

SUPPORTING STATEMENT

This collection is being submitted to the Office of Management and Budget (OMB) to seek approval to revise the requirements contained in this information collection, with updates to the number of submissions per year by the carrier, as well as a slight increase in the number of respondents. The proposed revisions also include the retitling of this collection from “Connect America Fund – Performance Testing Measures” to “Administrative Order - Performance Testing Measures.”

This collection addresses the requirements for all universal service high-cost support recipients to test their networks for compliance with the FCC’s speed and latency requirements on a quarterly basis. See *Connect America Fund*, WC Docket No. 10-90, Order, 33 FCC Rcd 6509 (WCB/WTB/OET 2018) (*Performance Measures Order*); *Connect America Fund*, WC Docket No. 10-90, Order on Reconsideration, FCC 19-104 (2019) (*Performance Measures Reconsideration Order*); *Connect America Fund*, WC Docket No. 10-90 et al., Notice of Proposed Rulemaking and Report and Order, FCC 23-87 (Oct. 20, 2023) (*High Cost Administrative Order*); 47 C.F.R. § 54.313(a)(6).

A. Justification

1. *Circumstances that make the collection necessary.* The Communications Act of 1934, as amended, requires the “preservation and advancement of universal service.” 47 U.S.C. § 254(b). The information collection requirements reported under this collection are the result of FCC actions to promote the Act’s universal service goals.

In the *USF/ICC Transformation Order*, the Commission laid the groundwork for today’s universal service programs providing \$4.5 billion in support for broadband Internet deployment in high-cost areas. *Connect America Fund, et al.*, WC Docket No. 10-90, et al., Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663 (2011) (*USF/ICC Transformation Order*). The *USF/ICC Transformation Order* required, among other things, that high-cost universal service recipients “test their broadband networks for compliance with speed and latency metrics and certify to and report the results to the Universal Service Administrative Company (USAC) on an annual basis.” *Id.* at 17705, para. 109. Pursuant to the Commission’s direction in that Order, the Wireline Competition Bureau, the Wireless Telecommunications Bureau, and the Office of Engineering and Technology (the Bureaus and OET) adopted more specific methodologies for such testing in the *Performance Measures Order*. See generally *Performance Measures Order*. See also 47 C.F.R. § 54.313(a)(6) (requiring that recipients of high-cost support provide “[t]he results of network performance tests pursuant to the methodology and in the format determined by the Wireline Competition Bureau, Wireless Telecommunications Bureau, and Office of Engineering and Technology”). Addressing petitions for reconsideration, the Bureaus and OET adopted certain modifications and clarifications to the requirements pertaining to high-latency bidders in the Connect America Fund (CAF) Phase II auction, and the Commission refined the general testing requirements further. See generally *Connect America Fund*, WC Docket No. 10-90, Order on Reconsideration, DA 19-911 (WCB/WTB/OET 2019) (*Satellite-Related Performance Measures Order*); *Performance Measures Reconsideration Order*. In the *High Cost Administrative Order*, the Commission adopted a quarterly reporting and certification schedule, replacing the previous annual requirement, such that all carriers receiving high-cost support are required to report and certify their quarterly performance testing results within two weeks, rather than within one week, after the end of the quarter in which the tests are conducted. See *High Cost Administrative Order*, FCC 25-87, para. 138. Accordingly, this collection includes the requirements for testing speed and

latency, and reporting and certifying such performance measures within two weeks after the end of each quarter to ensure that carriers are meeting the public interest obligations associated with their receipt of high-cost universal service support.

