

Broadband USA Applications Database

Applicant Name: EchoStar Broadband I L.L.C.

Public Notice Submissions

-----**Service Area:** Webster, GA

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:** Dickey, ND

Submitter: Dickey Rural Networks

Comment: Dickey Rural Networks demonstrates that it provides broadband service throughout Dickey County, which is encompassed in the proposed funded Service Area in the EchoStar Broadband I LLC application and that the proposed funded Service Area is not unserved or underserved.

As demonstrated, 100% of households in Dickey Rural's service territory within the proposed funded Service Area are able to readily subscribe upon request to facilities-based, terrestrial broadband services with an advertised speed of greater than 768 kbps downstream and 200 kbps upstream from Dickey Rural; 100% of the households in Dickey Rural's service territory within the proposed funded Service Area have access to facilities-based, terrestrial broadband service at greater than the minimum broadband transmission speed as set forth in the definition of broadband; Dickey Rural advertises broadband service at broadband transmission speeds of at least 3 megabits per second downstream throughout the proposed funded Service Area; and the rate of broadband subscribership for the proposed funded Service Area is greater than 40 percent of households.

-----**Service Area:** Kidder, ND

Submitter: BEK Communications Cooperative

Comment: EchoStar's proposed project covers an entire county served by BEK Communications Cooperative. BEK currently serves all its exchanges by an existing fiber network that extends from our corporate headquarters in Steele, ND. In this public notice response BEK is providing; 1) a map of the overlapping area where BEK provides broadband services, 2) BEK's DSL high speed Internet advertising 3) the number of residential households and business establishments capable of receiving broadband services from BEK within its service territory, 4) the number of residential households and business

establishments subscribing to BEK's broadband service within the proposed service area, 5) the advertised download and upload speeds and service rates, and 6) comments addressing the existing services offered within the proposed funded service area.

-----**Service Area:** Doddridge, WV

Submitter: West Virginia PCS Alliance LC dba NTELOS

Comment: NTELOS herein provides information on its existing broadband services within Applicant's proposed service area to be funded.

-----**Service Area:** Malheur, OR

Submitter: Cable One, Inc.

Comment: Cable One, Inc. is a multi-system broadband provider operating in 19 states. Cable One offers residential broadband service with speeds up to 10 MB and customizable commercial solutions with flexible bandwidth offerings from 5Mbps to 1 Gbps. By November 1, 2009, the majority of Cable One systems will also be offering 12 Mb residential broadband service with a 20 MB boost. Cable One provides its subscribers with quality service offerings at competitive rates. Cable One expends substantial capital and resources to ensure that customers enjoy the latest technology and the highest standards of customer service, and has made its customers and its communities its first priority.

Please refer to our supporting documentation and comments that establish that Cable One already operates in census tract(s) encompassing or included in Applicant's Proposed Funded Service Area. The uploaded document includes maps showing census tracts and homes passed for each the applicable systems, current advertisements for residential and commercial broadband offerings, and subscriber data by census tract.

Cable one's current broadband service offerings are as follows:

Residential:

Economy, Speed (Down/up) - 1.5 Mb/150 kbps, Service Rate - \$20.00

Standard , Speed (Down/up) - 5 Mb/500 kbps, Service Rate - \$43.00

Premium, Speed (Down/up) - 10 Mb/1 Mb, Service Rate - \$53.00

Commercial:

Economy, Speed (Down/up) - 5 Mb/1.0 Mb, Service Rate - \$69.65

Standard, Speed (Down/up) - 10.0 Mb/1.0 Mb, Service Rate - \$85.95

Premium, Speed (Down/up) - 12.0 Mb/1.5 Mb, Service Rate - \$99.95

Ultra, Speed (Down/up) - 15.0 Mb/2.0 Mb, Service Rate - \$199.95

Enterprise Plus, Speed (Down/up) - 20.0 Mb/2.5 Mb, Service Rate - \$299.95

Discounted bundles and promotional pricing are also available.

Submitter: Qwest

Comment: As authorized by the BIP and BTOP Notice of Funds Availability and the Public Notice associated with the publication of BIP and BTOP broadband infrastructure project funding applications found on the BroadbandUSA.gov website, Qwest responds with broadband service data to the application of EchoStar Broadband I L.L.C. for funding for an area represented as “unserved” that is located, in whole or in part, in Qwest’s broadband service area.

-----**Service Area:** Wheeler, OR

Submitter: CenturyLink

Comment: The proposed service areas are not wholly underserved or unserved.

CenturyLink is submitting data that shows the application's proposed service area is not underserved or unserved, under program guidelines. Accordingly, the application must be denied as ineligible. With limited funding and a large pool of applications, program grants and loans must be directed only to areas that are truly underserved or unserved, as stipulated in the program guidelines.

CenturyLink can certify that its affiliates currently offer broadband service in some or all of the applicant's proposed service areas. Attached is a state map that is a representative sample of areas where the application overlaps our existing broadband deployment. CenturyLink also provides data showing broadband availability in our local telephone exchanges within the proposed service areas. We will provide additional information on request if that will further assist the agency's review.

This data is not exhaustive; the application may include other areas also currently served with broadband by other providers, which should be considered in the assessment of the application. Our data combined with that of other broadband providers would likely show further duplication and overlap of broadband services in the proposed service areas.

CenturyLink has committed to upgrade and extend broadband.

CenturyLink has an extensive broadband footprint today, and has committed to extend that service even further. As part of its merger commitments to the Federal Communications Commission, CenturyLink committed to offer retail broadband Internet access service to 100% of its broadband eligible access lines by July 1, 2012. Consequently, virtually no areas served by CenturyTel or Embarq local operating companies, in any state, will be underserved or unserved at the end of three years.

CenturyLink also agreed to meet targets for minimum download speeds. CenturyLink will ensure availability of retail broadband Internet access service with a download speed of 1.5 Mbps to 87% of the broadband eligible access lines by July 1, 2011. It will ensure availability with a download speed of 3 Mbps to 75% of broadband eligible access lines by July 1, 2010, to 78% of broadband eligible lines by July 1, 2011, and to 80% of broadband eligible lines within 3 years of the close date. Nationwide, our average tele-density is 23 customers per square mile. This commitment ensures availability of broadband even to very rural consumers.

The agency should consider the importance of this commitment, as CenturyLink's continuing investment inevitably will make applications that overlap CenturyLink service areas less viable. CenturyLink has proven, industry-leading experience in deploying broadband networks and services using both wireline and wireless technology, and a strong commitment and focus on rural areas. Today, it serves over 7 million access lines and 2.1 million broadband customers in 33 states.

Submitter: Community Broadband

Comment: Currently serving the cities of Mitchell and Fossil in this county with 2.4 and 5.8 Ghz wireless Internet.

-----**Service Area:** Valley, MT

Submitter: Nemont Telephone Cooperative, Inc.

Comment: The proposed funded service area is fully contained within the service area of Nemont Telephone Cooperative, Inc (Nemont). Nemont is not aware of broadband services provided by others in the area. This funded service area has been defined as 'unserved' when Nemont can demonstrate that, not only is the designation of "unserved" not applicable, this area does not qualify as 'underserved' when discounting the abandoned housing in the decommissioned Glasgow Air Force Base. The services that Nemont offers and provides in this proposed funded service area far exceed the thresholds set of more than 10% of households having access to broadband service (as defined in the NOFA).

-----**Service Area:** Modoc, CA

Submitter: Cal-Ore Telephone Co.

Comment: Cal-Ore Telephone Co. provides Digital Subscriber Line broadband service in Dorris, CA, Macdoel, CA, Tulelake, CA and Newell, CA at speeds exceeding the NOFA definition. The service is offered at 90% of customer locations with the remaining 10% able to be served with wireless broadband

. Speeds are offered and subscribed which exceed 3M downstream. Subscribership exceeds 54% of locations within regulated telephone exchange areas.

-----**Service Area:** Washington, ME

Submitter: Union River Telephone Co.

Comment: NOTE: This response should be used in place of the response filed on 10/21/09. The map on the 10/21/09 filing was drawn incorrectly.

Union River Telephone Company currently offers DSL service to all in its' service area. Union River Telephone Co. has current RUS financing (ME 505) to rebuild its' entire service area with Fiber to the Home (FTTH). We are currently building Phase II and expect to bid out Phase III in December. This project will be complete by year end 2010.

Union River Telephone Company's service area is neither unserved nor underserved.

We note that there are three areas in this proposal that overlap our current service area.

Particular communities in Union River's area that are overlapped by this proposal are:

WASHINGTON COUNTY - Beddington town, Deblois town and North Washington UT

-----**Service Area:** Stanley, SD

Submitter: Qwest

Comment: As authorized by the BIP and BTOP Notice of Funds Availability and the Public Notice associated with the publication of BIP and BTOP broadband infrastructure project funding applications found on the BroadbandUSA.gov website, Qwest responds with broadband service data to the application of Echostar Stanley for funding for an area represented as “unserved” that is located, in whole or in part, in Qwest’s broadband service area.

