Broadband USA Applications Database

Applicant Name: 360networks (USA) inc.

_____Public Notice Submissions_____

-----Service Area: Marissa

Submitter: NewWave Communications

Comment: NewWave and two other DSL providers already serve this area. NewWave serves 15 percent of data customers vs. homes passed and offers 3 MG or higher to this area.

-----Service Area: Clinton KY

Submitter: Ken-Tenn Wireless L.L.C.

Comment: Ken-Tenn Wireless is currently providing wireless internet in the Clinton Kentucky area. We have had service located in Clinton for 3 years. We feel that it would not be a good use for tax payers money to allow 360Networks to obtain a grant for this area when we have provided our private capital to build our network. We have 6 towers spread out in the proposed area of 360Networks and feel that around 40% of the households in this area can get Ken-Tenn Wireless service.

Submitter: Windstream

Comment: Windstream's data strongly suggest that the proposed funded service area likely does not qualify as an underserved area. Windstream offers facilities-based, terrestrial broadband service (meeting the definition set forth in the Notice of Funds Availability) to some of the households in the proposed funded service area, and such households can readily subscribe to Windstream's broadband service upon request. Windstream also has reason to believe that competitive broadband offerings are available in exchanges overlapping the proposed funded service area. Given this information, agency officials should further investigate existing broadband offerings within the proposed funded service area, so that officials can be sure that the area, in fact, qualifies as underserved.

Windstream is a communications and entertainment company with more than 1 million broadband customers in 16 states. Investing more than $200 million in broadband deployment over the last several years, Windstream now offers approximately 89% of its 3 million voice customers access to quality and affordable broadband service.

The agencies define an "underserved area" as follows: "Underserved area means a proposed funded service area, composed of one or more contiguous census blocks meeting certain criteria that measure the availability of broadband service and the level of advertised broadband speeds. These criteria conform to the two distinct components of the Broadband Infrastructure category of eligible projects- Last Mile and Middle Mile. Specifically, a proposed funded service area may qualify as underserved for last mile projects if at least one of the following factors is met, though the presumption will be that more than one factor is present: 1. No more than 50 percent of the households in the proposed funded service area have access to facilities-based, terrestrial broadband service at greater than the minimum broadband transmission speed (set forth in the definition of broadband above); 2. No fixed or mobile broadband service provider advertises broadband transmission speeds of at least three megabits per second (''mbps'') downstream in the proposed funded service area; or 3. The rate of broadband subscribership for the proposed funded service area is 40 percent of households or less. A proposed funded service area may qualify as underserved for Middle Mile projects if one interconnection point terminates in a proposed funded service area that qualifies as unserved or underserved for Last Mile projects."

-----Service Area: Carlinville

Submitter: NewWave Communications

Comment: NewWave serves this area along with three other DSL providers. NewWave serves 7 percent of data customers vs. homes passed. NewWave provides 3 MG or higher to this area to all residents. In addition, according to data compiled by the Media Business Corporation, an independent research firm, NewWave and its digital subscriber line competitors serve over 40% of homes passed in this particular market. As a result, this market is adequately serviced by NewWave and its competitors.

Submitter: KeyOn Communications

Comment: KeyOn Communications currently provides access at speeds of at least 768kbps downstream and at least 200kbps upstream to more than 50% of the homes in the designated area.

Submitter: Level 3 EON, LLC

Comment: Level 3 EON, LLC is filing this challenge based on the network services provided by Level 3 Communications, LLC. ("Level 3")

The overlapping service areas are drawn via the mapping tool. Level 3's fiber optic network infrastructure can support low speeds to support today's lower bandwidth needs and can scale to 40G and 100G to meet future bandwidth demands.

Absent some demonstrable cost or technology advantages, government funds should not be used to build along the same routes, and to the same communities, as existing and operating fiber optic networks. In the course of evaluating these projects, the Agencies should determine what other known network assets are already in place and operating, and should require applicants to take advantage of such networks. Level 3 has identified where its network is capable of delivering all or some significant portion of the connectivity that the applicant proposes to deliver for a fraction of the cost proposed by the applicant.

