



PUBLIC NOTICE

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WIRELINE COMPETITION BUREAU UPDATES GUIDANCE REGARDING LOCATIONS AND BROADBAND COVERAGE FOR ENHANCED ALTERNATIVE CONNECT AMERICA MODEL MECHANISM

WC Docket No. 10-90

In this Public Notice, the Wireline Competition Bureau (Bureau) updates guidance regarding location and broadband coverage in the Enhanced Alternative Connect America Model (Enhanced A-CAM) mechanism.¹

The Commission adopted the Enhanced A-CAM mechanism on July 24, 2023, as a voluntary path for supporting widespread deployment of 100/20 Mbps or better broadband service throughout the rural areas served by carriers currently receiving A-CAM support and in areas served by legacy rate-of-return support recipients.² On August 30, 2023, the Bureau released a Public Notice announcing Enhanced A-CAM offers for eligible carriers, as well as the *Enhanced A-CAM Implementation Order*, which addressed matters that had been delegated to the Bureau by the Commission.³ On October 30, 2023, the Bureau authorized 368 companies to receive Enhanced A-CAM support beginning January 1, 2024.⁴ On November 17, 2023, the Enhanced A-CAM commitments were uploaded to the Broadband Funding Map.⁵

In the *Enhanced A-CAM Order*, the Commission directed the Bureau and the Office of Economics and Analytics (OEA) to adjust carriers' lists of required deployment locations as more

¹ *Wireline Competition Bureau Announces Guidance Regarding Locations and Broadband Coverage for Enhanced Alternative Connect America Model Mechanism*, WC Docket No. 10-90, Public Notice, DA 24-78 (WCB rel. Jan. 25, 2024) (*Enhanced A-CAM Locations Public Notice*).

² See *Connect America Fund; ETC Annual Reports and Certifications; Telecommunications Carriers Eligible to Receive Universal Service Support; Connect America Fund – Alaska Plan; Expanding Broadband Service Through the ACAM Program*, WC Docket Nos. 10-90, 14-58, 09-197, and 16-271; RM-1168, Report and Order, Notice of Proposed Rulemaking, and Notice of Inquiry, FCC 23-60, at 42, para. 98 (July 24, 2023) (*Enhanced A-CAM Order*).

³ See *Wireline Competition Bureau Announces Enhanced Alternative Connect America Cost Model Support Amounts Offered to Rate-of-Return Carriers to Expand Rural Broadband*, WC Docket No. 10-90, Public Notice, DA 23-779 (WCB Aug. 30, 2023) (*Enhanced A-CAM Offer PN*); *Connect America Fund; ETC Annual Reports and Certifications; Telecommunications Carriers Eligible to Receive Universal Service Support; Connect America Fund – Alaska Plan; Expanding Broadband Service Through the ACAM Program*, WC Docket Nos. 10-90, 14-58, 09-197, and 16-271; RM-1168, Order, DA 23-778 (WCB Aug. 30, 2023) (*Enhanced A-CAM Implementation Order*).

⁴ *Wireline Competition Bureau Authorizes 368 Companies in 44 States to Receive Enhanced Alternative Connect America Cost Model Support to Expand Rural Broadband*, WC Docket No. 10-90, Public Notice, DA 23-1025 (WCB rel. Oct. 30, 2023). The number of companies was determined by counting each holding company as a distinct company in each state for which it elected Enhanced A-CAM.