Submitter: Golden West Telecommunications

Comment: Golden West is providing information regarding the number of residential households and business establishments capable of receiving broadband in the area that the applicant's PFSA overlaps the respondent's service area. Golden West is also providing information regarding the number of existing customers purchasing broadband service in the area of overlap. Golden West’s overlapping broadband service area, at a minimum defined as 768k downstream and 200k upstream are displayed on the associated mapping tool. In the area of overlap, greater than 50% of households have access to facilities-based broadband service. Golden West also advertises broadband transmission speeds of at least 3 Mbps downstream within the area of overlap. Accordingly, the area of overlap is not underserved. The number of business establishments reported is inaccurate as it includes business establishments with zip codes from the area of overlap even though the businesses are physically located outside the area of overlap. Due to this fact, the broadband penetration may be calculated to be much lower than it actually is.

-----**Service Area:** Throckmorton, TX

Submitter: Windstream

Comment: Windstream’s data strongly suggest that the proposed funded service area likely does not qualify as an unserved area. Windstream offers facilities-based, terrestrial broadband service at advertised speeds of greater than 768 kbps downstream and 200 kbps upstream to some of the households within 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 unserved.

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 “unserved area” as follows: “Unserved area means a proposed funded service area, composed of one or more contiguous census blocks, where at least 90 percent of households in the proposed funded service area lack access to facilities-based, terrestrial broadband service, either fixed or mobile, at the minimum broadband transmission speed (set forth in the definition of broadband above). A household has access to broadband service if the household can readily subscribe to that service upon request.”

-----**Service Area:** Powder River, MT

Submitter: Range Telephone Cooperative

Comment: Range Telephone Cooperative, Inc. (Range) is an Independent Local Exchange Carrier (ILEC) and a Competitive Local Exchange Carrier (CLEC) serving 5490 access lines in rural Southeastern Montana. Range service area includes the Northern Cheyenne Indian Reservation and a portion of the Crow Reservation including the towns of Lame Deer and Busby, Montana. The counties included are Carter, Custer, Rosebud, Powder River, Treasure and Big Horn in Montana. Range is an active RUS borrower with loan funds due for completed projects and loan funds being requested for new projects and upgrades. Range will start a 5 yr RUS construction plan in 2010 to place buried fiber optic cable in various locations within Range’s service area to enhance existing broadband backhaul and provide future FTTH. 73% of Range’s serving area subscriber households and business locations are capable of 3mb service today. Approximately 52% of Range residential households in the applicants proposed funded service area already subscribe to 3 mb or 1.5 mb service today.

The applicant’s proposed funded service area that overlaps Range’s service area in Montana is not unserved or underserved as represented in the applicant’s proposal.

With respect to the Echostar Broadband application for broadband funds support in Powder River County Montana , their comments that the areas are 75%-90% unserved or underserved are not true.

We serve all of Powder River County and it is 1.5 mb or higher broadband service capable. The area we serve is very rural but we still are trying to meet our customer's broadband needs.

Range has been providing excellent communication services to this area for over 40 years. Range used RUS loan funds to build the infrastructure in this area to get customers communication service. Range is a Cooperative that is owned by its members and they get the same high quality communication services. We are currently in the process of upgrading our backbone fiber with electronics that will further improve the broadband services in this area. We will utilize RUS loan funds from our recent application (not stimulus related) to eventually try to get our members/customers 100 mb of broadband in the next 4 to 5 years.

Range is very sensitive to its member/owner's needs and we have focused the majority of our efforts on improving broadband services to them. EchoStar's comments that much of the area that they applied for is unserved or underserved are not true in the case of our service area in Powder River County. Range has 3 employees that already reside very near to that area and service those customers professionally.

-----**Service Area:** Wilcox, GA

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:** King, TX

Submitter: Cap Rock Telephone Cooperative, Inc.

Comment: King County Texas is being labeled as an Unserved rural area. We challenge the position regarding King County Texas considered as an unserved location.

As the Incumbent Local Exchange Carrier in this rural area (see map) we provide landline and broadband service offerings throughout King County Texas including the community of Guthrie. It should be noted the rural areas are sparsely populated and providing these services is challenging. The community of Guthrie, Texas is the lone populated community in King County Texas. This community has satellite broadband service providers available to all residents and business in addition to Cap Rock services. Cap Rock Telephone Cooperative, Inc. has and will continue to invest in providing services to customers in

rural Texas including King County Texas. Due to competition it is our request that any proprietary information contained within this formal response filing is kept confidential.

-----**Service Area:** Stonewall, TX

Submitter: Cap Rock Telephone

Comment: Stonewall County Texas is being labeled as an Unserved rural area. We challenge the position regarding Stonewall County Texas considered as an unserved location.

As the Incumbent Local Exchange Carrier in the rural area (see map) we provide landline and broadband service offerings throughout portions of Stonewall County Texas including the small communities of Peacock and Swenson. It should be noted the rural areas are sparsely populated and prove challenging when providing service. Cap Rock Telephone Cooperative, Inc. has and will continue to invest in providing services to customers in rural Texas including Stonewall County Texas.

Cap Rock Telephone Cooperative, Inc. is currently one broadband service provider in the Stonewall county rural area. Competition exists with limited potential customers. Satellite service providers are available to a number of residential and smaller numbers of businesses located in rural Stonewall County Texas. Due to competition it is our request that any proprietary information contained within this formal response filing is kept confidential.

Submitter: Windstream

Comment: Windstream's data strongly suggest that the proposed funded service area likely does not qualify as an unserved area. Windstream offers facilities-based, terrestrial broadband service at advertised speeds of greater than 768 kbps downstream and 200 kbps upstream to some of the households within 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 unserved.

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 “unserved area” as follows: “Unserved area means a proposed funded service area, composed of one or more contiguous census blocks, where at least 90 percent of households in the proposed funded service area lack access to facilities-based, terrestrial broadband service, either fixed or mobile, at the minimum broadband transmission speed (set forth in the definition of broadband above). A household has access to broadband service if the household can readily subscribe to that service upon request.”

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:** Garza, TX

Submitter: Poka Lambro Telephone Cooperative, Inc.

Comment: Poka Lambro is a member-owned provider and has been providing quality telecommunications services within the proposed funding area since 1950. Poka Lambro currently provides both terrestrial and wireless broadband service that is ubiquitous throughout its service area.

Submitter: Windstream

Comment: Windstream’s data strongly suggest that the proposed funded service area likely does not qualify as an unserved area. Windstream offers facilities-based, terrestrial broadband service at

advertised speeds of greater than 768 kbps downstream and 200 kbps upstream to some of the households within 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 unserved.

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 "unserved area" as follows: "Unserved area means a proposed funded service area, composed of one or more contiguous census blocks, where at least 90 percent of households in the proposed funded service area lack access to facilities-based, terrestrial broadband service, either fixed or mobile, at the minimum broadband transmission speed (set forth in the definition of broadband above). A household has access to broadband service if the household can readily subscribe to that service upon request."

Submitter: Cap Rock Telephone Cooperative, Inc.

Comment: Garza County Texas is being labeled as an Unserved rural area. We challenge the position regarding Garza County Texas considered an unserved location.

As the Incumbent Local Exchange Carrier in a portion of this rural area (see map) we provide landline and broadband service offerings in the eastern, northeastern, southern and southeastern locations of Garza County Texas. Equally as important the rural areas are sparsely populated and provide a challenge in providing these services. Most populated rural areas within Garza County Texas have broadband services available. A majority of potential customers do not choose to receive the service today. Cap Rock Telephone Cooperative, Inc. has and will continue to invest in providing services to customers in rural Garza County Texas.

Cap Rock Telephone Cooperative, Inc. is currently one broadband service provider in the Garza county rural area. Competition exists with limited potential customers in this area. Satellite service providers and wireless broadband opportunities are available to these residents and businesses located in rural Garza County Texas. Due to competition it is our request that any proprietary information contained within this formal response filing is kept confidential.

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:** Parmer, TX

Submitter: ENMR Telephone Cooperative, Inc.

Comment: ENMR currently serves western Parmer county with DSL as part of its telephone service area.

Submitter: Windstream

Comment: Windstream's data strongly suggest that the proposed funded service area likely does not qualify as an unserved area. Windstream offers facilities-based, terrestrial broadband service at advertised speeds of greater than 768 kbps downstream and 200 kbps upstream to some of the households within 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 unserved.

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 “unserved area” as follows: “Unserved area means a proposed funded service area, composed of one or more contiguous census blocks, where at least 90 percent of households in the proposed funded service area lack access to facilities-based, terrestrial broadband service, either fixed or mobile, at the minimum broadband transmission speed (set forth in the definition of broadband above). A household has access to broadband service if the household can readily subscribe to that service upon request.”

-----**Service Area:** Hamilton, IL

Submitter: NewWave Communications

Comment: NewWave currently serves this area along with another provider, so service is widely available. NewWave serves 10 percent of customers vs. homes passed and offers 3 MG or higher to all.

-----**Service Area:** Sully, SD

Submitter: Venture Communications Cooperative

Comment: Venture Communications Cooperative demonstrates that it provides broadband service throughout the Sully County area which is encompassed in the proposed funded Service Area in the EchoStar Broadband I LLC. application and that the proposed funded Service Area is not unserved or underserved.

As demonstrated, virtually 100% of households in Venture’s service territory within the proposed funded Service Area are able to readily subscribe upon request to facilities-based, terrestrial broadband

services with an advertised speed of greater than 768 kbps downstream and 200 kbps upstream from Venture; virtually 100% of the households in Venture's service territory within the proposed funded Service Area have access to facilities-based, terrestrial broadband service at greater than the minimum broadband transmission speed as set forth in the definition of broadband; Venture advertises broadband service at broadband transmission speeds of at least 3 megabits per second downstream throughout the proposed funded Service Area; and the rate of broadband subscribership for the proposed funded Service Area is greater than 40 percent of households.