Applicants should be required to demonstrate that they have exhausted commercial options involving use of existing infrastructure or services. In this regard, Level 3 notes that the Agencies' rules make it clear that a capitalized capacity lease is eligible for funding under BTOP and BIP. The capital costs of deploying fiber is only a fraction of the total network cost. Deploying, operating and maintaining electronic gear makes up the bulk of cost associated with operating a new fiber optic network. Capitalized capacity leases allow multiple last-mile and middle mile providers to share these significant expenses on a flexible, scalable basis.

Using a capitalized capacity lease, a last mile provider could procure precisely the capacity it needs when needed to serve its community. This option scalable and allows service providers to secure smaller amounts of capacity as an initial matter, adding to the capacity only when demands require. It also adds to project sustainability by reducing both operating and maintenance costs. In addition, as long as Level 3's network is in proximity, affordable hybrid fiber-microwave technologies can be used to establish interconnects back to the capitalized capacity leases. Multiple BTOP and BIP applicants can use

identified capacity on a specific system, but capture the lower costs associated with the sharing of transport expenses.

-----Service Area: Wesson

Submitter: Georgetown Telephone Company

Comment: The grant proposal for 360 Networks is for a wireless network that proposes to provide service right to the edge of the Georgetown Telephone Company (Georgetown) service territory. Georgetown is an incumbent rural telephone company that has been serving this area for over 100 years. Georgetown has been granted a franchised area to serve, and since it has been willing to serve a very poor and rural area also has been given a federal exemption against competition. Small rural areas like the one served by Georgetown need a barrier against competition to ensure that people in the area can get service for the next century. Georgetown has kept rates low and has brought advanced services and broadband to this rural area when nobody else was willing to make investments in such an impoverished area.

The area served by Georgetown is extremely poor and very rural. The average household income for the service territory in the 2000 Census was only $26,000 per year. Georgetown Telephone Company does not have a 40% broadband penetration rate today because of the poverty of the area. The company currently has a 34% broadband penetration and believes that almost every household with a computer has DSL service. The telephone company has made DSL available to every home and there is no part of the area where a customer cannot get broadband if they can afford it. Further, Georgetown Telephone Company has provided a free community center equipped with ten computers that is open to the public. This computer center gets tremendous use and the computers are normally all busy.

A very small and poor rural place like Georgetown Mississippi can barely sustain the one current provider, Georgetown Telephone Company. It makes no sense to use federal subsidy funding to compete against a company that has been willing to serve this rural area for 100 plus years.

Georgetown's concern with this grant proposal is that a wireless transmission knows no arbitrary boundaries like the boundaries of the telephone company. Once a company like 360 Networks puts a up a tower outside of Georgetown the signal is going to cover our territory. We want to plead that any wireless grant be prohibited from using facilities funded by federal dollars to serve areas that are already 'served' today. The 360 Networks physical network will include towers and other infrastructure that will be subsidized by the grants and these subsidized assets should not be allowed to be used to gain customers in areas that are 'served'. 360 Networks should be required to stick to the service areas as defined by their grant maps and should be permanently prohibited from using these assets to go after

customers outside of those maps. Otherwise, the NOFA rules that are intended to target money to serve unserved and underserved areas will have no meaning.

It also appears to us that 360 Networks is requesting more than a 50% grant when they are proposing to serve many underserved areas and areas that are not 'remote'. For example, the areas on the map near to Georgetown are within 50 miles of Jackson Mississippi and are thus non-remote. Looking at their proposed service territory, most of the proposed area looks to be non-remote. The grant rules should limit their eligibility for grant funding to 50%. It appears that 360 Networks has asked for grant funding greater than 50% in error.

Submitter: Telepak Networks Inc.