Carriers will identify, from among the locations they have already submitted and certified in USAC's High Cost Universal Broadband (HUBB) portal, the locations where they have an active subscriber (deployment locations are reported under OMB Control Number 3060-1228, and active locations will be reported under this control number). From those subscriber locations, USAC will then select a random sample from which the carrier will be required to perform testing for speed and latency. Carriers that do not provide location information in the HUBB will use a randomization tool provided by USAC to select a random sample of locations for testing. Due to the rule changes that the Commission adopted on the *High Cost Administrative Order*, the carrier will then be required to submit to USAC the results of the testing on a quarterly basis. The quarterly filing will include the testing results from the prior quarter. The carrier's sample for each service tier (e.g. 10 Mbps/1 Mbps, 25 Mbps/3 Mbps) shall be regenerated every two years. During the two-year cycle, carriers will have the ability to add and remove subscriber locations if necessary, e.g., as subscribership changes. Also, in July 2023, the Commission adopted the Enhanced Alternative-Connect America Cost Model (E-ACAM) support mechanism, a new model-based offer to existing Alternative-Connect America Cost Model (A-CAM) I, A-CAM II, and Connect America Fund Broadband Loop Support (CAF BLS) carriers. *See Connect America Fund: A National Broadband Plan for Our Future High-Cost Universal Service Support et al.*, WC Docket No. 10-90 et al., Report and Order, Notice of Proposed Rulemaking, and Notice of Inquiry, FCC 23-60, at 23-24, para. 49 (July 24, 2023) (*Enhanced A-CAM Order*). Revisions proposed below include 1) a process for E-ACAM carriers to get a performance measures testing sample from non-HUBB reported locations, and 2) and reporting and certifying such performance measures within two weeks after the end of each quarter.

Currently approved requirements in this information collection that are being revised:

(1) Selection of locations with active subscribers (See 12.a):

A maximum of 50 randomly-selected subscribers in each state and each speed tier must be selected. The number of consumers to be tested will be based on the number of subscribers at high-cost-supported locations. *Performance Measures Order*, 33 FCC Rcd at 6522-24, paras. 36-40.

Through USAC's HUBB, carriers report locations where they have deployed broadband using CAF or other high-cost support. *See* OMB Control No. 3060-1228. Every two years, pursuant to this information collection, carriers must identify locations where the carrier has an active subscriber (i.e., by assigning a unique identifier to a subscriber location) from among those deployed locations they report to the HUBB. USAC will use this information to generate random lists of locations with subscribers for carriers to test. By building on the existing reporting requirement, this requirement minimizes the burden on carriers while ensuring that providers cannot cherry pick the subscribers likely to have the best performance. *See Performance Measures Order*, 33 FCC Rcd at 6524, para. 40. Screenshots provided with this submission show the interface through which carriers must identify subscriber locations. Carriers reporting in the HUBB can download their geocoded location data and will download the subscriber random sample for testing.

For those few carriers that are not required to report locations in the HUBB (e.g., those carriers that have already deployed broadband at the required speed and latency to 100% of the locations in their service area), a randomization tool is available for carriers to select a random sample of locations for testing. Using this tool, carriers will input the number of high-cost-supported subscriber locations they have in a state and speed tier, and will receive a list of numbered locations they must test. Neither USAC nor the Commission collects information from these carriers for non-HUBB locations through the tool, but location information may be collected during a subsequent audit.

Enhanced A-CAM carriers receive support for “Supported Locations” which are locations receiving high-cost support above the funding threshold. Supported Locations include: “Required Locations,” meaning locations where voice and terrestrial broadband services of speeds 100 Mbps downstream/20 Mbps upstream or faster are not yet available or lack an enforceable commitment for deployment of such broadband service, and/or “Carrier-Served” locations, which are locations to which the Enhanced A-CAM-electing carrier has reported providing 100/20 Mbps or faster service and to which the carrier must maintain or improve service. E-ACAM carriers will report “Required Locations” in the HUBB. However, E-ACAM carriers with 50 or fewer “Required Locations” will have few, if in any, locations in the HUBB from which USAC would draw a testing sample. Therefore, for these carriers, performance measures samples will come from “Supported Locations” with an active subscriber. The carrier will report to USAC where it has a “Supported Location” with an active subscriber, and USAC will randomly select “Supported Locations” with active subscribers from the carrier’s list of “Supported Locations” until there are enough “Supported Locations” selected with an active subscriber to meet the minimum sample size. For carriers with more than 50 “Required locations,” the performance measures testing sample will come from just HUBB reported locations, as described in the second paragraph of this section. However, the Commission may ultimately require any E-ACAM carrier to test “Supported Locations” as described in this paragraph.