-----**Service Area:** Apache, AZ

Submitter: TableTop Telephone Company

Comment: Table Top Telephone Company, Inc. believes the applicant for Broadband Stimulus Funding should be denied.

-----**Service Area:** Lemhi, ID

Submitter: Custer Telephone Cooperative, Inc.

Comment: Custer Telephone Cooperative, Inc. has provided Broadband service in the identified map area for the past several years. We currently provide Broadband service with the following technologies: Fiber to the node (DSL), Fiber to the Home (FTTH), DOCSIS Cable modem service, and Non-licensed wireless service.

Our primary capital funding source to invest in the latest broadband technology is the United States Department of Agriculture's RUS (Rural Utility Service) program.

The other broadband providers that we compete with in areas we serve are Verizon Wireless, Alltel Wireless, AT&T Wireless, CenturyTel, and Wild Blue Satellite.

We respectfully request EchoStar Broadband I LLC's application be denied for the following reasons: (1) Affordable Broadband service is being provided through funding from USDA's RUS program, (2) Competition currently exists in the area, (3) The applicant failed to adequately research the area for existing providers and therefore provided incorrect or untrue information in their application.

Submitter: CenturyLink

Comment: The proposed service areas are not wholly underserved or unserved.

CenturyLink is submitting data that shows the application's proposed service area is not underserved or unserved, under program guidelines. Accordingly, the application must be denied as ineligible. With limited funding and a large pool of applications, program grants and loans must be directed only to areas that are truly underserved or unserved, as stipulated in the program guidelines.

CenturyLink can certify that its affiliates currently offer broadband service in some or all of the applicant's proposed service areas. Attached is a state map that is a representative sample of areas where the application overlaps our existing broadband deployment. CenturyLink also provides data showing broadband availability in our local telephone exchanges within the proposed service areas. We will provide additional information on request if that will further assist the agency's review.

This data is not exhaustive; the application may include other areas also currently served with broadband by other providers, which should be considered in the assessment of the application. Our data combined with that of other broadband providers would likely show further duplication and overlap of broadband services in the proposed service areas.

CenturyLink has committed to upgrade and extend broadband.

CenturyLink has an extensive broadband footprint today, and has committed to extend that service even further. As part of its merger commitments to the Federal Communications Commission, CenturyLink committed to offer retail broadband Internet access service to 100% of its broadband eligible access

lines by July 1, 2012. Consequently, virtually no areas served by CenturyTel or Embarq local operating companies, in any state, will be underserved or unserved at the end of three years.

CenturyLink also agreed to meet targets for minimum download speeds. CenturyLink will ensure availability of retail broadband Internet access service with a download speed of 1.5 Mbps to 87% of the broadband eligible access lines by July 1, 2011. It will ensure availability with a download speed of 3 Mbps to 75% of broadband eligible access lines by July 1, 2010, to 78% of broadband eligible lines by July 1, 2011, and to 80% of broadband eligible lines within 3 years of the close date. Nationwide, our average tele-density is 23 customers per square mile. This commitment ensures availability of broadband even to very rural consumers.

The agency should consider the importance of this commitment, as CenturyLink's continuing investment inevitably will make applications that overlap CenturyLink service areas less viable. CenturyLink has proven, industry-leading experience in deploying broadband networks and services using both wireline and wireless technology, and a strong commitment and focus on rural areas. Today, it serves over 7 million access lines and 2.1 million broadband customers in 33 states.

-----**Service Area:** Lafayette, AR

Submitter: Walnut Hill Telephone Co.

Comment: Walnut Hill Telephone Company demonstrates that the application filed by Echostar Broadband I, LLC is incorrect in its claim that the area it proposes to serve which overlaps Walnut Hill Telephone's service area is unserved. Further, Walnut Hill Telephone demonstrates that the area Echostar Broadband I, LLC proposes to serve which overlaps Walnut Hill Telephone's service area does not meet all of the criteria which categorize an area as underserved.

As demonstrated, 99% of households in Walnut Hill Telephone's service area, including those areas which are part of Echostar Broadband I, LLC's proposed funded service area, are able to readily subscribe upon request to facilities-based, terrestrial broadband services at a minimum transmission speed of greater than 768 kbps downstream and 200 kbps upstream from Walnut Hill Telephone. Therefore, Echostar Broadband I, LLC's claim that this overlapping area is unserved is incorrect. Further,

no part of this overlapping area is underserved on the basis of access to broadband service. In addition, Walnut Hill Telephone demonstrates that the rate of broadband subscribership for households in the part of the proposed funded service area which overlaps Walnut Hill Telephone's service area is significant.

Submitter: Windstream

Comment: Windstream's data strongly suggest that the proposed funded service area likely does not qualify as an unserved area. Windstream offers facilities-based, terrestrial broadband service at advertised speeds of greater than 768 kbps downstream and 200 kbps upstream to some of the households within 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 unserved.

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-----**Service Area:** Knox, MO

Submitter: Mark Twain Rural Telephone Company

Comment: The application submitted by EchoStar Broadband I L.L.C. contains inaccurate and incomplete information and, consistent with the NOFA, should be rejected. EchoStar Broadband I L.L.C. incorrectly classifies a significant portion of the proposed service area that is currently being served by Mark Twain as “unserved” and / or “underserved” as defined by the NOFA. Mark Twain responds by providing evidence and supporting documentation to prove that these areas served by Mark Twain are in fact adequately “served” with copper, wireless and / or fiber optic facilities. Mark Twain herein provides proof that all subscribers in the designated areas served by Mark Twain have access to adequate and affordable broadband service that exceeds 3 Mbps. As such, the proposed service area contained in the application that is currently served by Mark Twain should not be eligible for funding according to the NOFA rules and regulations posted by NTIA and RUS.

Submitter: Northeast Missouri Rural Telephone Company

Comment: The application submitted by EchoStar Broadband I L.L.C. contains inaccurate and incomplete information for the proposed funded service area. Northeast Missouri Rural Telephone Company (NEMR) demonstrates that it provides broadband service with download speeds greater than 768K to 100% of the households and businesses located within its service territory. As such, this area is “SERVED” based on the definitions as established in the Notice of Funds Availability (NOFA). In this public notice response NEMR is providing; 1) a map of the overlapping area where NEMR provides broadband services, 2) NEMR’s DSL high speed Internet advertising 3) the number of residential households and business establishments capable of receiving broadband services from NEMR within our service area, 4) the number of residential households and business establishments subscribing to our broadband, 5) the advertised download and upload speeds and service rates, and 6) comments addressing the existing services offered within the proposed funded service area.

-----**Service Area:** Clark, MO

Submitter: Northeast Missouri Rural Telephone Company

Comment: The application submitted by EchoStar Broadband I L.L.C. contains inaccurate and incomplete information for the proposed funded service area. Northeast Missouri Rural Telephone Company (NEMR) demonstrates that it provides broadband service with download speeds greater than 768K to 100% of the households and businesses located within its service territory. As such, this area is “SERVED” based on the definitions as established in the Notice of Funds Availability (NOFA). In this public notice response NEMR is providing; 1) a map of the overlapping area where NEMR provides broadband services, 2) NEMR’s DSL high speed Internet advertising 3) the number of residential households and business establishments capable of receiving broadband services from NEMR within our

service area, 4) the number of residential households and business establishments subscribing to our broadband, which is 44.4% of households and 71.0% of businesses; 5) the advertised download and upload speeds and service rates, and 6) comments addressing the existing services offered within the proposed funded service area.

-----**Service Area:** Inyo, CA

Submitter: Suddenlink Communications

Comment: This application, filed by a satellite provider of broadband services, proposes a multi-state funded service area (FSA), within which Suddenlink provides wireline broadband services. The sizable number of responses that Suddenlink needed to file as part of this overall process, and the 30-day window in which we were allowed to do so, prohibited us from mapping all Suddenlink-served areas within this particular, multi-state FSA. Accordingly, for the purposes of our response to this application, we have mapped one Suddenlink service area as an example of the company's many service areas within the applicant's proposed FSA. Suddenlink requests that the agency reviewing this response take special care to determine ALL of the served areas in the applicant's FSA and restrict any awarded funds to the provision of broadband service in the unserved and underserved portions of the proposed FSA.

Additional information is provided in the uploaded document, including (1) sample marketing material; (2) a guide on how to read the data we entered in the "Existing Broadband Subscribers" section of this response; (3) a summary of the vendor and methodology used for estimating competitive-service subscribers in the mapped area; (4) Suddenlink contact information, should one or more federal agencies have questions or require additional information; and (5) a summary of concerns with the response process and the limitations that process has placed on our ability to provide NTIA/RUS with relevant, timely data.

-----**Service Area:** Union, NM

Submitter: ENMR Telephone Cooperative, Inc.

Comment: ENMR currently serves much of Union County with DSL as part of its telephone service area.

Submitter: Baca Valley Telephone Company, Inc.

Comment: Baca Valley Telephone Company, Inc. provides areas of rural Union County New Mexico with 1 MB downstream and 384 Kbps upstream DSL service. We currently provide DSL to the rural communities of Des Moines, Folsom, Greenville and Capulin. Based on the NOFA definition of “unserved”, where at least 90 percent of households lack access to facilities-based, terrestrial broadband service at the minimum broadband transmission speed of 768 kbps downstream and 200 kbps upstream, the areas of Union County where we serve is NOT “unserved”, as Satellite Broadband ARRA Application LLC as indicated.

