

**Congress of the United States**  
**Washington, DC 20515**

205

April 2, 2019

The Honorable Ajit V. Pai  
Chairman  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

Dear Chairman Pai:

We appreciate the Federal Communications Commission's (FCC) efforts to make the High-Cost Universal Service Fund more effective through a series of Connect America Fund (CAF) reforms. The FCC's focus on ensuring providers live up to their promises of broadband penetration performance in rural areas will be essential to achieve the goals of universal service in the 21<sup>st</sup> century.

At the same time, it is important to implement new rules and systems properly to ensure that information on progress is captured accurately to avoid undermining the primary focus on advancing broadband. For these reasons, we write to ask the FCC to take a more practical approach to implementing new performance testing mechanisms in connection with CAF support.

To be clear, we believe it is important that CAF recipients be held accountable for the use of such support, and we further believe there should be robust expectations as to performance. We have heard, however, that the process of implementing network performance testing has grown complicated, and that there are significant concerns – especially among smaller CAF recipients – about the ability to implement such testing at this time or in coming months.

First, we understand that the FCC has not yet finalized the standards for selecting which customer locations will be tested or the information that providers will be required to report. Second, we have heard that numerous petitions for reconsideration and applications for review of the standards previously adopted by the FCC remain pending. Third, we understand that the market for testing solutions is still evolving with vendors – upon which smaller operators in particular will need to rely – refining and just starting to offer solutions. Fourth, because of these other issues, it is our understanding that smaller operators have had little to no opportunity to choose solutions that work best for their networks and thus no real opportunity to begin to implement these solutions in their networks.

Considering all of these factors, we believe critical questions must be answered before the Commission moves forward to help ensure performance testing generates reliable data that can be used to better guarantee dependable broadband service for consumers. This should not put off important measures of accountability, nor should it be an excuse merely to allow the FCC to catch up on its internal processes. Rather, additional information from the Commission will help ensure the performance testing system is reliable.

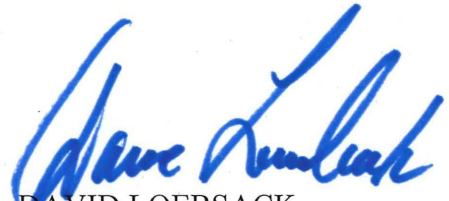
We request the Commission provide answers to the following questions before moving forward: (1) What are the standards for location selection and reporting?; (2) When will there be resolution of the outstanding petitions and applications to alter aspects of the testing process?; (3) Will sufficient time be allotted for development of a variety of vendor solutions that conform to the finalized standards and any changes resulting from the petitions and applications?; and (4) Will there be a meaningful opportunity for implementation and testing of the solutions by providers in their networks prior to compliance being expected? Reasonable time is needed to complete each one of these tasks in order, and we encourage the FCC to ensure such time is afforded while striving toward ultimate implementation of a workable performance testing framework.

Thank you for your attention to these important CAF programs, and we share your commitment to ensuring that the millions of rural Americans who depend upon them receive the services expected from the programs. We look forward to hearing from you what steps will be taken to balance these important accountability considerations with the practical impacts of implementing testing in the near future.

Sincerely,



PETER WELCH  
Member of Congress



DAVID LOEBSACK  
Member of Congress