Comment: Respondent, Telepak Networks, Inc., is a privately held Mississippi corporation and competitive local exchange carrier which provides telecommunications, video and broadband data services to residents in its licensed service areas. Respondent operates a broadband transmission network which runs from Jackson, Mississippi, to Memphis, Tennessee, to New Orleans, and throughout the State of Mississippi. Respondent also operates fiber-to-the-home networks in Crystal Springs, Inverness, and Roxie Mississippi as well as certain residential developments in the State of Mississippi.

-----Service Area: Stover

Submitter: Cellular South

Comment: Respondent, Cellular South, Inc., is a privately held Mississippi corporation and commercial mobile radio service provider which provides wireless telecommunications and broadband data services to its customers throughout the State of Mississippi, in western Tennessee, in southern Alabama, and northwest Florida. Respondent operates a broadband data transmission network in the State of Mississippi which utilizes Evolution Data Optimized ("EvDO") technology which provides data transmission speeds up to a maximum of 3.0 mbps downstream and 1.0 mbps upstream. Respondent's EvDO network is deployed in all or part of Applicant's proposed service area and, therefore, no portion of Applicant's proposed service area where Respondent's EvDO service is deployed is unserved because Respondent's EvDO service is accessible by 100% of the households in Respondent's service area. Respondent notes that actual wireless coverage and broadband data transmissions may vary due to atmospheric conditions, customer equipment, and/or system limitation.

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-----Service Area: Newbern, TN

Submitter: Crockett Telephone Company, Inc.

Comment: Crockett Telephone Company, Inc. (CTC) is an existing RUS Traditional Telephone Borrower and since the early 1950's has served as the existing Incumbent Local Exchange Company (ILEC) for 3 exchange areas within the rural counties of Crockett, Dyer, Gibson, Haywood, Lauderdale and Madison in the State of Tennessee, portions of which are proposed to be served by 360networks (USA) inc. in their ARRA Broadband Stimulus application.

CTC currently advertises and provides broadband services, at speeds up to 3 Mbps to residential and up to 10 Gbps to business subscribers within the area proposed by this applicant. In addition, broadband service, at speeds greatly in excess of the minimum broadband speed defined by the ARRA NOFA is currently available through the CTC broadband network to approximately 86% of homes and businesses within the CTC service territory. This is shown on Connected Tennessee's Statewide Broadband Inventory Map. The area proposed to be served by the applicant contains 13,363 households according to the 2000 U.S. Census, of which 24 residential and business subscribers are already served by CTC. For these reasons the applicant's request for funding to overbuild areas already served by CTC should be denied.

-----Service Area: Clinton IL

Submitter: Mediacom Communications Corporation

Comment: The majority of households within applicant's proposed service area currently have access to broadband at speeds well in excess of the minimum broadband speeds set forth in the NOFA. For its part, Mediacom advertises and provides broadband services within the proposed service area at speeds up 20 Mbps.

Submitter: Egyptian Telephone Cooperative Association

Comment: Egyptian Telephone Cooperative Association provides comments on this application regarding underserved designation of the proposed funded area.

Submitter: KeyOn Communications

Comment: KeyOn Communications currently provides access at speeds of at least 768kbps downstream and at least 200kbps upstream to more than 50% of the homes in the designated area.

-----Service Area: Roberts

Submitter: Comcast Cable

Comment: Attached is a summary of the Comcast Cable homes passed, subscriber and advertising information related to the service areas encompassed by this application.

-----Service Area: Osyka

Submitter: Telepak Networks Inc.

Comment: Respondent, Telepak Networks, Inc., is a privately held Mississippi corporation and competitive local exchange carrier which provides telecommunications, video and broadband data services to residents in its licensed service areas. Respondent operates a broadband transmission

network which runs from Jackson, Mississippi, to Memphis, Tennessee, to New Orleans, and throughout the State of Mississippi. Respondent also operates fiber-to-the-home networks in Crystal Springs, Inverness, and Roxie Mississippi as well as certain residential developments in the State of Mississippi.

