FCC Rcd 9109 (2019) (2019 PR-USVI Order); see also *Uniendo a Puerto Rico Fund and Connect USVI Fund Notice and Filing Requirements and Other Procedures for Stage 2 Fixed Competitive Proposal Process*, Public Notice, WC Docket Nos. 18-143, 10-90, 35 FCC Rcd 218, 220, 252-55, paras. 2, 124-34 (WCB 2020) (*Procedures Public Notice*).

<sup>2</sup> *Rural Digital Opportunity Fund; Connect America Fund*, Order, 35 FCC Rcd 686, 702-04, paras. 31-39 (2020) (*Rural Digital Opportunity Fund Order*); see also *Rural Digital Opportunity Fund Phase I Auction Scheduled for October 29, 2020; Notice and Filing Requirements and Other Procedures for Auction 904*, Public Notice, 35 FCC Rcd 6077, 6086, para. 20 & n.46 (2020) (*Auction 904 Procedures Public Notice*).

<sup>3</sup> All RDOF participants, regardless of authorization year, will begin pre-testing and testing on the same date.

<sup>4</sup> See *Connect America Fund*, Order, WC Docket No. 10-90, 33 FCC Rcd 6509 (WCB 2018) (*First Performance Measures Order*); *Connect America Fund*, Order on Reconsideration, WC Docket No. 10-90, 34 FCC Rcd 10109 (2019) (*Performance Measures Reconsideration Order*). See also 47 CFR § 54.313(a)(6).

<sup>5</sup> *Performance Measures Reconsideration Order*, 34 FCC Rcd at 10110, para. 2.

<sup>6</sup> *Id.* at 10133-38, paras. 65-75; *First Performance Measures Order*, 33 FCC Rcd at 6530-33, paras. 56-67. See also 47 CFR § 54.320(d)(2).

is the carrier-provided data for deployed locations in USAC's High Cost Universal Service Broadband portal (HUBB).<sup>8</sup> The size of the sample is based on the number of subscribers in a particular area.<sup>9</sup>

To allow carriers to become accustomed to performance testing, the Commission implemented a pre-testing period that would occur prior to the commencement of each carrier's testing start date.<sup>10</sup> During the pre-testing period, carriers must test the speed and latency of their networks quarterly for a week-long period and submit the results within one week of the end of each quarter of pre-testing.<sup>11</sup> However, no support reductions are assessed during the pre-testing period as long as carriers perform the pre-testing and report their results.<sup>12</sup> Carriers that fail to conduct pre-testing and submit results on time will have five percent of their monthly support payments withheld until they come into compliance.<sup>13</sup>

*Additional Information.* The Bureau encourages carriers to review all applicable requirements and procedures as set forth in the Commission's rules, the *Performance Measures Order*, and the *Performance Measures Reconsideration Order*. In addition, USAC has made available resources with important information to assist carriers in preparing, timely submitting, and properly filing test results and certifications: <https://www.usac.org/high-cost/annual-requirements/performance-measures-testing/>.

For additional information on this Public Notice, please contact Divya Shenoy ([Divya.Shenoy@fcc.gov](mailto:Divya.Shenoy@fcc.gov)) of the Wireline Competition Bureau, Telecommunications Access Policy Division, (202) 418-7400. For technical questions when submitting data, please contact USAC at [hcquestions@usac.org](mailto:hcquestions@usac.org) or call (844) 357-0408.

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<sup>7</sup> *Performance Measures Reconsideration Order*, 34 FCC Rcd at 10139, para. 78.

<sup>8</sup> *First Performance Measures Order*, 33 FCC Rcd at 6522, para. 36.

<sup>9</sup> *Id.* at 6522-24, paras. 36-40; *Performance Measures Reconsideration Order*, 34 FCC Rcd at 10125-28, paras. 43-49.

<sup>10</sup> *Performance Measures Reconsideration Order*, 34 FCC Rcd at 10139, paras. 78-79.

<sup>11</sup> *Id.* at 10139, para. 78.

<sup>12</sup> *Id.* at 10139, paras. 78-79.

<sup>13</sup> *Id.*