

## Broadband USA Applications Database

**Applicant Name:** Zito Media Communications II, LLC

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### Public Notice Submissions

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-----**Service Area:** North Western PA

**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:** Armstrong Telephone Company

**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 its high speed broadband exceeds 40%, of its 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.

**Submitter:** Last Mile, Inc (d/b/a Sting Communications)

**Comment:** The Northern PA Open Access Network grant focuses on construction of new fiber to serve a constituency that is currently served by fiber from multiple providers. Thus, as a Middle Mile project, we believe it represents an over-build and an unwise investment of precious ARRA dollars which could be directed to higher return projects. Investment in this project by NTIA would in essence compete with

previous federal dollars invested in the same service area via E-Rate and FCC Rural Telehealth grants. Collectively, these programs and funding sources served as the impetus to build out fiber in what were historically under/un-served areas. As a result, the same markets listed in the grant application now have access to high bandwidth options at highly competitive urban price points, without any additional middle mile network build out as requested in this grant. Virtually all K-12 education institutions and rural hospitals in the service area depicted in this grant request have fiber to the premise and are the beneficiaries of dramatic cost savings in Internet prices. We can produce empirical data showing cost savings in excess of 300% for Internet. Additionally, by bringing fiber to the 14 rural hospitals and connecting them via Gigabit service to remote Telemedicine centers in urban markets, such as the University of Pittsburgh Medical Center, one the nation's first Rural Telehealth wide-area-network's has been deployed in this area via the FCC Rural Telehealth funding program. This same core network built for and serving the major anchor institutions (hospitals, schools, higher education) in the service area in fact either has many if not all of the counties listed in the grant "on net" today or are within 1200' of existing service. Virtually all of the education institutions are inter-connected via Gigabit Ethernet wide area networks. As a result, it is our belief the need to over-build fiber along the same routes is not needed, particularly given the fact an existing network is available, including fiber IRU's, to meet the vision presented in the grant. It would seem difficult to find sustainability for a massive fiber construction project where the asset is given "free" to the end users (counties) in a market where there is a wealth of fiber for major users and the need is for increased last mile access investment. The end users targeted in this grant -- Municipal/County Government, Public Safety in 7 counties, can achieve the vision outlined in the grant today whether it be a fiber IRU from an existing provider or purchase a lit service via the in-place network through existing fiber assets covering the area. While the model for application sharing is valid, we do not believe new fiber construction is required to fulfill the vision.

**Submitter:** Comcast Cable

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

**Submitter:** Atlantic Broadband

**Comment:** Atlantic Broadband provides high speed data to businesses and residences in numerous communities for which Zito is seeking public financing. They include: Boggs Township (Clearfield County), Bradford Township (Clearfield County), Curwensville Borough (Clearfield County), Grampian Borough (Clearfield County), Lawrence Township (Clearfield County), Penn Township (Clearfield County), Pike Township (Clearfield County), Bradford Township (McKean County), Foster Township (McKean County), Lafayette Township (McKean County), Lewis Run Borough (McKean County), Richland Township (Venango County), Rockland Township (Venango County), Conewango Township (Warren County), Glade Township (Warren County), Mead Township (Warren County), Pine Grove Township (Warren County), Pleasant Township (Warren County), Sugar Grove Township (Warren County), and Warren City

(Warren County). High speed broadband is available to 100% of the residents and businesses in those communities, at speeds far in excess of the minimum threshold of 768/200kpbs. Speeds in excess of 3mpbs are offered and advertised. (Documentation attached). Therefore, these communities do not meet the standard for 'unserved' in that broadband is available to more than 10% of homes and businesses.

**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:** Armstrong Utilities Inc.

**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 Cable 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 its high speed broadband exceeds 40%, of its 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.