

Broadband USA Applications Database

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

Public Notice Submissions

-----**Service Area:** FTWR-VA-005

Submitter: Cox Communications, Inc

Comment: Cox Communications, Inc. (Cox) is a broadband communications and entertainment company, providing advanced digital video, Internet, telephone and wireless services over its nationwide IP network. The third-largest U.S. cable TV company, Cox serves over 6.2 million residences and businesses.

Cox operates in hundreds of communities in 18 states and has invested over \$16 billion in private capital in its network over the last ten years. Cox provides its customers in Virginia with 21st century infrastructure that provides advanced broadband, video and telephone services. More than 99.5 percent of the households in our service areas have access to Cox high-speed Internet, at some of the fastest broadband speeds available in the nation.

Cox supports the goals of the American Recovery and Reinvestment Act to extend broadband to parts of the country that are unserved or underserved. We appreciate the efforts of the Rural Utilities Service and the National Telecommunications and Information Administration in making sure that the limited amount of broadband stimulus funding available under the ARRA is targeted toward those consumers in greatest need, rather than to areas that already have access to broadband service.

To assist your agencies in ensuring that ARRA funds are directed to truly unserved and underserved areas, Cox is providing supplemental information that demonstrates, for the above-referenced application, the following: the location of Cox's broadband infrastructure; broadband service levels provided; number of customers served; pricing for each service tier; and marketing materials which demonstrate service availability. Consistent with the statutory requirement to expend funds only for projects in eligible areas, we trust that your agencies will use this information -- along with information from other broadband providers -- to obtain a clear picture of service availability in the area covered by the application. We encourage the use of independent due diligence to determine the extent of other

broadband service offerings in the proposed funded service area covered by this submission, if other providers fail to submit information prior to the submission deadline.

We request that this data be treated as confidential and proprietary. Much of the information provided with this letter constitutes trade secrets or commercial information that is privileged and confidential and therefore exempt from public disclosure under 5 U.S.C. § 552(b)(4). Cox does not disclose this information to the public, and release of this information could cause competitive harm, by enabling other broadband providers to tailor their business strategies to unfairly compete with Cox.

Thank you for the opportunity to submit this information. We trust that it will be helpful in your analysis, and will inform your final decision concerning the application.

Submitter: Richmond 20 MHz, LLC dba NTELOS

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

-----**Service Area:** FTWR-VA-003

Submitter: NTELOS Telephone Inc.

Comment: NTELOS Inc., via a wholly-owned subsidiary, NTELOS Network, Inc, provides wholesale TDM and IP services to multiple Carrier and Broadband providers, including Wireless providers, within the applicant's proposed area. NTELOS maintains a fiber backbone of 4,864 route miles, including most of the routes proposed in this application. NTELOS fiber backbone network is depicted in the attached file. The level of wholesale services offered range from DS-3, OC-n, Gigabit wave, and Gigabit Ethernet services. The applicant's proposed route for this middle-mile offering overlaps existing NTELOS fiber and would be a duplication of existing infrastructure. In the main, other carrier backbone networks run along these same routes, as well. While some of the more remote areas in this region lack sufficient access to last mile broadband, ample middle mile capacity and healthy wholesale competition already exists.

Submitter: Shentel

Comment: Shentel has deployed a state-of-the-art middle mile fiber optic network serving Rockingham County. Available services include Ethernet (10Mbps to 10Gbps) and TDM services (T-1 to OC-192). Total network capacity is up to 800Gbps. Shentel has also announced plans to extend this fiber network into Augusta County in 2010.

Submitter: Virginia PCS Alliance, L.C. dba NTELOS

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

-----**Service Area:** FTWR-VA-001

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: JetBroadband VA, LLC.

Comment: Since 2005, Jetbroadband VA, LLC has provided full, robust broadband service in its service areas (see service area map). JetBroadband VA, LLC advertises service of speeds above 3 Mbps throughout the identified service area[s]. JetBroadband VA, LLC passes over 50% of households within our service area and together with its existing competitors provide broadband services that combined exceed 40% subscribership penetration. Here is a recap of Jetbroadband's presence in the State:

- Jetbroadband VA, LLC has invested over \$140 million (\$140,000,000) of private capital in the State of Virginia
- Operates out of seven (7) local offices that it owns and or leases
- Employs nearly 100 local residents
- Operates its own Customer Care Call Center out of its Rustburg, VA central office
- Services the local communities with its existing 2,600 miles of cable plant, 63 vehicles and related equipment

- Jetbroadband currently offers last-mile broadband services that includes High Speed Data, Video and Digital Phone (Triple Play offerings),
- Jetbroadband service offerings are available to over 92,000 homes/households
- Serves over 50,000 customers in the State.

The service areas are served and therefore the NTIA/RUS should NOT disburse federal stimulus funds (public taxpayer funds) to applicants that seek to overbuild current service providers and Jetbroadband and compete with the significant private capital that has already been invested in these areas.

Submitter: Scott County Telephone Cooperative

Comment: The proposed funded service area includes 2351 households and 226 businesses in Scott County, VA, that have access to Scott County Telephone Cooperative broadband service. These households and businesses have access to fixed broadband service with transmission speeds of more than 3 Mbps downstream.

