

## Broadband USA Applications Database

**Applicant Name:** ART Leasing, Inc. dba FiberTower Broadband Corp.

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### Public Notice Submissions

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-----**Service Area:** FTWR-GA-12

**Submitter:** Comcast Cable

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

-----**Service Area:** FTWR-GA-100

**Submitter:** Waverly Hall Telephone Company

**Comment:** Waverly Hall Telephone Company ("Waverly Hall") is responding to this Public Notice Filing regarding Art Leasing, Inc. dba FiberTower Broadband Corporation's (Art Leasing) application for broadband funding under the ARRA. The applicant's proposed funded service area is located in west Georgia and covers parts of Harris County. Waverly Hall is an incumbent broadband provider that currently offers broadband service (as defined in the NOFA) to 100% of its service area as outlined in response area map in Harris County. For the proposed funded service area which overlaps with Waverly Hall's incumbent service area, the applicant did not state a claim that the proposed funded service area is "unserved" or "underserved". The data provided in this response demonstrates that the proposed funded service area is neither "unserved" nor "underserved".

-----**Service Area:** FTWR-GA-324

**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:** Pembroke Telephone Company

**Comment:** Pembroke Telephone Company (“Pembroke”) is responding to this Public Notice Filing regarding Art Leasing, Inc. dba FiberTower Broadband Corporation’s (Art Leasing) application for broadband funding under the ARRA. The applicant’s proposed funded service area is located in southeast Georgia and covers parts of Bryan County. Pembroke is an incumbent broadband provider that currently offers broadband service (as defined in the NOFA) to 100% of its service area as outlined in response area map in Bryan County. For the proposed funded service area which overlaps with Pembroke’s incumbent service area, the applicant did not state a claim that the proposed funded service area is “unserved” or “underserved”. The data provided in this response demonstrates that the proposed funded service area is neither “unserved” nor “underserved”.

**Submitter:** CenturyLink

**Comment:** 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. We attach a representative sample of areas where the application overlaps our existing broadband deployment. This data is not exhaustive; the application may include other areas also currently served with broadband by CenturyLink or other providers. We will provide additional information on request if that will further assist the agency’s review.

CenturyLink also provides data showing broadband availability in local telephone exchanges within the proposed service areas. This includes areas served by CenturyLink and/or other broadband providers. This data further shows the applicant would duplicate and overlap existing broadband services in the proposed service areas.

**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:** FTWR-GA-35

**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:** 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.

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-----**Service Area:** FTWR-GA-77

**Submitter:** ComSouth Corporation

**Comment:** ComSouth Telenet responds to the proposed funded service area of ART Leasing that overlaps ComSouth's service territory in the communities of Byron, Fort Valley, Warner-Robins, Elko, and Perry. ComSouth is making broadband services available to households in approximately 6% of the proposed funded service area (PFSA). Although ComSouth does not cover the entire PFSA, Comsouth, along with other service providers in the area may be providing service to more than 40% of the households in the PFSA. In addition, Comsouth along with other service providers in the area may be making broadband service available to more than 50% of the PFSA. Furthermore, Comsouth advertises broadband services at speeds exceeding 3mbps. Finally, it is likely that ART Leasing's proposed funded service area may not be eligible for ARRA funding because ART Leasing has not even declared any portion of its proposed funded service area as "Unserved" or "Underserved."

**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.

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