

**Before the
OFFICE OF MANAGEMENT AND BUDGET
Washington, DC 20503**

INFORMATION COLLECTION)	
BEING SUBMITTED FOR REVIEW)	OMB 3060-XXXX
AND APPROVAL TO THE OFFICE)	FR ID 168285
OF MANAGEMENT AND BUDGET)	

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

To the Office of Management and Budget:

NTCA–The Rural Broadband Association (“NTCA”), a trade association representing more than 850 small, locally operated rural broadband service providers, hereby submits comments in the above-captioned proceeding.¹ NTCA welcomes the opportunity to submit these comments as the Office of Management and Budget (“OMB”) considers the proposed information collection by the Federal Communications Commission (the “Commission”) related to cybersecurity and supply chain risk management plans.

I. INTRODUCTION

In the Report and Order creating the Enhanced Alternative Connect America Cost Model (“Enhanced A-CAM”) program, the Commission adopted rules requiring Enhanced A-CAM support recipients to implement cybersecurity and supply chain risk management (“C-SCRM”) plans by January 1, 2024, and to submit such plans to the Universal Service Administrative Company (“USAC”) by January 2, 2024, or within 30 days of approval under the Paperwork

¹ Enhanced A-CAM Cybersecurity and Supply Chain Risk Management and Plan Requirements, OMB Control No. 3060-XXXX; FR ID 168285 (Sep. 5. 2023).

Reduction Act (“PRA”), whichever is later.² The Commission further adopted rules requiring Enhanced A-CAM carriers to file updated C-SCRM plans with USAC within 30 days of making a “substantive modification” to their plan(s), which includes “updates [] made to comply with new cybersecurity regulations, standards, or laws.”³ This schedule imposes unnecessary burdens on providers and can be eliminated, while accomplishing the same objective, by (1) establishing July 1, 2024, the date Enhanced A-CAM providers must file their annual FCC Form 481, as the date for filing their initial C-SCRM plans; and (2) requiring providers to file any substantive modifications to their C-SCRM plans annually thereafter with the providers’ FCC Form 481.

II. DISCUSSION

NTCA and its members support efforts to help secure broadband services against cybersecurity and supply chain attacks and in fact recommended certain resource guides as part of the Enhanced A-CAM rulemaking proceeding.⁴ NTCA has also been actively engaged in cybersecurity and supply chain industry groups, including the Information and Communications Technology Supply Chain Risk Management (“ICT-SCRM”) Task Force and the Communications Security, Reliability and Interoperability Council (“CSRIC”) VIII - Best Practices to Improve Communications Supply Chain Security, and offers CyberShare: The Small Broadband Provider ISAC as a cybersecurity information sharing program for small broadband providers.

² *Connect America Fund: A National Broadband Plan for Our Future High-Cost Universal Service Support*, Report and Order, Notice of Proposed Rulemaking, and Notice of Inquiry, WC Docket No. 10-90 (July 14, 2023) (“Enhanced A-CAM Order” or “Order”) at ¶ 109.

³ *Id.* at ¶ 112.

⁴ *Id.* at ¶ 114.

The requirements adopted in the Order regarding the timing for Enhanced A-CAM carriers to submit their initial C-SCRM plans as well as the requirement to file updated C-SCRM plans within 30 days of a “substantive modification,” however, are unnecessarily burdensome. The Commission adopted the Enhanced A-CAM Order to help ensure “all consumers, even those living in the costliest areas in the nation, have access to affordable and reliable broadband service.”⁵ Enhanced A-CAM is part of the Commission’s high-cost universal service fund (“USF”), which has been a significant driver of the modern state of connectivity in the remote areas served by NTCA members and community-based providers like them.⁶ The cost of deploying, maintaining and upgrading broadband service in these rural areas is significant due to the distances between locations, the low population and, sometimes, the terrain.⁷ USF has helped create a business case for community-based providers, who commonly have 30 or fewer employees, to undertake deployment and offer cutting-edge connectivity in these deeply rural areas that would otherwise lack affordable and reliable broadband service. The information collection proposed in the instant proceeding must be considered within that context.

⁵ *Id.* at ¶ 1.