(2) Speed and latency testing and submission of results (See 12.b):

Carriers receiving high-cost support to provide broadband service to fixed locations, including all providers with CAF Phase II, A-CAM, CAF BLS, Rural Broadband Experiments, Alaska Plan (wireline), Rural Digital Opportunity Fund (RDOF), and E-ACAM obligations, are required to conduct these speed and latency tests. See 47 C.F.R. § 54.313(a) (6). Three testing options will be permitted – use of Measuring Broadband America testing; off-the-shelf testing; and provider-developed self-testing or self-testing. *Performance Measures Order*, 33 FCC Rcd at 6513, paras. 9-10.

A test is defined to be a single, discrete observation or measurement of speed or latency conducted from the customer premises of an active subscriber at a high-cost-supported location to a remote test server located at, or reached by, passing through an FCC-designated Internet exchange point. For providers serving non-contiguous areas more than 500 air miles from the contiguous United States, testing must be conducted from the customer premises of an active subscriber to the point in the non-contiguous area where all mainland traffic is aggregated for transport from the non-contiguous area. *Performance Measures Order*, 33 FCC Rcd at 6515-17, paras. 17-21.

Testing must be conducted for one week during each quarter of the year. In those weeks, testing must be performed between the hours of 6:00 pm to 12:00 am local time each day,

including weekends (testing hours). For latency testing, a provider must conduct a minimum of one test per minute—sixty tests per hour—for each testing hour. For speed testing, a provider must conduct a minimum of one test per testing hour in each direction (download and upload). *Performance Measures Order*, 33 FCC Rcd at 6519-21, paras. 27-33.

Providers must submit all test results in the HUBB. Carriers cannot delete, trim, edit or otherwise exclude any test measurements. However, if a provider knows or suspects that the testing infrastructure has failed or has negatively impacted test results, the provider may submit evidence of the test infrastructure failure with sufficiently detailed information for the Commission to understand its cause and determine the extent to which any test results should be discarded or adjusted when calculating compliance. *Performance Measures Order*, 33 FCC Rcd at 6532, para. 61. By conducting speed and latency tests and submitting test results, carriers will aid the Commission in ensuring that its \$4.5 billion budget for high-cost universal service support brings to high-cost areas broadband service reasonably comparable to those services provided in urban areas. See 47 U.S.C. § 254(b)(3).

Performance measures data and certifications for all high-cost carriers are due within two weeks after the end of the quarter in which the tests are conducted: first quarter testing results are due April 15th, second quarter results are due July 15th, third quarter results are due October 15th, and fourth quarter results are due January 15th. See *High Cost Administrative Order*, FCC 23-87, para. 138. Carriers subject to Mean Opinion Score (MOS) testing will be required to certify results by the deadline for the quarter in which the testing occurs. Accordingly, if the carrier conducts MOS testing in the first quarter and third quarter, the results will be due by April 15th and October 15th respectively. The Commission also has an initial trial testing period in which carriers will be required to conduct testing and submit results within a short time (i.e., within one week at the end of each quarter of pre-testing) where there will be no penalties for noncompliance associated with a failure to meet the required standards. See *Performance Measures Reconsideration Order* at 32-33, paras. 82-83.

The attached template provides details on the formatting required for carriers' submission of testing data to USAC. In brief, a carrier must provide the following information for each speed test result:

- (i) Carrier identifier
- (ii) Subscriber identifier
- (iii) HUBB location identifier
- (iv) Study Area Code
- (v) Required speed tier
- (vi) Whether download or upload tested
- (vii) Test server location
- (viii) Test start time
- (ix) Test end time
- (x) Length of test
- (xi) Total bytes transferred in test
- (xii) Number of threads in TCP connections used in test
- (xiii) Speed test result in Mbps
- (xiv) Whether test was successful or failure