⁵ See FCC Broadband Funding Map, available at fundingmap.fcc.gov.

complete data become available, which “specifically shall reflect locations and broadband deployment that existed at the time Enhanced A-CAM offers were made, but were not reflected in the [Broadband Serviceable Location Fabric (Fabric)] or the National Broadband Map,” as well as for enforceable commitments not included in the Broadband Funding Map.⁶

On January 25, 2024, the Bureau set forth guidance (*Enhanced A-CAM Locations Public Notice*) regarding which Fabric location and Broadband Data Collection (BDC) availability data will be used to determine final deployment obligations and support amounts for Enhanced A-CAM recipients.⁷ Specifically, the Bureau announced that, to identify broadband serviceable locations (BSLs) to which deployment may be required (based upon the current availability of 100/20 Mbps or faster broadband service), the Bureau planned to use Version 4 (released December 27, 2023) of the Fabric, also known as the December 2023 Fabric, as modified by any successful challenges to Fabric location data submitted by March 8, 2024.⁸ The Bureau noted that “Version 4 of the Fabric was generated between July and December 2023, and the Bureau and OEA have determined that dataset best represents the locations that existed at the time the offers were made.”⁹ Further, the Bureau announced that, to identify broadband availability at the relevant locations, the Bureau planned to use BDC availability data as of December 31, 2023 that was due to the Commission on March 1, 2024 (the filing window associated with the December 2023 Fabric), as well as any challenges to that vintage of broadband availability that are resolved by May 15, 2025.¹⁰ Due to the potential length of time required to fully resolve broadband availability challenges, the Bureau advised that any challenges must be filed by August 1, 2024 to guarantee resolution by the May 15, 2025 cutoff.¹¹

On April 3, 2024, NTCA, the ACAM Broadband Coalition, USTelecom, and WTA (collectively, the Associations) filed a joint letter proposing adjustments to the process announced by the Bureau.¹² First, the Associations agreed that the December 2023 Fabric, as modified to reflect successful Fabric challenges incorporated into the June 2024 Fabric, should be used, consistent with the Public Notice.¹³ Second, the Associations proposed that BDC availability data as of June 30, 2023, rather than data as of December 31, 2023, should be used for any BSL for which such data are available.¹⁴ The Associations argued that this would avoid the risk of penalizing an Enhanced A-CAM recipient for having deployed 100/20 Mbps or faster service prior to December 31, but after the August 30, 2023, Enhanced A-CAM

⁶ *Enhanced A-CAM Order* at para. 43.

⁷ *Enhanced A-CAM Locations Public Notice* at 2-4.

⁸ *Id.* at 2. Successful challenges to the Fabric would include additions and removals of BSLs, as well as changes to the unit counts for existing BSLs.

⁹ *Id.*

¹⁰ *Id.* at 3. The Bureau further noted that “[i]n the small number of cases where a location is added to Fabric Version 5 due to a timely successful challenge [of Fabric Version 4], the Bureau plans to use broadband availability data as of June 30, 2024 for those locations (the filing round associated with Fabric Version 5), as modified by any availability challenges to such data that are resolved by May 15, 2025.” *Id.*

¹¹ *Id.*

¹² Letter from Michael R. Romano, NTCA-The Rural Broadband Association, et al., to Marlene H. Dortch, Federal Communications Commission, WC Docket Nos. 10-90 et al. (filed Apr. 3, 2024).

¹³ *Id.* at 2. For the purposes of creating this Enhanced-ACAM-specific version of the Fabric, the Bureau will include as successful challenges those that have a response code ending in .0, indicating that the challenge has been accepted, and those ending in .23, indicating that the challenge was not accepted, but changes to the Fabric after the challenge was filed overtake the challenge (e.g., a location was added to the Fabric at the same location where a challenge had been filed). See <https://help.bdc.fcc.gov/hc/en-us/articles/17077103993371-Fabric-Challenge-Response-Codes> for a full explanation of Fabric-challenge response codes.