-----**Service Area:** Wirt, WV

Submitter: Suddenlink

Comment: This application, filed by a satellite provider of broadband services, proposes a multi-state funded service area (FSA), within which Suddenlink provides wireline broadband services. The sizable number of responses that Suddenlink needed to file as part of this overall process, and the 30-day window in which we were allowed to do so, prohibited us from mapping all Suddenlink-served areas within this particular, multi-state FSA. Accordingly, for the purposes of our response to this application, we have mapped one Suddenlink service area as an example of the company’s many service areas within the applicant’s proposed FSA. Suddenlink requests that the agency reviewing this response take special care to determine ALL of the served areas in the applicant’s FSA and restrict any awarded funds to the provision of broadband service in the unserved and underserved portions of the proposed FSA.

Additional information is provided in the uploaded document, including (1) sample marketing material; (2) a guide on how to read the data we entered in the “Existing Broadband Subscribers” section of this response; (3) a summary of the vendor and methodology used for estimating competitive-service subscribers in the mapped area; (4) Suddenlink contact information, should one or more federal agencies have questions or require additional information; and (5) a summary of concerns with the

response process and the limitations that process has placed on our ability to provide NTIA/RUS with relevant, timely data.

Submitter: Armstrong Telephone Company-Northern Division

Comment: Significant portions of the proposed funded service area (PFSA) in the above Application do not satisfy the BIP or BTOP definitions of "unserved" or "underserved," and thus, should not be eligible to receive BIP or BTOP funding. Armstrong Telephone provides broadband service at speeds of 3MBPS or greater throughout the portions of Applicant's PFSA mapped in this response. (Advertisement uploaded). Armstrong's high speed broadband network passes more than 50%, and high speed broadband exceeds 40%, of households within the areas of Applicant's PFSA mapped herein. Given the presence of other broadband service providers in neighboring towns, it is reasonable to conclude that Applicant has failed to meet the required showings for its entire PFSA, and its application should be denied. At a minimum, Applicant has failed to meet the required showing in the portions of its PFSA served by Armstrong, and therefore, its Application should be denied with respect to the areas mapped herein.

-----**Service Area:** Cottle, TX

Submitter: Cap Rock Telephone Cooperative, Inc.

Comment: Cottle County Texas is being labeled as an Unserved rural area. We challenge this position regarding Cottle County Texas labeled as an unserved location.

As the Incumbent Local Exchange Carrier in this rural area (see map) we provide landline and broadband service offerings throughout locations of Cottle County Texas. Equally as important the rural areas are sparsely populated and providing these services is challenging. The community of Paducah, Texas is the lone populated community in Cottle County Texas. Cap Rock Telephone Cooperative, Inc. has and will continue to invest in providing services to customers in rural Texas including Cottle County Texas.

Cap Rock Telephone Cooperative, Inc. is currently one broadband service provider in the Cottle county rural area. Competition exists with a limited number of potential customers in this area. Satellite service providers, cable broadband service providers and wireless broadband opportunities are available to a number of residential and businesses located in Cottle County Texas. Due to competition it is our request that any proprietary information contained within this formal response filing is kept confidential.

-----**Service Area:** Brooks, TX

Submitter: Time Warner Cable Inc

Comment: As shown in the attached map and exhibit, TWC currently provides broadband Internet access service in the Proposed Funded Service Area. In addition, we advertise service of speeds above 3 Mbps throughout this service area. We pass over 50% of households, and either (1) have actual broadband subscribership of over 40% of the households in these census blocks or (2) the combined broadband subscribership of the wireline broadband providers (including TWC) in these census blocks is reasonably likely to exceed 40%. Therefore, that portion of the proposed funded service area that overlaps Respondent's service area reflected in this response is neither "unserved" or "underserved."

-----**Service Area:** Lincoln, NV

Submitter: Lincoln County Telephone System, Inc.

Comment: LCTS is the terrestrial incumbent service provider fully overlapping the service area of the applicant. LCTS contends that the service area is neither "Underserved" or "Unserved". More than 90% of households within the proposed "Unserved" service area have access to the defined minimum download speed. For the proposed "Underserved" area, LCTS contends that all thresholds have been met. Furthermore, LCTS has utilized and is currently drawing from a RUS Broadband loan in deploying its FTTH platform to accommodate the robust levels of broadband connectivity that will be required in the future.

-----**Service Area:** Custer, ID

Submitter: Custer Telephone Cooperative, Inc.

Comment: Custer Telephone Cooperative, Inc. has provided Broadband service in the identified map area for the past several years. We currently provide Broadband service with the following technologies: Fiber to the node (DSL), Fiber to the Home (FTTH).

Our primary capital funding source to invest in the latest broadband technology is the United States Department of Agriculture's RUS (Rural Utility Service) program.

The other broadband providers that we compete with in areas we serve are Verizon Wireless, Alltel Wireless, AT&T Wireless, and Wild Blue Satellite.

We respectfully request EchoStar Broadband I LLC's application be denied for the following reasons: (1) Affordable Broadband service is being provided through funding from USDA's RUS program, (2) Competition currently exists in the area, (3) The applicant failed to adequately research the area for existing providers and therefore provided incorrect or untrue information in their application.

-----**Service Area:** Borden, TX

Submitter: Poka Lambro Telephone Cooperative, Inc.

Comment: xx

-----**Service Area:** Maverick, TX

Submitter: Time Warner Cable Inc

Comment: As shown in the attached map and exhibit, TWC currently provides broadband Internet access service in the Proposed Funded Service Area. In addition, we advertise service of speeds above 3 Mbps throughout this service area. We pass over 50% of households, and either (1) have actual broadband subscribership of over 40% of the households in these census blocks or (2) the combined broadband subscribership of the wireline broadband providers (including TWC) in these census blocks is reasonably likely to exceed 40%. Therefore, that portion of the proposed funded service area that overlaps Respondent's service area reflected in this response is neither "unserved" or "underserved."

-----**Service Area:** Harding, NM

Submitter: ENMR Telephone Cooperative, Inc.

Comment: ENMR currently serves all of Harding County with DSL as part of its telephone service area.

-----**Service Area:** Montgomery, GA

Submitter: Plant Telecommunications

Comment: Plant Telecommunications ("Plant") is responding to this Public Notice Filing regarding EchoStar Broadband, LLC application for broadband funding under the ARRA. The applicant's proposed funded service area is located in middle Georgia and covers parts of Montgomery County. Plant is an incumbent broadband provider that currently offers broadband service (as defined in the NOFA) to 95% of its service area as outlined in response area map in Montgomery County. For the proposed funded service area which overlaps with Plant' incumbent service area, the applicant claims that it is "underserved". The data provided in this response demonstrates that the applicant's claim that the overlap with the proposed funded service area is "underserved" is not true.

Submitter: Glenwood Telephone Company

Comment: Glenwood Telephone Company serves a 13 square mile area in Wheeler and Laurens County Georgia. We provide High Speed DSL Service to 100% of our customers with speeds ranging from 3MB Down / 512 UP to 6 MB Down / 768 UP.

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:** Golden Valley, MT

Submitter: Mid-Rivers Communications

Comment: As shown on our response map, many areas of Golden Valley County, Montana, including the communities of Lavina and Ryegate, are NOT UNSERVED as the Applicant has indicated. Mid-Rivers Communications is the Incumbent Local Exchange provider for the communities of Lavina and Ryegate and much of the balance of Golden Valley County, which is one of the least populated counties in the state. We currently provide and advertise broadband speeds of up to 5 Mbps DOWNSTREAM / 1 Mbps UPSTREAM in both Lavina and Ryegate, and broadband of at least 768 Kbps downstream in other areas of the County indicated on the response map. We have been providing affordable, reliable wireline broadband to the schools, ambulance services, fire departments, and other vital community facilities in these areas for several years utilizing existing funding sources, and have plans to build Fiber to the Premise (FTTP) facilities to this Exchange in the future utilizing a recently-approved Rural Utilities Service (RUS) loan.

-----**Service Area:** Wilkin, MN

Submitter: Rothsay Telephone Co. Inc

Comment: The Rothsay Telephone Co. is currently plowing fiber optic cable to the house in order to provide virtually unlimited bandwidth in our service area.

Submitter: Red River Rural Telephone

Comment: Red River Rural Telephone demonstrates that it provides broadband service throughout Wilkin County which is encompassed in the proposed funded Service Area in the EchoStar Broadband I LLC application and that the proposed funded Service Area is not unserved or underserved.

As demonstrated, 100% of households in Red River's service territory within the proposed funded Service Area are able to readily subscribe upon request to facilities-based, terrestrial broadband services with an advertised speed of greater than 768 kbps downstream and 200 kbps upstream from Red River; 100% of the households in Red River's service territory within the proposed funded Service Area have access to facilities-based, terrestrial broadband service at greater than the minimum broadband transmission speed as set forth in the definition of broadband; Red River advertises broadband service

at broadband transmission speeds of at least 3 megabits per second downstream throughout the proposed funded Service Area; and the rate of broadband subscribership for the proposed funded Service Area is greater than 40 percent of households.

