

Broadband USA Applications Database

Applicant Name: TierOne Converged Networks, Inc

Public Notice Submissions

-----**Service Area:** TOCN-1

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: Partnership Broadband

Comment: Partnership Broadband, a Wireless ISP using FCC Part-15 license-exempt spectrum to deliver broadband service in the proposed funded service area, is providing information that shows that the proposed funded service area is not unserved or underserved per the definitions of the NOFA due to the fact that 3 Mbps or better advertised service is available, over 50% of households have access to broadband and over 40% of household subscriber to broadband service.

Submitter: @Link Services LLC

Comment: @Link Services LLC is an Oklahoma LLC that has been providing broadband services in Central Oklahoma since 2005. @Link provides high speed internet service with speeds of up to 6Mbps by utilizing fixed wireless technology in both licensed and unlicensed frequencies. @Link provides service in forty four rural, Oklahoma communities and four urban areas in Central Oklahoma through a network of more than 60 tower sites.

The proposed funded service areas overlaps the @Link service area. The overlapping service area has been documented with the use of the mapping tool.

@Link has included copies of advertisements for service within the proposed funded service area.

@Link has determined, at the census block level, the number of residential households currently capable of receiving @Link service. @Link has determined the total number of business establishments within the zip codes included in the polygon. Totals have been provided as requested and supporting documents are available if requested.

@Link has determined, at the census block level, the number of residences and businesses currently subscribing to @Link services as well as the advertised download and upload speeds. Totals have been provided as requested and supporting documentation is available as is necessary.

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."

Submitter: Rhino Communications

Comment: Rhino Communications (RC) currently provides a wide array of broadband offerings within the proposed funded service area. RC has been offering broadband services in excess of the bandwidth requirement as set forth in the ARRA, NOFA and BIP/BTOP guidelines, all prior to the ARRA approval. RC's service area already provides for "sufficient access to broadband service to facilitate rural economic

development”, as well as allows for choice of service providers through competing with Incumbent Local Exchange Carriers, and RC’s network allows for leasing of services through our own facilities. The proposed funded service area already provides for not only broadband service through RC, but several CLEC’s, Cable companies, and numerous mobile broadband service providers offer several choices to the subscriber. RC’s opinion of the proposed funded service area is that of unnecessary spending within areas where sufficient broadband offerings exist to meet current demands. Whereas the requested funding could be better utilized in other portions of the country to deploy, map, or support other broadband services in accordance with the ARRA, NOFA and BIP/BTOP programs. Through funding the proposed service area, excessive competition will be created for all, which may create a short term economic boost, but have severe long term ramifications which may force current stable and thriving service providers to close or consolidate business, leading to layoffs and resulting in another economic downturn.

Submitter: Pioneer Telephone Cooperative

Comment: Pioneer Telephone Cooperative, Inc. through its subsidiary Pioneer Long Distance, Inc. (PLDI), has been offering broadband speed data service to subscribers for over 10 years. The area applied for by the ARRA applicant, which falls within the telephone exchange boundary is served with high speed internet broadband service. PLDI also offers IPTV service to its subscribers in the towns using the Pioneer’s broadband plant.

Submitter: James Cable LLC

Comment: James Cable provides 8Mb broadband service to the communities of Armstrong, Caddo, Calera, Colbert, Durant, Ravia, Tishomingo, Atoka, and Kingston, Oklahoma.

Submitter: TV Cable of Grayson County

Comment: Grayson County Cable (GCC) currently provides a wide array of broadband offerings within the proposed funded service area. GCC has been offering broadband services in excess of the 3 MB bandwidth requirement as set forth in the ARRA, NOFA and BIP/BTOP guidelines, all prior to the ARRA approval. GCC’s service area already provides for “sufficient access to broadband service to facilitate rural economic development”, as well as allows for choice of service providers through competing with Incumbent Local Exchange Carriers, and allows for leasing of services through our own facilities. The proposed funded service area already provides for not only broadband service through GCC, but several ILEC’s, Wireless companies, and numerous mobile broadband service providers offer several choices to the subscriber. GCC’s opinion of the proposed funded service area is that of unnecessary spending within areas where sufficient broadband offerings exist to meet current demands. Whereas the requested funding could be better utilized in other portions of the country to deploy, map, or support

other broadband services in accordance with the ARRA, NOFA and BIP/BTOP programs. Through funding the proposed service area, excessive competition will be created for all, which may create a short term economic boost, but have severe long term ramifications which may force current stable and thriving service providers to close or consolidate business, leading to layoffs and resulting in another economic downturn.