For latency test results, a carrier must provide the following information:

- (i) Carrier name
- (ii) Subscriber identifier
- (iii) HUBB location identifier
- (iv) Study Area Code
- (v) Latency tier
- (vi) Start date for testing week
- (vii) Test start time
- (viii) Test end time
- (ix) Length of test
- (x) Test server location
- (xi) Latency in microseconds
- (xii) Whether test was successful or failure

(3) Voice testing for high-latency service providers and submission of results (See 12.c):

Certain technologies, such as satellite, are not capable of meeting the Commission’s 100 ms latency standard. Carriers using such technologies are referred to as high-latency providers. In addition to broadband speed and latency testing, high-latency service providers receiving high-cost support must also demonstrate a MOS of 4 or above using a modified ITU Standard Recommendation P.800 conversational-opinion test conducted over the actual network by an independent testing organization. *Performance Measures Order*, 33 FCC Rcd at 6524-26, paras. 44-46. *See also Satellite-Related Performance Measures Order* at 5-12, paras. 12-27.

As with speed and latency testing for non-high-latency service providers, providers must submit all test results. In other words, providers cannot delete, trim, edit or otherwise exclude any test measurements. However, if a provider knows or suspects that the testing infrastructure has failed or has negatively impacted test results, the provider may submit evidence of the test infrastructure failure with sufficiently detailed information for the Commission to understand its cause and determine the extent to which any test results should be discarded or adjusted when calculating compliance. *Performance Measures Order*, 33 FCC Rcd at 6532, paras. 61-62.

Statutory authority for this information collection is contained in 47 U.S.C. sections 151-154, 155, 201-206, 214, 218-220, 251, 252, 254, 256, 303(r), 332, 403, 405, 410, and 1302.

This information collection does not affect individuals or households; thus, there are no impacts under the Privacy Act.

2. *Use of Information:* The Commission will use the information to ensure that Universal Service High Cost funds, totaling over \$20 billion, are spent in accordance with the rules of the program, and specifically to determine that carriers are meeting their speed and latency requirements.
3. *Technology collection techniques:* Respondents will use USAC’s HUBB portal to facilitate the selection process for speed and latency testing. Using the HUBB portal, carriers will identify the locations with active subscribers. Carriers will also use the HUBB portal to submit the speed and latency test results. The interface is designed to provide online storage of applications and related information for carriers, with the potential to ease compliance with recordkeeping requirements and possible audits. Furthermore, where possible, information already provided by

carriers can be carried forward to filings in later funding years (i.e. pre-populated data), to further reduce the filing burden.

4. *Efforts to Identify Duplication:* There will be no duplication of information. The information sought is unique to each carrier or respondent, and similar information is not available.
5. *Impact on Small Entities:* The collection of information may affect small entities as well as large entities. With multiple testing options, the process has been designed to limit the burden as much as possible on small entities. Testing sample sizes are set based on the number of subscribers so smaller entities are required to test substantially fewer locations than larger entities. Filing guidance and training will be made available to assist small entities in understanding what type of information should be submitted and in what format.
6. *Consequences if information is not collected.* The information collected is used to determine compliance with the rules and eligibility for high-cost universal service support. These requirements were put in place, in part, as a response to Government Accountability Office recommendations to increase the transparency and accountability of high cost program funding. Without the requested information, USAC will not be able to determine whether a carrier is entitled to all the support it seeks or is complying with its service obligations. Failure to file the necessary location information may result in partial or complete denial of high-cost universal service support for the carrier.
7. *Special Circumstance.* We do not foresee any special circumstances with this information collection.
8. *Federal Register notice; efforts to consult with persons outside the Commission.* A 60-day notice was published in the *Federal Register* pursuant to 5 C.F.R. § 1320.8(d) on July 16, 2024. See 89 FR 57892. No PRA comments were received.
9. *Payments or gifts to respondents.* The Commission does not anticipate providing any payment or gifts to respondents.
10. *Assurances of confidentiality.* The testing results for speeds and latency for individual locations will remain confidential and not be available to the public. Further, no customer privacy data is obtained.
11. *Questions of a sensitive nature.* There are no questions of a sensitive nature with respect to the information collection requirements described herein.
12. *Estimates of the hour burden of the collection to respondents.* The following represents the hour burden on the collections of information:

a. Selection of locations with active subscribers (updated respondents):