-----**Service Area:** FTWR-VA-004

Submitter: Shentel

Comment: Shentel has deployed a state-of-the-art middle mile fiber optic backbone serving Frederick County, Shenandoah County, Clarke County, Loudoun County, Fauquier County, Warren County, Prince William County, and Fairfax County. Current service offerings include Ethernet services (10Mbps to 10Gbps) and TDM services (T-1 to OC-192). Total network capacity is up to 800 Gbps.

Submitter: Virginia PCS Alliance, L.C. dba NTELOS

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

Submitter: Richmond 20 MHz, LLC dba NTELOS

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

-----**Service Area:** FTWR-VA-006

Submitter: Cox Communications, Inc

Comment: Cox Communications, Inc. (Cox) is a broadband communications and entertainment company, providing advanced digital video, Internet, telephone and wireless services over its nationwide IP network. The third-largest U.S. cable TV company, Cox serves over 6.2 million residences and businesses.

Cox operates in hundreds of communities in 18 states and has invested over \$16 billion in private capital in its network over the last ten years. Cox provides its customers in Virginia with 21st century infrastructure that provides advanced broadband, video and telephone services. More than 99.5 percent of the households in our service areas have access to Cox high-speed Internet, at some of the fastest broadband speeds available in the nation.

Cox supports the goals of the American Recovery and Reinvestment Act to extend broadband to parts of the country that are unserved or underserved. We appreciate the efforts of the Rural Utilities Service and the National Telecommunications and Information Administration in making sure that the limited amount of broadband stimulus funding available under the ARRA is targeted toward those consumers in greatest need, rather than to areas that already have access to broadband service.

To assist your agencies in ensuring that ARRA funds are directed to truly unserved and underserved areas, Cox is providing supplemental information that demonstrates, for the above-referenced application, the following: the location of Cox's broadband infrastructure; broadband service levels provided; number of customers served; pricing for each service tier; and marketing materials which demonstrate service availability. Consistent with the statutory requirement to expend funds only for projects in eligible areas, we trust that your agencies will use this information -- along with information from other broadband providers -- to obtain a clear picture of service availability in the area covered by the application. We encourage the use of independent due diligence to determine the extent of other broadband service offerings in the proposed funded service area covered by this submission, if other providers fail to submit information prior to the submission deadline.

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Thank you for the opportunity to submit this information. We trust that it will be helpful in your analysis, and will inform your final decision concerning the application.

Submitter: Richmond 20 MHz, LLC dba NTELOS

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

-----**Service Area:** FTWR-VA-002

Submitter: NTELOS Telephone Inc.

Comment: NTELOS Inc., via a wholly-owned subsidiary, NTELOS Network, Inc, provides wholesale TDM and IP services to multiple Carrier and Broadband providers, including Wireless providers, within the applicant's proposed area. NTELOS maintains a fiber backbone of 4,864 route miles, including most of the routes proposed in this application. NTELOS fiber backbone network is depicted in the attached file. The level of wholesale services offered range from DS-3, OC-n, Gigabit wave, and Gigabit Ethernet services. The applicant's proposed route for this middle-mile offering overlaps existing NTELOS fiber and would be a duplication of existing infrastructure. In the main, other carrier backbone networks run along these same routes, as well. While some of the more remote areas in this region lack sufficient access to last mile broadband, ample middle mile capacity and healthy wholesale competition already exists.

Submitter: Pembroke Telephone Cooperative

Comment: Pembroke Telephone Cooperative (PemTel) provides this response to the BTOP application submitted by ART Leasing, Inc. dba FiberTower Broadband Corp. LLC (FiberTower). PemTel is filing this response in order to alert NTIA that information contained in the FiberTower’s middle mile application may be inaccurate at least as it pertains to the availability of broadband service in significant portions of Giles County, Virginia and a small portion of Craig County, Virginia – areas that FiberTower represents in its application as being “unserved” and “underserved.”

Submitter: JetBroadband VA, LLC.

Comment: Since 2005, Jetbroadband VA, LLC has provided full, robust broadband service in its service areas (see service area map). JetBroadband VA, LLC advertises service of speeds above 3 Mbps throughout the identified service area[s]. JetBroadband VA, LLC passes over 50% of households within our service area and together with its existing competitors provide broadband services that combined exceed 40% subscribership penetration. Here is a recap of Jetbroadband’s presence in the State:

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- Services the local communities with its existing 2,600 miles of cable plant, 63 vehicles and related equipment

- Jetbroadband currently offers last-mile broadband services that includes High Speed Data, Video and Digital Phone (Triple Play offerings),

- Jetbroadband service offerings are available to over 92,000 homes/households

- Serves over 50,000 customers in the State.

The service areas are served and therefore the NTIA/RUS should NOT disburse federal stimulus funds (public taxpayer funds) to applicants that seek to overbuild current service providers and Jetbroadband and compete with the significant private capital that has already been invested in these areas.

Submitter: Virginia PCS Alliance, L.C. dba NTELOS

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

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.