-----**Service Area:** Jackson, SD

Submitter: Golden West Telecommunications

Comment: Golden West is providing information regarding the number of residential households and business establishments capable of receiving broadband in the area that the applicant's PFSA overlaps the respondent's service area. Golden West is also providing information regarding the number of existing customers purchasing broadband service in the area of overlap. Golden West's overlapping broadband service area, at a minimum defined as 768k downstream and 200k upstream are displayed on the associated mapping tool. In the area of overlap, greater than 50% of households have access to facilities-based broadband service. Golden West also advertises broadband transmission speeds of at least 3 Mbps downstream within the area of overlap. Accordingly, the area of overlap is not underserved. The number of business establishments reported is inaccurate as it includes business establishments with zip codes from the area of overlap even though the businesses are physically located outside the area of overlap. Due to this fact, the broadband penetration may be calculated to be much lower than it actually is.

-----**Service Area:** Lafayette, FL

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:** Lincoln, ID

Submitter: DigitalBridge Communications Corp.

Comment: DigitalBridge Communications (“DBC”) currently offers true 4G, WiMAX broadband service in the applicant’s PFSA, serving an active base of residential and business subscribers in the PFSA. Other companies also serve the PFSA - DBC actively competes with cable (Cable One) and DSL (Qwest) broadband providers in the PFSA. DBC estimates 75% overlap of its coverage with the PFSA based on households served.

Submitter: Safelink Internet

Comment: Lincoln County is already served by 5 last mile providers.

-----**Service Area:** Hyde, SD

Submitter: Venture Communications Cooperative

Comment: Venture Communications Cooperative demonstrates that it provides broadband service throughout the Hyde County area which is encompassed in the proposed funded Service Area in the EchoStar Broadband I LLC. application and that the proposed funded Service Area is not unserved or underserved.

As demonstrated, virtually 100% of households in Venture's service territory within the proposed funded Service Area are able to readily subscribe upon request to facilities-based, terrestrial broadband services with an advertised speed of greater than 768 kbps downstream and 200 kbps upstream from Venture; virtually 100% of the households in Venture's service territory within the proposed funded Service Area have access to facilities-based, terrestrial broadband service at greater than the minimum broadband transmission speed as set forth in the definition of broadband; Venture advertises broadband service at broadband transmission speeds of at least 3 megabits per second downstream throughout the proposed funded Service Area; and the rate of broadband subscribership for the proposed funded Service Area is greater than 40 percent of households.

-----**Service Area:** Wayne, IL

Submitter: NewWave Communications

Comment: NewWave currently serves this area along with another provider, so service is widely available. 10 percent of customers vs. homes passed are served by NewWave. 3 MG or higher is offered to all.

-----**Service Area:** Maui, HI

Submitter: Hawaiian Telcom, Inc. Debtor-in-Possession

Comment: Over 50% of the households and businesses in the proposed funded service area have access to broadband service at greater than the minimum broadband speed from Hawaiian Telcom and other existing wireline providers and therefore, under the definitions in the NOFA, the proposed funded service area is not underserved and therefore has been inappropriately designated as either an unserved or underserved area in the subject application

-----**Service Area:** Taylor, FL

Submitter: GTC, Inc.

Comment: GTC, Inc. ("GTC") is responding to this Public Notice Filing regarding EchoStar Broadband I LLC's application for broadband funding under the ARRA. The applicant's proposed funded service area is Liberty County minus the city of Perry Florida. GTC is an incumbent broadband provider that currently offers broadband service (as defined in the NOFA) to 94% of the overlap with the applicant's proposed funded service area, as outlined in the response area map. The proposed funded service area overlaps completely with GTC's incumbent service area, and the applicant claims that approximately 30% of area is "unserved" and 70% of the area is "underserved". The data provided in this response demonstrates that the applicant's claim that the proposed funded service area is "unserved" and "underserved" is simply not true.

-----**Service Area:** Hawaii, HI

Submitter: Hawaiian Telcom, Inc. Debtor-in-Possession

Comment: Over 50% of the households and businesses in the proposed funded service area have access to broadband service at greater than the minimum broadband speed from Hawaiian Telcom and other existing wireline providers and therefore, under the definitions in the NOFA, the proposed funded

service area is not underserved and therefore has been inappropriately designated as either an unserved or underserved area in the subject application.

-----**Service Area:** San Miguel, NM

Submitter: ENMR Telephone Cooperative, Inc.

Comment: ENMR currently serves much of San Miguel County with DSL as part of its telephone service area.

-----**Service Area:** Carter, MT

Submitter: Mid-Rivers Communications

Comment: As shown on our response map, the community of Ekalaka and certain other areas of Carter County, Montana, are NOT UNSERVED OR UNDERSERVED as the Applicant has indicated. Mid-Rivers Communications is the Incumbent Local Exchange provider for the community of Ekalaka and the northern half of Carter County, Montana, which is one of the most rural counties in the Nation. We currently provide and advertise broadband at speeds up to 5 Mbps DOWNSTREAM / 1 Mbps UPSTREAM in Ekalaka and broadband of at least 768 Kbps downstream in other areas indicated on the response map. We have been providing affordable, reliable wireline broadband to the schools, critical access healthcare, city/county administration buildings, and other vital community facilities here since before broadband was even available in many of Montana's largest cities. Mid-Rivers has Fiber to the Premise (FTTP) build-out plans for additional areas of Carter County that are currently unserved to be funded through a recently approved Rural Utilities Service (RUS) loan, and we have also applied for ARRA funding to serve some of the most remote unserved subscribers to the North and Southwest of Ekalaka.

Submitter: Range Telephone Cooperative

Comment: Range Telephone Cooperative, Inc. (Range) is an Independent Local Exchange Carrier (ILEC) and a Competitive Local Exchange Carrier (CLEC) serving 5490 access lines in rural Southeastern

Montana. Range service area includes the Northern Cheyenne Indian Reservation and a portion of the Crow Reservation including the towns of Lame Deer and Busby, Montana. The counties included are Carter, Custer, Rosebud, Powder River, Treasure and Big Horn in Montana. Range is an active RUS borrower with loan funds due for completed projects and loan funds being requested for new projects and upgrades. Range will start a 5 yr RUS construction plan in 2010 to place buried fiber optic cable in various locations within Range's service area to enhance existing broadband backhaul and provide future FTTH. 73% of Range's serving area subscriber households and business locations are capable of 3mb service today. Approximately 42% of Range residential households in the applicants proposed funded service area already subscribe to 3 mb or 1.5 mb service today.

The applicant's proposed funded service area that overlaps Range's service area in Montana is not unserved or underserved as represented in the applicant's proposal.

With respect to the Echostar Broadband application for broadband funds support in Carter County Montana , their comments that the areas are 75%-90% unserved or underserved are not true. We do not serve all of Carter County but the portion we do is 1.5mb or higher broadband service capable. The area we serve is very rural but we still are trying to meet our customer's broadband needs.

Range has been providing excellent communication services to this area for over 40 years. Range used RUS loan funds to build the infrastructure in this area to get customers communication service. Range is a Cooperative that is owned by its members and they get the same high quality communication services. We are currently in the process of upgrading our backbone fiber with electronics that will further improve the broadband services in this area. We will utilize RUS loan funds from our recent application (not stimulus related) to eventually try to get our members/customers 100 mb of broadband in the next 4 to 5 years.

Range is very sensitive to it member/owner's needs and we have focused the majority of our efforts on improving broadband services to them. EchoStar's comments that much of the area that they applied for is unserved or underserved are not true in the case of our service area in Carter County. Range has 3 employees that already reside very near to that area and service those customers professionally.

-----**Service Area:** Deaf Smith, TX

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:** Aroostook, ME

Submitter: Time Warner Cable

Comment: As shown in the attached map and exhibit, TWC currently provides broadband Internet access service in the Proposed Funded Service Area. In addition, we advertise service of speeds above 3 Mbps throughout this service area. We pass over 50% of households, and either (1) have actual broadband subscribership of over 40% of the households in these census blocks or (2) the combined broadband subscribership of the wireline broadband providers (including TWC) in these census blocks is reasonably likely to exceed 40%. Therefore, that portion of the proposed funded service area that overlaps Respondent's service area reflected in this response is neither "unserved" or "underserved."

-----**Service Area:** De Baca, NM

Submitter: ENMR Telephone Cooperative, Inc.

Comment: ENMR currently serves much of De Baca County with DSL as part of its telephone service area.

-----**Service Area:** Lake, OR

Submitter: CenturyLink

Comment: The proposed service areas are not wholly underserved or unserved.

CenturyLink is submitting data that shows the application's proposed service area is not underserved or unserved, under program guidelines. Accordingly, the application must be denied as ineligible. With limited funding and a large pool of applications, program grants and loans must be directed only to areas that are truly underserved or unserved, as stipulated in the program guidelines.

CenturyLink can certify that its affiliates currently offer broadband service in some or all of the applicant's proposed service areas. Attached is a state map that is a representative sample of areas where the application overlaps our existing broadband deployment. CenturyLink also provides data showing broadband availability in our local telephone exchanges within the proposed service areas. We will provide additional information on request if that will further assist the agency's review.

This data is not exhaustive; the application may include other areas also currently served with broadband by other providers, which should be considered in the assessment of the application. Our data combined with that of other broadband providers would likely show further duplication and overlap of broadband services in the proposed service areas.

CenturyLink has committed to upgrade and extend broadband.

