

**Before the
Federal Communications Commission
Washington, DC 20230**

In the Matter of)	
)	
Protecting Against National Security)	WC Docket No. 18-89
Threats to the Communications Supply)	
Chain Through FCC Programs)	

**REPLY COMMENTS OF
NTCA–THE RURAL BROADBAND ASSOCIATION**

NTCA–The Rural Broadband Association (“NTCA”)¹ hereby submits these reply comments in response to comments filed in the Second Further Notice of Proposed Rulemaking issued by the Federal Communications Commission (“Commission”) in the above-captioned proceeding.² Commenters unanimously agreed that the Commission needs to publish a comprehensive list containing all communications equipment and services deemed a threat to national security (“Covered List”), regardless of whether the Commission or some other department or agency declares the equipment or service a threat. As CTIA commented, “the Commission needs to provide notice of designations prior to inclusion, modification, or removal from the Covered List. The fact that another agency’s determination may have been publicly

¹ NTCA represents approximately 850 independent, community-based telecommunications companies and cooperatives and more than 400 other firms that support or are themselves engaged in the provision of communications services in the most rural portions of America. All NTCA service provider members are full service rural local exchange carriers (“RLECs”) and broadband providers, and many provide fixed and mobile wireless, video and other competitive services in rural America as well.

² *Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs*, Declaratory Ruling and Second Further Notice of Proposed Rulemaking, WC Docket No. 18-89 (July 16, 2020) (“*Declaratory Ruling*” or “*Notice*”).

released is not justification for dispensing with public notice and opportunity to comment. Other agencies' determinations may not have benefitted from public input or may have processes that are less accessible to or understood by all entities that will be impacted."³ Furthermore, as the Rural Wireless Association noted, ""many rural carriers do not have sufficient resources to monitor actions taken by a multitude of governmental bodies and federal agencies...."⁴

Not insignificantly, as NTCA noted in its comments, providers are subject to penalties *under the Commission's rules* if they fail to remove equipment or services contained on the Covered List, regardless of the reason. Thus, it would seem only logical and equitable for the Commission to be the sole source for publishing and updating the Covered List.⁵ Furthermore, establishing a single source for the Covered List, and a source that providers are already accustomed to following, is in the best interest of protecting national security as providers will be more apt to remove the identified equipment and services if they are aware of the threat.

Once the Commission has published the Covered List – following an opportunity for public comment on any proposed changes to that list – providers need an appropriate amount of time to replace any equipment or services contained on the Covered List that reside in their network. Quite simply, 60 days is not realistic. As NCTA commented, “Congress in the 2019 NDAA provided network operators with a one- and two-year transition period respectively for

³ Comments of CTIA, *Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs*, Declaratory Ruling and Second Further Notice of Proposed Rulemaking, WC Docket No. 18-89 (Aug. 31, 2020), p. 16.

⁴ Comments of Rural Wireless Ass'n, *Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs*, Declaratory Ruling and Second Further Notice of Proposed Rulemaking, WC Docket No. 18-89 (Aug. 31, 2020), p. 2.

⁵ Comments of NTCA – The Rural Broadband Ass'n, *Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs*, Declaratory Ruling and Second Further Notice of Proposed Rulemaking, WC Docket No. 18-89 (Aug. 31, 2020), p. 3.

the Huawei/ZTE agency procurement and contracting bans, and there were well-publicized concerns about Huawei and ZTE expressed from various parts of the Federal government well before enactment of Section 889. Conversely, it is not feasible for providers of advanced communications services to millions of residential, commercial, and government customers to execute non-disruptive transitions within 60 days every time a new item of equipment or service from a company newly identified as a national security risk is added to the updated Covered List.”⁶

Providers need one source they can look to for an authoritative and comprehensive list of telecommunications equipment and services deemed a threat to national security. Commenters universally agreed this should be the Commission. This is not to say, however, that the Commission can simply add designations to the Covered List and ban the use of universal service funds without a proper notice and comment process. Finally, commenters agreed that providers need a more realistic amount of time than 60 days in which to replace equipment and

⁶ Comments of NCTA, *Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs*, Declaratory Ruling and Second Further Notice of Proposed Rulemaking, WC Docket No. 18-89 (Aug. 31, 2020), p. 3.

services included on the Covered List prior to being subject to penalties and forfeiture for noncompliance.

Respectfully submitted,



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