Submitter: Cherokee Telephone Company

Comment: Cherokee Telephone Company (CTC) currently provides a wide array of broadband offerings within the proposed funded service area. CTC has been offering broadband services in excess of the bandwidth requirement as set forth in the ARRA, NOFA and BIP/BTOP guidelines, all prior to the ARRA approval. CTC's service area already provides for "sufficient access to broadband service to facilitate rural economic development", as well as allows for choice of service providers through competing with Competitive Local Exchange Carriers, and CTC's network allows for leasing of services through our own facilities. The proposed funded service area already provides for not only broadband service through CTC, but several CLEC's, Cable companies, and numerous mobile broadband service providers offer several choices to the subscriber. CTC's opinion of the proposed funded service area is that of unnecessary spending within areas where sufficient broadband offerings exist to meet current demands. Whereas the requested funding could be better utilized in other portions of the country to deploy, map, or support other broadband services in accordance with the ARRA, NOFA and BIP/BTOP programs. Through funding the proposed service area, excessive competition will be created for all, which may create a short term economic boost, but have severe long term ramifications which may force current stable and thriving service providers to close or consolidate business, leading to layoffs and resulting in another economic downturn.

Submitter: Pottawatomie Telephone Company

Comment: Pottawatomie Telephone Company through its subsidiary, Cim-Tel Cable, LLC, has been offering broadband speed data service to subscribers for over 5 years. The area applied for by the ARRA applicant, which falls within the telephone exchange boundary is served with high speed internet broadband service. Cim-Tel Cable, LLC also offers IPTV service to its subscribers within the communities Pottawatomie serves.

Submitter: Chickasaw Telephone Company

Comment: Chickasaw Telephone Company has been offering broadband speed data service to subscribers through its subsidiary Bright Net Oklahoma for 11 years. The area applied for by the ARRA applicant, which falls within the telephone exchange boundary, is served with high speed internet broadband service.

Submitter: Dobson Telephone Company

Comment: Dobson Telephone Company challenges the application of TierOne Converged Networks, Inc based on their declaration of the serving area being unserved.

Submitter: Allegiance Communications, LLC

Comment: Allegiance Communications (Allegiance) currently provides a wide array of broadband offerings within the proposed funded service area. Allegiance has offered broadband services in excess of the 3 MB bandwidth requirement as set forth in the ARRA, NOFA and BIP/BTOP guidelines, all prior to the ARRA approval. Allegiance's service area already provides for "sufficient access to broadband service to facilitate rural economic development", as well as allows for choice of service providers through competing with Local Exchange Carriers, and allows for leasing of services through our own facilities. Allegiance's opinion of the proposed funded service area is that of excess spending where funds could be better used in other portions of the country to deploy broadband service in accordance with the ARRA, NOFA and BIP/BTOP programs. Through funding the proposed service area, excessive competition will be created for all, which may create a short term economic boost, but have severe long term ramifications which may force service providers out of business.

Submitter: Wichita Online Inc.

Comment: Wichita Online (WOI) currently provides a wide array of broadband offerings within the proposed funded service area. WOI has offered broadband services in excess of the 3 MB bandwidth requirement as set forth in the ARRA, NOFA and BIP/BTOP guidelines, all prior to the ARRA approval. WOI's service area already provides for "sufficient access to broadband service to facilitate rural economic development", as well as allows for choice of service providers through competing with Local Exchange Carriers, and allows for leasing of services through our own facilities. The proposed funded service area already provides for not only broadband service through WOI, but several ILEC's, Cable companies, and numerous mobile broadband service providers offer several choice to the subscriber. WOI's opinion of the proposed funded service area is that of excess spending where funds could be better used in other portions of the country to deploy broadband service in accordance with the ARRA, NOFA and BIP/BTOP programs. Through funding the proposed service area, excessive competition will be created for all, which may create a short term economic boost, but have severe long term ramifications which may force service providers out of business.

Submitter: Nortex Communications

Comment: Nortex Communications is disputing that its service area is unserved or underserved as it provides DSL services in 100% of its landline telephone service area which also includes fiber to the home in its two largest exchanges in Muenster and Valley View, Texas. It also provides wireless internet via 700 Mhz licenses in areas lying outside of the landline service area and its affiliate provides cable modem broadband services outside of the telephone serving area for the cities of Saint Jo, Lindsay, Lake Kiowa and Collinsville.

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."

Submitter: Suddenlink Communications

Comment: This response conclusively demonstrates that Suddenlink and its competitors already offer robust broadband service within the mapped area of the applicant's proposed funded service area and that this mapped area is neither unserved nor underserved. 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: 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 area that overlaps with our service area.

Submitter: Allegiance Communications,LLC

Comment: Allegiance Communications (Allegiance) currently provides a wide array of broadband offerings within the proposed funded service area. Allegiance has offered broadband services in excess of the 3 MB bandwidth requirement as set forth in the ARRA, NOFA and BIP/BTOP guidelines, all prior to the ARRA approval. Allegiance's service area already provides for "sufficient access to broadband service to facilitate rural economic development", as well as allows for choice of service providers through competing with Local Exchange Carriers, and allows for leasing of services through our own facilities. Allegiance's opinion of the proposed funded service area is that of excess spending where funds could be better used in other portions of the country to deploy broadband service in accordance with the ARRA, NOFA and BIP/BTOP programs. Through funding the proposed service area, excessive competition will be created for all, which may create a short term economic boost, but have severe long term ramifications which may force service providers out of business.