CenturyLink has an extensive broadband footprint today, and has committed to extend that service even further. As part of its merger commitments to the Federal Communications Commission, CenturyLink committed to offer retail broadband Internet access service to 100% of its broadband eligible access lines by July 1, 2012. Consequently, virtually no areas served by CenturyTel or Embarq local operating companies, in any state, will be underserved or unserved at the end of three years.

CenturyLink also agreed to meet targets for minimum download speeds. CenturyLink will ensure availability of retail broadband Internet access service with a download speed of 1.5 Mbps to 87% of the broadband eligible access lines by July 1, 2011. It will ensure availability with a download speed of 3 Mbps to 75% of broadband eligible access lines by July 1, 2010, to 78% of broadband eligible lines by July 1, 2011, and to 80% of broadband eligible lines within 3 years of the close date. Nationwide, our average tele-density is 23 customers per square mile. This commitment ensures availability of broadband even to very rural consumers.

The agency should consider the importance of this commitment, as CenturyLink's continuing investment inevitably will make applications that overlap CenturyLink service areas less viable. CenturyLink has proven, industry-leading experience in deploying broadband networks and services using both wireline and wireless technology, and a strong commitment and focus on rural areas. Today, it serves over 7 million access lines and 2.1 million broadband customers in 33 states.

-----**Service Area:** Harney, OR

Submitter: CenturyLink

Comment: The proposed service areas are not wholly underserved or unserved.

CenturyLink is submitting data that shows the application's proposed service area is not underserved or unserved, under program guidelines. Accordingly, the application must be denied as ineligible. With limited funding and a large pool of applications, program grants and loans must be directed only to areas that are truly underserved or unserved, as stipulated in the program guidelines.

CenturyLink can certify that its affiliates currently offer broadband service in some or all of the applicant's proposed service areas. Attached is a state map that is a representative sample of areas where the application overlaps our existing broadband deployment. CenturyLink also provides data showing broadband availability in our local telephone exchanges within the proposed service areas. We will provide additional information on request if that will further assist the agency's review.

This data is not exhaustive; the application may include other areas also currently served with broadband by other providers, which should be considered in the assessment of the application. Our data combined with that of other broadband providers would likely show further duplication and overlap of broadband services in the proposed service areas.

CenturyLink has committed to upgrade and extend broadband.

CenturyLink has an extensive broadband footprint today, and has committed to extend that service even further. As part of its merger commitments to the Federal Communications Commission, CenturyLink committed to offer retail broadband Internet access service to 100% of its broadband eligible access lines by July 1, 2012. Consequently, virtually no areas served by CenturyTel or Embarq local operating companies, in any state, will be underserved or unserved at the end of three years.

CenturyLink also agreed to meet targets for minimum download speeds. CenturyLink will ensure availability of retail broadband Internet access service with a download speed of 1.5 Mbps to 87% of the broadband eligible access lines by July 1, 2011. It will ensure availability with a download speed of 3 Mbps to 75% of broadband eligible access lines by July 1, 2010, to 78% of broadband eligible lines by July 1, 2011, and to 80% of broadband eligible lines within 3 years of the close date. Nationwide, our average tele-density is 23 customers per square mile. This commitment ensures availability of broadband even to very rural consumers.

The agency should consider the importance of this commitment, as CenturyLink's continuing investment inevitably will make applications that overlap CenturyLink service areas less viable. CenturyLink has proven, industry-leading experience in deploying broadband networks and services using both wireline and wireless technology, and a strong commitment and focus on rural areas. Today, it serves over 7 million access lines and 2.1 million broadband customers in 33 states.

-----**Service Area:** Gooding, ID

Submitter: DigitalBridge Communications Corp.

Comment: DigitalBridge Communications ("DBC") currently offers true 4G, WiMAX broadband service in the applicant's PFSA, serving an active base of residential and business subscribers in the PFSA. Other companies also serve the PFSA - DBC actively competes with cable (Cable One) and DSL (Qwest) broadband providers in the PFSA. DBC estimates 80% overlap of its coverage with the PFSA based on households served.

Submitter: Safelink Internet

Comment: Gooding County already has 5 last mile providers serving the area.

Submitter: Qwest

Comment: As authorized by the BIP and BTOP Notice of Funds Availability and the Public Notice associated with the publication of BIP and BTOP broadband infrastructure project funding applications found on the BroadbandUSA.gov website, Qwest responds with broadband service data to the

application of EchoStar Broadband I L.L.C. for funding for an area represented as “unserved” that is located, in whole or in part, in Qwest’s broadband service area.

-----**Service Area:** Sherman, TX

Submitter: Panhandle Telephone Cooperative, Inc.

Comment: Panhandle Telephone Cooperative, Inc. provides comments on this application regarding the underserved designation of the proposed funded area.

Submitter: Windstream

Comment: Windstream’s data strongly suggest that the proposed funded service area likely does not qualify as an unserved area. Windstream offers facilities-based, terrestrial broadband service at advertised speeds of greater than 768 kbps downstream and 200 kbps upstream to some of the households within 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 unserved.

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 “unserved area” as follows: “Unserved area means a proposed funded service area, composed of one or more contiguous census blocks, where at least 90 percent of households in the proposed funded service area lack access to facilities-based, terrestrial broadband service, either fixed or mobile, at the minimum broadband transmission speed (set forth in the definition of broadband above). A household has access to broadband service if the household can readily subscribe to that service upon request.”

-----**Service Area:** Foard, TX

Submitter: Santa Rosa Telephone Cooperative, Inc.

Comment: Santa Rosa Telephone Cooperative, Inc. provides comments on this application regarding the 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:** Crenshaw, AL

Submitter: Mon-Cre Telephone Cooperative, Inc.

Comment: Mon-Cre Telephone Cooperative, Inc. provides telecommunications and high-speed Internet services within the proposed service areas included in Crenshaw County, Alabama. Mon-Cre is an RUS loan recipient providing service to Crenshaw County at speeds of 1.5 MB or less and is the sole provider of telecom and Internet services in its service area. Crenshaw County thus may not qualify as an unserved and/or underserved area.

Submitter: Troy Cablevision, Inc.

Comment: Troy Cablevision, Inc. is a Cable Television, Internet and Telephone provider based in Troy, AL. Troy Cablevision, Inc. provides high speed Internet service at advertised speeds of up to 10 Mbps in

the southern Alabama cities of Troy, Banks, Brundidge, Goshen, Luverne, Rutledge, Glenwood, Elba, Brantley and many small communities in between. This application encroaches upon our current service area in areas highlighted by our response map below.

-----**Service Area:** Sierra, NM

Submitter: Baja Broadband Operating Company LLC

Comment: Baja Broadband provides cable modem service in Sierra County including Truth or Consequenses, Elephant Butte, and Williamsburg at speeds up to 6 Mbps. Other broadband providers include Windstream, which advertises speeds up to 12 Mbps.

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:** Wheeler, GA

Submitter: Glenwood Telephone Company

Comment: Glenwood Telephone Company serves a 13 square mile area in Wheeler and Laurens County Georgia. We provide High Speed DSL Service to 100% of our customers with speeds ranging from 3MB Down / 512 UP to 6 MB Down / 768 UP.

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:** Gulf, FL

Submitter: GTC, Inc.

Comment: GTC, Inc. (“GTC”) is responding to this Public Notice Filing regarding EchoStar Broadband I LLC’s application for broadband funding under the ARRA. The applicant’s proposed funded service area is Gulf County Florida minus the areas that comprise the cities of Port Saint Joe and Wewahitchka, Florida. GTC is an incumbent broadband provider that currently offers broadband service (as defined in the NOFA) to 86% of the overlap with the applicant’s proposed funded service area, as outlined in the response area map. The proposed funded service area overlaps completely with GTC’s incumbent service area, and the applicant claims that this area is “underserved”. The data provided in this response demonstrates that the applicant’s claim that the proposed funded service area is “underserved” is simply not true.

-----**Service Area:** Wayne, MS

Submitter: TDS Telecom

Comment: TDS Telecom offers 3Mbps broadband service within the applicants proposed service area and provides broadband service to customers pursuant to the NOFA definitions.

-----**Service Area:** Gallatin, IL

Submitter: Shawnee Telephone Company

Comment: EchoStar Broadband I L.L.C.'s application for Broadband Stimulus Funds is proposing to cover the exchange areas of Leamington and Equality that are served by Shawnee Telephone Company. We currently serve the areas marked on our overlay map by an existing combination of copper and fiber network that extends from our corporate headquarters in Equality, IL. In the public notice response Shawnee is providing; 1) a map of the overlapping area Shawnee provides broadband services, 2) Shawnee's DSL high speed internet advertising 3) the number of residential households and business establishments capable of receiving broadband services, 4) the number of residential households and business establishments subscribing to our broadband, 5) the advertised download and upload speeds and service rates, and 6) comments addressing the existing services offered within the proposed funded service area.

Submitter: Time Warner Cable

Comment: As shown in the attached map and exhibit, TWC currently provides broadband Internet access service in the Proposed Funded Service Area. In addition, we advertise service of speeds above 3 Mbps throughout this service area. We pass over 50% of households, and either (1) have actual broadband subscribership of over 40% of the households in these census blocks or (2) the combined broadband subscribership of the wireline broadband providers (including TWC) in these census blocks is reasonably likely to exceed 40%. Therefore, that portion of the proposed funded service area that overlaps Respondent's service area reflected in this response is neither "unserved" or "underserved."