⁶ See NTCA Broadband/Internet Availability Survey Report, Dec. 2022, available at <https://www.ntca.org/sites/default/files/documents/2022-12/2022%20Broadband%20Survey%20Report%20%28FINAL%2011-28-22%29.pdf> (last visited Nov. 2, 2023), demonstrating that with just under half of survey respondents receiving cost-based support, 21.4% receiving A-CAM 1 support, 31.7% receiving A-CAM 2 support, and 1.3% receiving Alaska Plan support, these providers increased their fiber-to-the-home deployments over the previous year to an average of nearly 80% of customers.

⁷ *Id.* at pp. 1, 10. The average service area for NTCA broadband provider members that completed the 2022 Broadband/Internet Availability Survey is approximately 2,080 square miles, while nearly half (49.1%) have a service area of less than 500 square miles, just over one-quarter (27.8%) have a service area between 500 and 1,999 square miles, and less than one-quarter (23.1%) have a service area of 2,000 square miles or larger. Meanwhile, the estimated cost for these providers to bring all customers up to 100 Mbps upstream who are not already at that speed is an average of \$37.1 million.

As noted above, the Order would require Enhanced A-CAM carriers to implement C-SCRM plans by January 1, 2024, and to file their plans with USAC by January 2, 2024, or within 30 days of approval pursuant to the PRA, whichever is later.⁸ The Order further specifies the information that must be included in carriers' C-SCRM plans. Specifically, the plans must reflect aspects of the following cybersecurity and supply chain guidelines relevant to carriers' operations: (1) the latest version of the NIST Framework for Improving Critical Infrastructure Cybersecurity ("NIST CSF"); (2) an established set of cybersecurity best practices, such as the Cybersecurity and Infrastructure Security Agency ("CISA") Cybersecurity Cross-Sector Performance Goals or the Center for Internet Security Critical Security Controls; (3) NISTIR 8276, Key Practices in Cyber Supply Chain Risk Management: Observations from Industry; and (4) NIST 800-161.⁹

Additionally, Enhanced A-CAM carriers must submit updated C-SCRM plans within 30 days of making a "substantive modification" to those plans.¹⁰ One of the circumstances the Order identified as a "substantive modification" includes "Updates made to comply with new cybersecurity regulations, standards, or laws."¹¹ Failure to submit initial C-SCRM plans or to file updated C-SCRM plans to reflect one of the identified "substantial modifications" within the timeframe specified in the Order could result in 25% of the carrier's monthly Enhanced A-CAM support being withheld until the carrier meets the requirements.¹²

⁸ Enhanced A-CAM Order at ¶ 109.

⁹ *Id.* at ¶ 111.

¹⁰ *Id.* at ¶ 112.

¹¹ *Id.*

¹² *Id.* at ¶ 109.

The Order would thus require Enhanced A-CAM carriers, most if not all of whom are small providers with few employees, to file C-SCRM plans with USAC by January 2, 2024 (or 30 days following PRA approval) that reflect NIST CSF 1.1 – the current version and the version that NIST is presently encouraging entities to follow¹³ – even though NIST has expressly stated that it expects to release an updated version of the NIST CSF in early 2024.¹⁴ As a result, soon after filing their initial C-SCRM plans with USAC, Enhanced A-CAM carriers would be required to file an updated plan that reflects the latest version of the NIST CSF as a “substantive modification.”¹⁵ This creates an unnecessary and avoidable burden on Enhanced A-CAM carriers as NIST’s expected release date for NIST CSF 2.0 was publicly available well prior to the date of the Enhanced A-CAM Order. Furthermore, in terms of offsetting benefits, discerning what value the Commission would derive from the preparation and submission of complicated plans by hundreds of small businesses that the Commission knows for a near certainty will be outdated and require revision and re-filing in just a few months’ time is hard to fathom.

The Order also requires Enhanced A-CAM carriers to certify in their annual FCC Form 481 filing “that they have maintained their plans, whether they have submitted modifications in the prior year, and the date any modifications were submitted.”¹⁶ Thus, although the Commission recognizes in this rule the importance of the Commission being able to readily identify on a set

¹³ NIST Cybersecurity Framework, Questions and Answers, available at <https://www.nist.gov/cyberframework/frequently-asked-questions/framework-basics> (“NIST expects to publish CSF 2.0 early in 2024. Stakeholders are encouraged to use Framework 1.1 during the update process.”) (last visited Nov. 6, 2023).