- (1) Number of Respondents: Approximately 1,705 eligible telecommunications carriers. This factors in one respondent for each deployment obligation (i.e., carrier/state combination). In many instances, the same company will have an obligation in different states. For instance, Company A has an obligation in Maryland and an obligation in Virginia. While this is one company, it is factored in twice in the number of respondents.

- (2) Frequency of Response: Once every two years.
- (3) Total number of responses per respondent: 1 every two years (.5 per year).
- (4) Estimated time per response: 16 hours.
- (5) Total annual hour burden: 13,640

16 hours per respondent for 1,705 respondents filing every two years. Total annual hour burden is calculated as follows:

$1,705 \text{ respondents} \times 1 \text{ response per respondent every two years} = 1,705 \text{ responses} \times (16 \text{ hours} / 2 \text{ years}) = \mathbf{13,640 \text{ total annual hours}}$.

- (6) Total estimate of in-house cost to respondents: \$545,600 (13,640 hours x \$40/hour).
- (7) Explanation of calculation: We estimate that each carrier will take, on average, 16 hours to gather and submit the data for its active subscribers every two years, which means 8 hours per year.

$1,705 \text{ (number of responses)} \times 16 \text{ (hours to prepare report per response)} / 2 \text{ years} \times \$40/\text{hour} = \$545,600$

b. Speed and latency testing and submission of results (updated respondents):

- (1) Number of Respondents: Approximately 1,705 eligible telecommunications carriers. This factors in one respondent for each deployment obligation (i.e., carrier/state combination). In many instances, the same company will have an obligation in different states. For instance, Company A has an obligation in Maryland and an obligation in Virginia. While this is one company, it is factored in twice in the number of respondents.
- (2) Frequency of Response: Four times annually for all carriers receiving high-cost support. The Commission will continue to have an initial trial testing period in which carriers will be required to conduct testing and submit results within a short time, but there will be no penalties for noncompliance associated with a failure to meet the required standards. Carriers are already required to test quarterly. Testing requirements will not change, only the reporting requirements will increase from annual reporting to quarterly reporting.
- (3) Total number of responses per respondent: 4.
- (4) Estimated time per response: 23 hours.
- (5) Total annual hour burden: 156,860.

23 hours per respondent for 1,705 carriers filing four times annually. Total annual hour burden is calculated as follows:

$1,705 \text{ respondents} \times 4 \text{ responses} = 6,820 \text{ responses} \times 23 \text{ hours} = \mathbf{156,860 \text{ total annual hours}}$.

- (6) Total estimate of in-house cost to respondents: \$6,274,400 (156,860 hours x \$40/hour).
- (7) Explanation of calculation: We estimate that each carrier will take, on average, 23 hours per response. This includes the time to install any necessary software or testing equipment at the customer premises, conduct the testing, gather the results, and submit the results in the HUBB portal quarterly. Some carriers may require a company truck roll to physically install additional equipment at the customer premises, but many carriers will be able to set up testing software remotely, if they do not have such software already set up.

$$6,820 \text{ (number of responses)} \times 23 \text{ (hours to prepare response per year)} \times \$40/\text{hour} = \$6,274,400$$

c. Voice testing for high-latency service providers and submission of results (updated requirement):

- (1) Number of Respondents: Approximately 2 eligible telecommunications carriers providing high-latency service through the Connect America Fund or the RDOF.
- (2) Frequency of Response: Four times annually. As noted above, the Commission will have an initial trial testing period in which carriers will be required to conduct testing and submit results within a short time, but there will be no penalties for noncompliance associated with a failure to meet the required standards.
- (3) Total number of responses per respondent: 4.
- (4) Estimated time per response: 15 hours.
- (5) Total annual hour burden: 120.