-----**Service Area:** Mojave, AZ

Submitter: Rio Virgin Telephone & Cablevision dba Reliance Co

Comment: Rio Virgin provides broadband service in 100% of the proposed funded service area that overlaps our Arizona customer base. Broadband is available with a minimum 3 Mbps download speed to 100% of our customer base.

-----**Service Area:** Clearwater, ID

Submitter: Suddenlink Communications

Comment: This application, filed by a satellite provider of broadband services, proposes a multi-state funded service area (FSA), within which Suddenlink provides wireline broadband services. The sizable number of responses that Suddenlink needed to file as part of this overall process, and the 30-day window in which we were allowed to do so, prohibited us from mapping all Suddenlink-served areas within this particular, multi-state FSA. Accordingly, for the purposes of our response to this application, we have mapped one Suddenlink service area as an example of the company's many service areas within the applicant's proposed FSA. Suddenlink requests that the agency reviewing this response take special care to determine ALL of the served areas in the applicant's FSA and restrict any awarded funds to the provision of broadband service in the unserved and underserved portions of the proposed FSA.

Additional information is provided in the uploaded document, including (1) sample marketing material; (2) a guide on how to read the data we entered in the "Existing Broadband Subscribers" section of this response; (3) a summary of the vendor and methodology used for estimating competitive-service subscribers in the mapped area; (4) Suddenlink contact information, should one or more federal agencies have questions or require additional information; and (5) a summary of concerns with the response process and the limitations that process has placed on our ability to provide NTIA/RUS with relevant, timely data.

-----**Service Area:** McPherson, NE

Submitter: KeyArt Comm.

Comment: We are providing broadband service through our internet company lakemac.net to the customers in this area.

Submitter: Great Plains Communications, Inc.

Comment: The redacted version of the EchoStar Broadband I L.L.C. (EchoStar) application to provide satellite broadband services in various rural areas of numerous states contains broad and unsubstantiated assertions about the lack of broadband availability in these widespread areas. However, based on the two proposed funded service areas (PFSAs) contained in the application in which Great Plains Communications (GPC) currently provides broadband service, EchoStar's assertion that these PFSAs are unserved is blatantly inaccurate. This challenge deals with one of these two PFSAs, McPherson County.

GPC provides last mile broadband service to 40 census blocks in the McPherson County PFSA. Of the 283 housing units contained in the EchoStar McPherson County PFSA, 83 – or 29.3% -- have access to broadband from GPC. Therefore, GPC alone exceeds the threshold for broadband availability required for this PFSA to be considered "unserved."

Beyond the inaccuracy of the current availability of broadband service in this PFSA, the EchoStar application disregards the fact that the Notice of Funds Availability (NOFA) does not include satellite service in defining whether an area is underserved or unserved. Indeed, the NOFA specifically only considers access to facilities-based, terrestrial broadband service (fixed or mobile) as a basis for a designation of unserved. Thus, the EchoStar application should be rejected as it proposes to provide service via satellite, a technology that the NOFA itself has rejected as qualifying for consideration as broadband service under the rules that have been implemented.

Submitter: Consolidated Companies

Comment: Consolidated Companies is the parent company of four rural local exchange carriers, three of which provide telephone and broadband service to the PFSA for which Pinpoint has applied for broadband funding. Consolidated Companies' response polygon has been input to the mapping tool. One hundred percent of the households within the response polygon have access to broadband as defined in the NOFA.

The respondent provides, and advertises the availability of 3Mbps broadband service within the PFSA.

The respondent is aware that Great Plains Communications also provides broadband service within the applicant's proposed PFSA.

As the applicant proposal is wireless (satellite) the proposed broadband service will be subject to rain fade, line of sight and other limitations inherent to wireless systems.

By the portion of the NOFA definition of unserved, that 90 percent of households in the PFSA lack access to facilities based, terrestrial broadband service, the granting of this application would do nothing to change that status of this application as the applicant proposes satellite, which is not terrestrial based broadband. The applicant's PFSA's would still be unserved. This application should be rejected.

-----**Service Area:** Meagher, MT

Submitter: Central Montana Communications

Comment: Central Montana Communications provides broadband service in the area indicated in the attached map using DSL technologies. Because of the service offered by Central Montana Communications, this area does not meet the definition of unserved nor underserved under the ARRA. Central Montana Communications offers broadband to greater than 50% of the households in the area, advertises speeds of three mbps, and greater than 40% of the households within the area subscribe to broadband thru Central Montana Communications.

-----**Service Area:** Billings, ND

Submitter: Reservation Telephone Cooperative

Comment: The applicant contends that Billings County, ND in the Proposed Funded Service Area, which overlays an RTC service area, is unserved. As the incumbent service provider, and there are no competitors or the number is limited, RTC has access to sufficient information to determine whether the service area is unserved and has concluded it is not. According to RTC's analysis, 100 percent of the residential households in its service area have access to broadband service, as defined in the NOFA, and are capable of being served. 33 percent of the households capable of being served by RTC subscribe to broadband service. Additionally, RTC advertises broadband service which is capable of speeds over 3 Mbps in the service area, primarily through print media circulated in the service area. Most of this area is served by other carriers. RTC serves the Northwest corner of Billings County.

Submitter: Consolidated Telcom

Comment: Consolidated Telcom Cooperative service territory overlaps approximately 23.8 % of the Echo Star –Billings proposed funded service area (PFSA). Consolidated serves more than 10% of the area marked as unserved by the application thus disqualifying it as unserved. In addition, Consolidated serves the entire overlap area with service that is advertised at 4 Meg.

-----**Service Area:** Daviess, IN

Submitter: DigitalBridge Communications Corp.

Comment: DigitalBridge Communications ("DBC") currently offers true 4G, WiMAX broadband service in the applicant's PFSA, serving an active base of residential and business subscribers in the PFSA. Other companies also serve the PFSA - DBC actively competes with cable (Avenue) and DSL (AT&T) broadband providers in the PFSA. DBC estimates 60% overlap of its coverage with the PFSA based on households served.

Submitter: Avenue Broadband Communications, Inc.

Comment: Avenue provides 10 Mgbps and 3 Mgbps high speed internet to this Service Area. At&t also provides DSL service to this Service Area at advertised speeds of 3 Mgbps. Between Avenue and At&t, penetration levels exceed 40% of homes passed.

Submitter: International Broadband Electric Communications

Comment: IBEC is providing High Speed Internet services in this area under an existing RUS Rural Broadband Loan.

-----**Service Area:** Kauai, HI

Submitter: Hawaiian Telcom, Inc. Debtor-in-Possession

Comment: Over 50% of the households and businesses in the proposed funded service area have access to broadband service at greater than the minimum broadband speed from Hawaiian Telcom and other existing wireline providers and therefore, under the definitions in the NOFA, the proposed funded service area is not underserved and therefore has been inappropriately designated as either an unserved or underserved area in the subject application.

-----**Service Area:** Garfield, NE

Submitter: Nebraska Central Telephone Co.

Comment: The respondent (Nebraska Central Telephone Company) believes that the applicant EchoStar Broadband I LLC has misinterpreted the availability of Broadband Internet access service in the response polygon area that represents the respondent's service area. The respondent is a Local Exchange Carrier (Common Carrier) that offers wireline facilities based Broadband (high speed) Internet access service in the overlap area of the PFSA.

Respondent can provide Broadband Internet access service exceeding 768K downstream and 200K upstream speeds to over 98% of the households and businesses in its response polygon. In response to the PFSA, respondent's advertising copy has been uploaded showing the availability and advertising of service tiers of Broadband speeds up to 5MB downstream and 1 MB upstream. The advertising copy shows that the basic package of Broadband offered by the respondent exceeds the minimum speeds for categorization of a PFSA as "unserved". As such, the applicant's request for funds based on the area being "unserved" should be rejected.

In some cases, respondent does not cover an entire zip code with its response polygon, although the business counts generated by the system include all businesses in a reported zip code. As a result some of the business counts reflected in the "Businesses in Zip codes in Polygon" count are not included in respondent's response polygon (overlap area).

Submitter: Hamilton.net, Inc.

Comment: Hamilton.net just began offering unmetered broadband services using 3G 1xEVDO/Rev A in this location. Our brand name for this service is "GMAX". This service is configured as a data only solution and is intended to offer a competitive alternative to DSL and cable modem service.

-----**Service Area:** Jackson, MS

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: Cable One, Inc

Comment: Jackson , MS -

Cable One, Inc. is a multi-system broadband provider operating in 19 states. Cable One offers residential broadband service with speeds up to 10 MB and customizable commercial solutions with

flexible bandwidth offerings from 5Mbps to 1 Gbps. By November 1, 2009, the majority of Cable One systems will also be offering 12 Mb residential broadband service with a 20 MB boost. Cable One provides its subscribers with quality service offerings at competitive rates. Cable One expends substantial capital and resources to ensure that customers enjoy the latest technology and the highest standards of customer service, and has made its customers and its communities its first priority.

Please refer to our supporting documentation and comments that establish that Cable One already operates in census tract(s) encompassing or included in Applicant's Proposed Funded Service Area. The uploaded document includes maps showing census tracts and homes passed for each the applicable systems, current advertisements for residential and commercial broadband offerings, and subscriber data by census tract.

