

OCTOBER 9, 2019

## VPS Memo

# FCC Proposes Changes to Performance Testing Requirements

ORDER ON RECONSIDERATION TO BE CONSIDERED AT OCTOBER 25<sup>TH</sup> OPEN COMMISSION MEETING.

## Summary

On October 4, 2019 the Federal Communications Commission (“FCC”) issued an Order on Reconsideration regarding Measuring CAF Recipients’ Broadband Performance (the requirement commonly referred to as “CAF Performance Testing” or “Performance Testing”) that clarifies and modifies certain portions and parameters of the Performance Testing requirements adopted in 2018.

Notable modifications address:

- Endpoints for testing
- Permissible start times for speed testing;
- Testing start dates and pre-testing periods

These changes will be considered at the October 25<sup>th</sup> Open Commission Meeting.

## What the Order on Reconsideration would do:

### Clarify the endpoints for testing

To ensure customers’ experience aligns with carrier obligations, the Order clarifies that testing should be conducted from the *customer side* of network equipment (emphasis original).<sup>1</sup> Testing performed from any other

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<sup>1</sup> *Measuring CAF Recipients’ Broadband Performance*, WC Docket No. 10-90, FCC-CIRC1910-01. Order on Reconsideration, para. 16 (2019)

place in the carrier network is deemed to include unacceptable potential to provide an inaccurate reflection of the customer experience. It is hence Vantage Point's interpretation that, if this change is adopted, it would eliminate most ability to conduct testing from speed testing software integrated into access electronics.

The Order re-affirms that testing is required from customer premises to or through an FCC-designated IXP.<sup>2</sup> However the definition and boundaries of each IXP are proposed to be expanded to include "any building, facility, or location housing a public Internet gateway that has an active interface to a qualifying ASN."<sup>3</sup> Forty-four acceptable ASNs were listed in the order, including common Internet backbone providers such as AT&T Services, Verizon Business, TDS Telecom, Sprint, Hurricane Electric LLC, and Level 3 Parent LLC, among others.

Additionally, the Order proposes clarification that carriers are required to use the same locations ("sample sizes") for both speed and latency testing.<sup>4</sup>

## Modify the permissible start times for speed testing

The FCC proposes clarification that speed tests, which are required each hour, are not required to start at the beginning of each test hour. Under this modification speed tests could begin at any point during the test hour, **however:** A provider that does not attempt a speed test within the first 15 minutes of the test hour must report a successful speed test for that hour. Conversely, a carrier that begins speed tests within the first 15 minutes of the hour and defers/retries throughout the hour due to crosstalk could report that no test was successfully completed.<sup>5</sup>

## Modify testing start dates, including pre-testing and reporting time

### Pre-testing Requirements

If approved the Order will establish a required pre-testing period during which carriers must conduct testing according to all Performance Testing specifications and report the resulting test data.<sup>6</sup> No support reductions would be leveled during this pre-testing period so long as carriers comply with the pre-testing and timely reporting requirements. Carriers that do not pre-test and submit timely results would be considered in Level 1 noncompliance and, consequently, subject to USAC withholding 5% of monthly support payments.<sup>7</sup>

### Schedule to Commence Testing

The Order proposes modifying the start of performance testing requirements to align more closely with support program deployment obligations.<sup>8</sup> The proposed dates for testing and pre-testing for each program, as published in the Order, are below.<sup>9</sup> Vantage Point has added the list of deployment obligation dates as a courtesy.

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<sup>2</sup> WC Docket No. 10-90, FCC-CIRC1910-01. Para. 17

<sup>3</sup> WC Docket No. 10-90, FCC-CIRC1910-01. Para. 19

<sup>4</sup> WC Docket No. 10-90, FCC-CIRC1910-01. Para. 47

<sup>5</sup> WC Docket No. 10-90, FCC-CIRC1910-01. Para. 26

<sup>6</sup> WC Docket No. 10-90, FCC-CIRC1910-01. Para. 74

<sup>7</sup> WC Docket No. 10-90, FCC-CIRC1910-01. Para. 75

<sup>8</sup> WC Docket No. 10-90, FCC-CIRC1910-01. Para. 73

<sup>9</sup> WC Docket No. 10-90, FCC-CIRC1910-01. Para. 77

### Schedule for Pre-Testing, Testing, and Deployment Obligations

Program	Deployment Obligation Date	Pre-testing start date	Testing start date
CAF Phase II (Price-cap carrier funding)	100% by end of 2020	January 1, 2020	July 1, 2020
Rural Broadband Experiments	100% by end of 2021	January 1, 2021	January 1, 2022
Alaska Plan	Dec 2021 (5 Year Service)	January 1, 2021	January 1, 2022
A-CAM I	40% by end of 2020	January 1, 2021	January 1, 2022
A-CAM I Revised	40% by end of 2022	January 1, 2021	January 1, 2022
A-CAM II	40% by end of 2022	January 1, 2022	January 1, 2023
Legacy Rate of Return	100% by end of 2023	January 1, 2022	January 1, 2023
CAF II Auction	40% during 2022 (staggered deadlines)	January 1, 2022	January 1, 2023
New NY Broadband Program	100% by end of 2019	January 1, 2022	January 1, 2023

## Additional Information

The link to the full Order on Reconsideration is here:

<https://docs.fcc.gov/public/attachments/DOC-360069A1.pdf>

For information on this issue or if you would like VPS guidance, please contact these members of the Vantage Point Solutions team:

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