15 hours per respondent for 2 carriers filing 4 times annually. Total annual hour burden is calculated as follows:

$$2 \text{ respondents} \times 4 \text{ responses per respondent} = 8 \text{ responses} \times 15 \text{ hours} = \mathbf{120 \text{ total annual hours.}}$$

- (6) Total estimate of in-house cost to respondents: \$4,800 (120 hours x \$40/hour).
- (7) Explanation of calculation: We estimate that each carrier will take 15 hours per response. This includes the time to conduct the testing four times per year, gather the results, and submit the results in the HUBB portal quarterly.

$$8 \text{ (number of responses)} \times 15 \text{ (hours to prepare the response)} \times \$40/\text{hour} = \$4,800$$

The estimated respondents and responses and burden hours are listed below:

Information Collection Requirements	Number of Respondents	Number of Responses Per Year	Estimated Time per Response (hours)	Total Burden Hours	In-house Cost to Respondents
a. Selection of locations with active subscribers	1,705	.5	16	13,640	\$545,600
b. Speed and latency testing and submission of results	1,705	4	23	156,860	\$6,274,400
c. Voice testing for high-latency service providers and submission of results	2	4	15	120	\$4,800

Total Number of Respondents: 1,705 unique respondents filing multiple times.

Total Number of Responses Annually: 7,681 (rounded up)

Total Annual Hourly Burden for Requirements (a) – (c): 170,620

Total Annual In-House Costs to Respondents: \$6,824,800.

13. *Estimates for the cost burden of the collection to respondents.* Carriers may use outside contracting to assist with the testing or procure the testing equipment, although it is not required. For high-latency voice testing, an independent agency or organization must determine the MOS for the carrier; the expected costs for contracting such outside parties are built into the in-house costs for respondents noted above.

14. *Estimates of the cost burden to the Commission.* There will be few, if any, costs to the Commission because ensuring proper use of universal service support is already part of Commission duties. Furthermore, no new systems or programs will be acquired or developed to process the information collection.

15. *Program changes or adjustments.* The Commission is reporting an adjustment to this information collection. More carriers will begin to have reporting obligations and recordkeeping requirements applicable to recipients of high-cost universal service support. This adjustment is associated with an increase in respondents from 1,677 to 1,705 (+28), an increase in responses from 1,677 to 1,705 (+28/2 = 14)¹, and an increase in annual burden hours from 13,416 to 13,640 (+224).

¹ Filing requirement of once every 2 years is an increase of 14 annual responses (28 total responses/2 years).

The Commission is also reporting program changes due to an increase in responses from annual reporting to quarterly reporting. However, there is a decrease in response time that affects burden hours in this collection. These program changes increase the number of responses from 3,357 to 6,828 (+3,471) and annual burden hours from 151,110 to 156,980 (+5,870).

Together, the adjustments and program changes resulted in an increase in the number of respondents, annual responses and total annual burden hours. The number of respondents increased from 1,677 to 1,705 (+28); the annual responses from 4,196 to 7,681 (+3,485); and the annual burden hours from 164,526 to 170,620 (+6,094).

16. *Collections of information whose results will be published.* The Commission does not plan to make the individual testing information available to the public but plans to summarize that information and make it available.
17. *Display of expiration date for OMB approval of information collection.* There is no paper form associated with this information collection; it is collected electronically through the portal described above. The Commission seeks approval to not display the expiration date for OMB approval of this information collection. The Commission will use an edition date in lieu of the OMB expiration date. This will prevent the Commission from having to repeatedly update the expiration date on the portal each time this collection is submitted to OMB for review and approval. OMB approval of the expiration date of the information collection will be displayed on OMB's website.
18. *Exceptions to certification for Paperwork Reduction Act Submissions.* There are no exceptions to the certification statement.

B. Collections of Information Employing Statistical Methods:

An explanation of the statistical methodology involved in this collection was provided in the separate Part B: Statistical Methodology document filed August 2019. There are no changes.