¹⁴ *Id.*

¹⁵ Enhanced A-CAM Order at ¶¶ 111-112.

¹⁶ *Id.* at ¶ 112.

date that carriers are updating their C-SCRM plans as appropriate and when, requiring companies to instead file updated plans simultaneously with their FCC Form 481 submissions would be far less burdensome on providers, while at the same time providing the Commission the ability to identify whether and to what degree providers are updating their C-SCRM plans to account for updated guidelines or other changes.

Notably, the Commission has proposed identical C-SCRM requirements in the context of the 5G Fund, including the requirement that carriers provide the above-described certifications in their annual FCC Form 481 filing.¹⁷ This is all the more reason then for the Commission to require any updated C-SCRM plans to be filed simultaneously with carriers' annual FCC Form 481 as this would not only minimize the burden on carriers of multiple filings but also allow the Commission to more readily verify carriers' compliance in an organized and better-structured manner. While the Broadband Equity, Access, and Deployment ("BEAD") Program requires carriers to submit updated C-SCRM plans within 30 days of a substantive change in the plans, BEAD does not also require carriers to submit an annual notice stating that they have maintained their plans, whether they have submitted modifications to their plans, and the date any modifications were submitted, nor does BEAD have a separate annual filing requirement for all carriers unrelated to the C-SCRM requirements. Put another way, the 30-day BEAD requirement is necessary precisely because there would be no other way to monitor the status of

¹⁷ *Establishing a 5G Fund for Rural America*, GN Docket No. 20-32, Further Notice of Proposed Rulemaking (rel. May 19, 2023), ¶ 52. NTCA filed comments in the 5G Fund proceeding also recommending the Commission minimize the burden on providers by requiring substantive modifications to C-SCRM plans be filed annually with providers' FCC Form 481 rather than conceivably multiple times per year to reflect updated guidelines and/or other "substantive modifications." *See* Comments of NTCA – The Rural Broadband Ass'n, GN Docket No. 20-32 (Oct. 23, 2023), p. 9.

implementation and modification, whereas the Commission has a readily available and far less burdensome means of doing so.

III. CONCLUSION

Based on the foregoing, NTCA urges modification of the proposed information collection to specify that Enhanced A-CAM recipients be required to file their initial C-SCRM plans with their 2024 FCC Form 481 and thereafter to file any substantive modifications to their C-SCRM plans once each year simultaneous with their annual FCC Form 481.¹⁸ Doing so will minimize the burden on carriers of filing initial C-SCRM plans reflecting NIST CSF 1.1 followed by an updated plan soon thereafter to reflect NIST CSF 2.0, with little to no impact on the security of carriers' operations or the Commission's ability to oversee these rules. This would also eliminate the need for these carriers to file modified plans every time one of the identified cybersecurity or supply chain guidelines is updated – or other substantive modifications are made – while still allowing the Commission to identify that providers are updating their C-SCRM plans in accordance with the Commission's rules.

Respectfully submitted,



By: /s/ Michael Romano
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¹⁸ NTCA filed a Petition for Reconsideration and/or Clarification of the Enhanced A-CAM Order requesting in part that carriers be allowed a reasonable amount of time to update their C-SCRM plans when new versions of the NIST CSF are released. *See* Petition for Reconsideration and/or Clarification of NTCA – The Rural Broadband Ass'n, *Connect America Fund*, WC Docket No. 10-90 *et al* (Sep. 15, 2023), p. 21, n. 45. Blooston Rural Carriers likewise requested clarification or reconsideration of the January 1, 2024, deadline for Enhanced A-CAM carriers to implement C-SCRM plans, noting that carriers have only 12 weeks from the date for accepting Enhanced A-CAM offers and the January 1, 2024, deadline for implementing C-SCRM plans. *See* Petition for Clarification and/or Reconsideration of the Blooston Rural Carriers, *Connect America Fund*, WC Docket No. 10-90 *et al* (Sep. 18, 2023), p. 5.

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