**DA 23-472**

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**Wireline Competition Bureau Announces the Start Date for Performance Measures Testing for the Rural Digital Opportunity Fund, Bringing Puerto Rico Together Fund, and the Connect USVI Fund**

**WC Docket Nos. 10-90, 18-143, 19-126**

By this Public Notice, the Wireline Competition Bureau (Bureau) announces January 1, 2024 as the start date for the requirement to begin one year of pre-testing and reporting of speed and latency results for the Bringing Together Puerto Rico Fund Stage 2 and the Connect USVI Fund Stage 2.[[1]](#footnote-3) Testing will begin on January 1, 2025. For the carriers participating in the Rural Digital Opportunity Fund (RDOF),[[2]](#footnote-4) pre-testing will begin on January 1, 2025, and testing will begin on January 1, 2026.[[3]](#footnote-5)

In the Performance Measures Orders, the Commission adopted a uniform framework of performance measures requiring that recipients of high-cost universal service support test their broadband networks for compliance with the appropriate speed and latency metrics and report and certify the results.[[4]](#footnote-6) The testing is necessary to protect ratepayers’ investment and ensure that carriers receiving this support deploy networks that meet the performance standards they promised to deliver to rural consumers.[[5]](#footnote-7) Carriers failing to meet the required testing standards will be subject to withholding and/or recovery of universal service support, based on the level of non-compliance.[[6]](#footnote-8)

Carriers must conduct testing according to the Commission’s performance measures testing requirements using a Universal Service Administrative Company (USAC)-determined randomly-selected sample of subscriber locations.[[7]](#footnote-9) The population of subscribers from which the sample will be generated is the carrier-provided data for deployed locations in USAC’s High Cost Universal Service Broadband portal (HUBB).[[8]](#footnote-10) The size of the sample is based on the number of subscribers in a particular area.[[9]](#footnote-11)

To allow carriers to become accustomed to performance testing, the Commission implemented a pre-testing period that would occur prior to the commencement of each carrier’s testing start date.[[10]](#footnote-12) During the pre-testing period, carriers must test the speed and latency of their networks quarterly for a week-long period and submit the results within one week of the end of each quarter of pre-testing.[[11]](#footnote-13) However, no support reductions are assessed during the pre-testing period as long as carriers perform the pre-testing and report their results.[[12]](#footnote-14) Carriers that fail to conduct pre-testing and submit results on time will have five percent of their monthly support payments withheld until they come into compliance.[[13]](#footnote-15)

*Additional Information*. The Bureau encourages carriers to review all applicable requirements and procedures as set forth in the Commission’s rules, the *Performance Measures Order,* and the *Performance Measures Reconsideration Order*. In addition, USAC has made available resources with important information to assist carriers in preparing, timely submitting, and properly filing test results and certifications: <https://www.usac.org/high-cost/annual-requirements/performance-measures-testing/>.

For additional information on this Public Notice, please contact Divya Shenoy (Divya.Shenoy@fcc.gov) of the Wireline Competition Bureau, Telecommunications Access Policy Division, (202) 418-7400. For technical questions when submitting data, please contact USAC at hcquestions@usac.org or call (844) 357-0408.

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1. *The Uniendo a Puerto Rico Fund and the Connect USVI Fund*, Order, WC Docket Nos. 18-143, 10-90, 14-58, 34 FCC Rcd 9109 (2019) (*2019 PR-USVI Order*); *see also* *Uniendo a Puerto Rico Fund and Connect USVI Fund Notice and Filing Requirements and Other Procedures for Stage 2 Fixed Competitive Proposal Process*, Public Notice, WC Docket Nos. 18-143, 10-90, 35 FCC Rcd 218, 220, 252-55, paras. 2, 124-34 (WCB 2020) (*Procedures Public Notice*). [↑](#footnote-ref-3)
2. *Rural Digital Opportunity Fund; Connect America Fund*, Order, 35 FCC Rcd 686, 702-04, paras. 31-39 (2020) (*Rural Digital Opportunity Fund Order*); *see also* *Rural Digital Opportunity Fund Phase I Auction Scheduled for October 29, 2020; Notice and Filing Requirements and Other Procedures for Auction 904*, Public Notice, 35 FCC Rcd 6077, 6086, para. 20 & n.46 (2020) (*Auction 904 Procedures Public Notice*). [↑](#footnote-ref-4)
3. All RDOF participants, regardless of authorization year, will begin pre-testing and testing on the same date. [↑](#footnote-ref-5)
4. *See* *Connect America Fund*, Order, WC Docket No. 10-90, 33 FCC Rcd 6509 (WCB 2018) (*First Performance Measures Order*); *Connect America Fund*, Order on Reconsideration, WC Docket No. 10-90, 34 FCC Rcd 10109 (2019) (*Performance Measures Reconsideration Order*). *See also* 47 CFR § 54.313(a)(6). [↑](#footnote-ref-6)
5. *Performance Measures Reconsideration Order,* 34 FCC Rcd at 10110, para. 2. [↑](#footnote-ref-7)
6. *Id*. at 10133-38, paras. 65-75; *First Performance Measures Order*, 33 FCC Rcd at 6530-33, paras. 56-67. *See* *also* 47 CFR § 54.320(d)(2). [↑](#footnote-ref-8)
7. *Performance Measures Reconsideration Order,* 34 FCC Rcd at 10139, para. 78. [↑](#footnote-ref-9)
8. *First Performance Measures Order*, 33 FCC Rcd at 6522, para. 36. [↑](#footnote-ref-10)
9. *Id.* at 6522-24, paras. 36-40; *Performance Measures Reconsideration Order*, 34 FCC Rcd at 10125-28, paras. 43-49. [↑](#footnote-ref-11)
10. *Performance Measures Reconsideration Order*, 34 FCC Rcd at 10139, paras. 78-79. [↑](#footnote-ref-12)
11. *Id.* at 10139, para. 78. [↑](#footnote-ref-13)
12. *Id*. at 10139, paras. 78-79. [↑](#footnote-ref-14)
13. *Id*. [↑](#footnote-ref-15)