Cable one's current broadband service offerings are as follows:

Residential:

Economy, Speed (Down/up) - 1.5 Mb/150 kbps, Service Rate - \$20.00

Standard , Speed (Down/up) - 5 Mb/500 kbps, Service Rate - \$43.00

Premium, Speed (Down/up) - 10 Mb/1 Mb, Service Rate - \$53.00

Commercial:

Economy, Speed (Down/up) - 5 Mb/1.0 Mb, Service Rate - \$69.65

Standard, Speed (Down/up) - 10.0 Mb/1.0 Mb, Service Rate - \$85.95

Premium, Speed (Down/up) - 12.0 Mb/1.5 Mb, Service Rate - \$99.95

Ultra, Speed (Down/up) - 15.0 Mb/2.0 Mb, Service Rate - \$199.95

Enterprise Plus, Speed (Down/up) - 20.0 Mb/2.5 Mb, Service Rate - \$299.95

Discounted bundles and promotional pricing are also available.

Submitter: Franklin Telephone Company, Inc.

Comment: Respondent, Franklin Telephone Company, Inc., is a privately held Mississippi corporation and rural incumbent local exchange carrier which provides telecommunications, video, and broadband data services to residents in its licensed service areas. Over the years Respondent has utilized funds, including Rural Utilities Service funds, to invest in its network to deploy fiber optic and other state of the art network technologies to provide the residents of its licensed service areas with robust and technologically advanced access to broadband services. Currently, Respondent provides access to broadband services to ninety-eight percent (98%) of the residents in Respondent's service area. Therefore, no portion of Respondent's service area, including those which overlap with Applicant's proposed service area, are unserved.

-----**Service Area:** Slope, ND

Submitter: Consolidated Telcom

Comment: Consolidated Telcom service territory overlaps approximately 98% of the Echo Star - Slope proposed funded service area (PFSA) households. Consolidated serves more than 10% of the area marked as unserved by the application thus disqualifying it as unserved. In addition, Consolidated serves the entire overlap area with service that is advertised at 3 Meg.

-----**Service Area:** Oregon, MO

Submitter: Boycom Cablevision Inc.

Comment: Boycom Cablevision Inc. Has cable service in Alton, MO and is planned to launch high speed data with access speeds in excess of 3 Mbps in the service area by 01/15/2010.

-----**Service Area:** Mahnomen, MN

Submitter: Tekstar Communication, Inc

Comment: Tekstar Communications provides a world class high speed internet product to the area indicated on the map. We currently have many customers on this broadband service. EchoStar would need to remove Mahnomon and the mapped out surrounding area to make their assessment a truthful one.

Submitter: Garden Valley Telephone Company

Comment: Garden Valley Telephone Company ("GVTC"), a small rural operator and Rural Utilities Service ("RUS") Title II borrower, respectfully requests relief and seeks withdrawal of the Echostar Broadband I, LLC ("Echostar") proposed funded service area in the county of Mahnomon, MN. Echostar has proposed broadband service for this area and it is already served by GVTC.

-----**Service Area:** Tyler, WV

Submitter: Suddenlink

Comment: This application, filed by a satellite provider of broadband services, proposes a multi-state funded service area (FSA), within which Suddenlink provides wireline broadband services. The sizable number of responses that Suddenlink needed to file as part of this overall process, and the 30-day window in which we were allowed to do so, prohibited us from mapping all Suddenlink-served areas within this particular, multi-state FSA. Accordingly, for the purposes of our response to this application, we have mapped one Suddenlink service area as an example of the company's many service areas within the applicant's proposed FSA. Suddenlink requests that the agency reviewing this response take special care to determine ALL of the served areas in the applicant's FSA and restrict any awarded funds to the provision of broadband service in the unserved and underserved portions of the proposed FSA.

Additional information is provided in the uploaded document, including (1) sample marketing material; (2) a guide on how to read the data we entered in the "Existing Broadband Subscribers" section of this response; (3) a summary of the vendor and methodology used for estimating competitive-service subscribers in the mapped area; (4) Suddenlink contact information, should one or more federal agencies have questions or require additional information; and (5) a summary of concerns with the response process and the limitations that process has placed on our ability to provide NTIA/RUS with relevant, timely data.

-----**Service Area:** Scotland, MO

Submitter: Northeast Missouri Rural Telephone Company

Comment: The application submitted by EchoStar Broadband I L.L.C. contains inaccurate and incomplete information for the proposed funded service area. Northeast Missouri Rural Telephone Company (NEMR) demonstrates that it provides broadband service with download speeds greater than 768K to 100% of the households and businesses located within its service territory. As such, this area is “SERVED” based on the definitions as established in the Notice of Funds Availability (NOFA). In this public notice response NEMR is providing; 1) a map of the overlapping area where NEMR provides broadband services, 2) NEMR’s DSL high speed Internet advertising 3) the number of residential households and business establishments capable of receiving broadband services from NEMR within our service area, 4) the number of residential households and business establishments subscribing to our broadband, which is 42.4% of households and 71.0% of businesses; 5) the advertised download and upload speeds and service rates, and 6) comments addressing the existing services offered within the proposed funded service area.

-----**Service Area:** Highland, VA

Submitter: International Broadband Electric Communications

Comment: IBEC is providing High Speed Internet services in this area under an existing RUS Rural Broadband Loan.

-----**Service Area:** Wheeler, NE

Submitter: Northeast Nebraska Telephone Company

Comment: Northeast Nebraska Telephone Company (NNTC) is filing this response to the EchoStar Broadband I LLC, (Applicant) Application because we are of the belief that this Application misrepresents the availability of Broadband service (786k downstream/200k upstream) within the area that the Applicant's proposed funded service area (PFSA) overlaps NNTC's service area.

NNTC was organized as a cooperative in 1955 and is owned by its customer/members.

NNTC is presently a borrower with the Rural Utilities Service and has been since 1955.

Within the PFSA overlap NNTC's buried fiber optics cable to the node (FTTN) network provides access to Broadband services to 100% of the residential households and businesses, NNTC advertises Broadband service of 3 Megabits and greater to 100% of the residential households and businesses, and NNTC has a rate of Broadband subscribership that is greater than 40%.

Applicant's request for funds to build another Broadband capable network, if granted, will be a duplication of investment, duplication of an existing FTTN Broadband capable network, and divert funding that could be available for unserved areas.

Submitter: Nebraska Central Telephone Co.

Comment: The respondent (Nebraska Central Telephone Company) believes that the applicant EchoStar Broadband I LLC has misinterpreted the availability of Broadband Internet access service in the response polygon area that represents the respondent's service area. The respondent is a Local Exchange Carrier (Common Carrier) that offers wireline facilities based Broadband (high speed) Internet access service in the overlap area of the PFSA.

Respondent can provide Broadband Internet access service exceeding 768K downstream and 200K upstream speeds to over 98% of the households and businesses in its response polygon. In response to the PFSA, respondent's advertising copy has been uploaded showing the availability and advertising of service tiers of Broadband speeds up to 5MB downstream and 1 MB upstream. The advertising copy shows that the basic package of Broadband offered by the respondent exceeds the minimum speeds for categorization of a PFSA as "unserved". As such, the applicant's request for funds based on the area being "unserved" should be rejected.

In some cases, respondent does not cover an entire zip code with its response polygon, although the business counts generated by the system include all businesses in a reported zip code. As a result some of the business counts reflected in the “Businesses in Zip codes in Polygon” count are not included in respondent's response polygon (overlap area).

Submitter: Great Plains Communications, Inc.

Comment: The redacted version of the EchoStar Broadband I L.L.C. (EchoStar) application to provide satellite broadband services in various rural areas of numerous states contains broad and unsubstantiated assertions about the lack of broadband availability in these widespread areas. However, based on the two proposed funded service areas (PFSAs) contained in the application in which Great Plains Communications (GPC) currently provides broadband service, EchoStar’s assertion that these PFSAs are unserved is blatantly inaccurate. This challenge deals with one of these two PFSAs, Wheeler County in north central Nebraska.

GPC provides last mile broadband service to 42 census blocks in the Wheeler County PFSA. Of the 561 households contained in the EchoStar Wheeler County PFSA, 79 – or 14.1% -- have access to broadband from GPC. Therefore, GPC alone exceeds the threshold for broadband availability required for this PFSA to be considered “unserved.”

Beyond the inaccuracy of the current availability of broadband service in this PFSA, the EchoStar application disregards the fact that the Notice of Funds Availability (NOFA) does not include satellite service in defining whether an area is underserved or unserved. Indeed, the NOFA specifically only considers access to facilities-based, terrestrial broadband service (fixed or mobile) as a basis for a designation of unserved. Thus, the EchoStar application should be rejected as it proposes to provide service via satellite, a technology that the NOFA itself has rejected as qualifying for consideration as broadband service under the rules that have been implemented.

-----**Service Area:** Liberty, FL

Submitter: GTC, Inc.

Comment: GTC, Inc. (“GTC”) is responding to this Public Notice Filing regarding EchoStar Broadband I LLC’s application for broadband funding under the ARRA. The applicant’s proposed funded service area is Liberty County Florida. GTC is an incumbent broadband provider that currently offers broadband service (as defined in the NOFA) to 80% of the overlap with the applicant’s proposed funded service area, as outlined in the response area map. The proposed funded service area overlaps completely with GTC’s incumbent service area, and the applicant claims that this area is mostly “underserved” with a small area designated as “unserved”. The data provided in this response demonstrates that the applicant’s claim that the proposed funded service area is “unserved” and “underserved” is simply not true.