

**STATEMENT OF  
COMMISSIONER MICHAEL O'RIELLY**

Re: *Establishing the Digital Opportunity Data Collection*, WC Docket No. 19-195;  
*Modernizing the FCC Form 477 Data Program*, WC Docket No. 11-10.

I appreciate the hard work that went into this item to fix the Commission's broken mapping process. Like some of the very laudable mapping bills being considered by Congress, including those by Chairman Wicker and Senator Capito, this item takes important steps in creating a more accurate and useful picture of broadband coverage, which should allow the Commission's universal service policies to better focus on those millions of Americans left behind without access to broadband service today.

While I generally support the steps we take, especially the use of a polygon-based approach that is front and center of our action today and one I have previously endorsed, I do wonder about the soundness of the decision to hand USAC the role of administrator of the mapping portal. Given the extraordinary amount of new work the Commission plans to assign to USAC over the coming years, I have many questions about the latter's competence and bandwidth to perform this added role. And, I am especially apprehensive in view of my longstanding concerns over insufficient transparency in the Administrator's operations and inadequate oversight by the Commission. Quite frankly, USAC has been unresponsive to many Members of Congress, industry participants, and even FCC Commissioners from time to time, and it can often seem like a black hole. I have to trust the Chairman's decision to take this approach in the current item, but I hope further reforms of USAC are in the offing. For instance, while the draft indicates that USAC is expected to bid out many of the sub-functions, which is welcome, in my opinion, bidding out the administrator role in its entirety would have seemed more efficient, transparent, and fair to ratepayers. In fact, if it were up to me, I would go much further and bid out *all* of USAC's functions entirely. At a minimum, it would have been advisable to have conducted cost-runs or calculated how much time the portal will take to implement before assigning this substantial role.

In response to those concerns, a reasonable argument was made that it was necessary to appoint USAC given the latter's role in administering the whole USF. However, if that is the case, then I believe that USAC ought to indeed use the map to administer the *whole* USF—in other words, the new map, if successfully established, should be used fulsomely across all the programs that provide support for broadband deployment, and not just the High Cost program. As I have stated in the past, one of the problems inherent to USF administration is insufficient coordination among the programs, which has resulted in easily preventable waste and gross inefficiencies. This is certainly evident in recent examples of E-Rate-funded overbuilding of existing fiber-based providers, including recipients of High Cost funding.<sup>1</sup> While originally brought to our attention by a group of Texas A-CAM carriers, the Commission has now been made aware of examples in at least seven other states where similar USF-funded overbuilding has occurred.<sup>2</sup> We owe it to ratepayers to end this waste, and I am gratified that the Chairman agreed to add questions to the FNPRM on how USAC can use the map to address duplicative funding in the E-Rate and Rural Health Care programs. While a broader rulemaking may be necessary to address flaws in program rules, this is a positive step in addressing the overall overbuilding problem. I

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<sup>1</sup> Letter from Donald L. Herman, Jr. and Clare C. Liedquist, Counsel to Central Texas Telephone Cooperative, Inc., Peoples Telephone Cooperative, Inc. and Totelcom Communications, LLC, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 13-184 (filed Nov. 19, 2019).

<sup>2</sup> See, e.g., Valley Telephone Cooperative, Inc. Comments, WC Docket No. 13-184, at 2-4 (rec. July 1, 2019); Barry County Telephone Company Comments, WC Docket No. 13-184, at 1-2 (rec. July 1, 2019); The Concerned Rural Carriers Comments, WC Docket No. 13-184, at 2-3 (rec. July 1, 2019); Letter from Chris Reno, Director of Accounting, Union Telephone Company, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 13-184, at 1-2 (filed July 31, 2019).

further appreciate the Chairman's willingness to add language to clarify the role to be taken by the various bureaus and offices involved in overseeing USAC's development of the mapping portal.

Another area of concern relates to the use of crowdsourced data. While I wholeheartedly support the implementation of a robust challenge process, we must ensure that criteria for crowdsourced complaints involve objectivity and accountability. It won't help mapping accuracy one bit if we allow the public to submit complaints willy nilly on the basis of amorphous dissatisfaction with a provider or claims of inadequate service that are actually due to an excessive number of connected devices, broken equipment, or attempts to access Wi-Fi in a remote corner of the consumer's backyard. While much of the details are left to the Further Notice, I thank the Chairman for agreeing to my request to cabin the use of crowdsourcing in some respects, and for clarifying USAC's purely ministerial role in adjudicating conflicting claims.

No one should be misled about the amount of work to be done: There remains a long road ahead involving many years to implement the Commission's new mapping framework. I look forward to reviewing the record in response to the Further Notice and working with my colleagues to resolve the many remaining details.