-----Service Area: Ponchatoula

Submitter: East Ascension Telephone Co. LLC dba EATel

Comment: EATel currently provides access to 98.5% of the households within the area of the proposed funded serving area indicated "PFSA". EATel is a rural ILEC that has been serving the area for some time. In the challenged PFSA they offer both ADSL as well as FTTH broadband data services. As of June 2009 they are serving 249 broadband customers within this area or 45.6% of the households. EATel provides speeds of over 3Mbps throughout this area. Therefore by any of the definitions of the ARRA broadband program this area does not qualify as Underserved or unserved.

Submitter: Xfone USA, Inc.

Comment: Xfone USA, Inc. currently provides Broadband Services greater than 3 mbps in the communities of Ponchatoula, Natalbany, and Hammond, LA.

-----Service Area: Yazoo City

Submitter: Cellular South

Comment: Respondent, Cellular South, Inc., is a privately held Mississippi corporation and commercial mobile radio service provider which provides wireless telecommunications and broadband data services to its customers throughout the State of Mississippi, in western Tennessee, in southern Alabama, and northwest Florida. Respondent operates a broadband data transmission network in the State of Mississippi which utilizes Evolution Data Optimized ("EvDO") technology which provides data transmission speeds up to a maximum of 3.0 mbps downstream and 1.0 mbps upstream. Respondent's EvDO network is deployed in all or part of Applicant's proposed service area and, therefore, no portion of Applicant's proposed service area where Respondent's EvDO service is deployed is unserved because Respondent's EvDO service is accessible by 100% of the households in Respondent's service area.

Respondent notes that actual wireless coverage and broadband data transmissions may vary due to atmospheric conditions, customer equipment, and/or system limitation.

Submitter: Telepak Networks Inc.

Comment: Respondent, Telepak Networks, Inc., is a privately held Mississippi corporation and competitive local exchange carrier which provides telecommunications, video and broadband data services to residents in its licensed service areas. Respondent operates a broadband transmission network which runs from Jackson, Mississippi, to Memphis, Tennessee, to New Orleans, and throughout the State of Mississippi. Respondent also operates fiber-to-the-home networks in Crystal Springs, Inverness, and Roxie Mississippi as well as certain residential developments in the State of Mississippi.

Submitter: CYTEC Software Systems, Inc.

Comment: CYTEC currently offers WiFi broadband services to the central business district areas of Yazoo City, Mississippi

-----Service Area: Manteno

Submitter: Comcast Cable

Comment: Attached is a summary of the Comcast Cable homes passed, subscriber and advertising information related to the service areas encompassed by this application.

-----Service Area: Savage, MS

Submitter: Telepak Network Inc.

Comment: Respondent, Telepak Networks, Inc., is a privately held Mississippi corporation and competitive local exchange carrier which provides telecommunications, video and broadband data services to residents in its licensed service areas. Respondent operates a broadband transmission network which runs from Jackson, Mississippi, to Memphis, Tennessee, to New Orleans, and throughout

the State of Mississippi. Respondent also operates fiber-to-the-home networks in Crystal Springs, Inverness, and Roxie Mississippi as well as certain residential developments in the State of Mississippi.

-----Service Area: Sidon

Submitter: Cellular South

Comment: Respondent, Cellular South, Inc., is a privately held Mississippi corporation and commercial mobile radio service provider which provides wireless telecommunications and broadband data services to its customers throughout the State of Mississippi, in western Tennessee, in southern Alabama, and northwest Florida. Respondent operates a broadband data transmission network in the State of Mississippi which utilizes Evolution Data Optimized ("EvDO") technology which provides data transmission speeds up to a maximum of 3.0 mbps downstream and 1.0 mbps upstream. Respondent's EvDO network is deployed in all or part of Applicant's proposed service area and, therefore, no portion of Applicant's proposed service area where Respondent's EvDO service is deployed is unserved because Respondent's EvDO service is accessible by 100% of the households in Respondent's service area. Respondent notes that actual wireless coverage and broadband data transmissions may vary due to atmospheric conditions, customer equipment, and/or system limitation.

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