¹⁴ *Id.*

offer date.¹⁵ Third, the Associations recognized that there would be BSLs for which there was no June 30, 2023 availability data, and therefore the December 31, 2023 availability data should be used for such locations.¹⁶ The Associations stated that the resolution of pending challenges to the June 2023 availability data should be incorporated into the final Enhanced A-CAM deployment obligations, as should challenges to the December 2023 Fabric or to the December 2023 availability for BSLs for which December 2023 availability data would be used, consistent with the *Enhanced A-CAM Locations Public Notice*.¹⁷

Consistent with the Commission direction to adjust carriers' lists of required deployment locations to reflect locations and broadband deployment that existed at the time the agency announced Enhanced A-CAM offers, the Bureau hereby modifies its guidance in the *Enhanced A-CAM Public Notice* to adopt the approach set forth in the Associations' letter. Specifically, to best reflect deployment as of the August 30, 2023 offer, the Bureau will use BDC broadband availability data as of June 30, 2023 to determine deployment obligations and support for locations in the December 2023 Fabric for which such availability data are available. Using Fabric data matched to the corresponding availability data collected for that vintage of the Fabric provides the most accurate picture of broadband availability for each biannual as-of date and promotes greater data integrity and transparency. However, the Bureau recognizes that some Enhanced A-CAM electing carriers may have relied on the "as of August 30" condition in the *Enhanced A-CAM Order* in both electing Enhanced A-CAM and making decisions to upgrade service in late 2023, and we will therefore match the earlier June 30, 2023 version of availability data with the December 2023 Fabric. In delegating to the Bureau the authority to determine the scope of broadband coverage at the time of the Enhanced A-CAM offer (and by extension the final deployment obligations and support amounts for Enhanced A-CAM-electing carriers), the Commission expected that the Enhanced A-CAM carriers, as incumbent local exchange carriers, would be aware of the locations and availability of competitive broadband in the area and that they would make their Enhanced A-CAM election based on that knowledge.¹⁸ The Bureau thus presumes that, as of the August 30, 2023, offer date, Enhanced A-CAM-electing carriers reasonably had knowledge of broadband coverage as of June 30, 2023, and thus using that vintage of availability data better aligns with the Commission's expectation.¹⁹

Parties have been able to make challenges to June 2023 broadband availability data since it was published on the National Broadband Map in November 2023, and such challenges may be made until the National Broadband Map is updated later this month to reflect the more recent broadband availability data reported to the Commission. Availability challenges filed after the National Broadband Map is updated in May will apply to December 2023 availability data and will not be retroactively applied to June 2023 availability data reported for the same location.²⁰ Therefore, the Bureau strongly encourages parties that intend to file challenges to the June 2023 broadband availability data to do so as soon as possible before the next version of the map is released.

Finally, to the extent that June 2023 broadband availability data cannot be matched to locations in the December 2023 Fabric because those locations were not part of the previous Fabric, as proposed by the Associations, we will use December 2023 availability data. Further, as previously described in the

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.* at 3.

¹⁸ *Enhanced A-CAM Order*, at 16-17, para. 34.

¹⁹ In the *Enhanced A-CAM Locations Public Notice*, the Bureau concluded that the December 2023 Fabric "best represents the locations that existed at the time offers were made." *Enhanced A-CAM Locations Public Notice*, at 2.

²⁰ See National Broadband Map: 2024 Key Dates, available at <https://www.fcc.gov/sites/default/files/national-broadband-map-2024-key-dates.pdf>. The Associations were advised that challenges to the June 2023 availability data must be submitted prior to the publication of the next version of the National Broadband Map in May 2024.

Enhanced A-CAM Locations Public Notice, the Bureau will also use June 2024 broadband availability data to determine Enhanced A-CAM support amounts and deployment obligations for any additional locations added to Version 5 of the Fabric as a result of challenges to Version 4. Using these later vintages of broadband availability data is necessary to ensure that all Enhanced A-CAM locations have associated broadband deployment information. The December 2023 broadband availability data is the next closest vintage if there is no June 2023 broadband availability data for a particular location, and June 2024 data is the next data set if there is no December 2023 availability data for that location.

For additional information on this proceeding, please contact Ted Burmeister (Theodore.Burmeister@fcc.gov) of the Wireline Competition Bureau, Telecommunications Access Policy Division, (202) 418-7400.

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