

## Broadband USA Applications Database

**Applicant Name:** IP Networks Inc

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### Public Notice Submissions

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-----**Service Area:** Hwy 299

**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.

**Submitter:** Broadband Associates Int. Inc.

**Comment:** With regard to IP Networks' BIP/BTOP application,

Project Title: Northern California Counties Broadband Middle Mile.

On February 20th of this year, The California Public Utilities Commission (CPUC) through their California Advanced Services Fund (CASF) rural broadband grant program, awarded our firm, Broadband Associates, a grant in the amount of \$7,830,720, to build a complete middle-mile and last mile broadband infrastructure for the same area that IP Networks' application is referring to (use this link to view the grant awarded: [http://docs.cpuc.ca.gov/Published/Final\\_resolution/97733.htm](http://docs.cpuc.ca.gov/Published/Final_resolution/97733.htm)) .

As of February 20th, 2009 the California Public Utilities Commission considers this area & these census blocks already to be served with broadband by Broadband Associates.

Broadband Associates also has a BIP/BTOP Middle Mile application submitted for the same area. We have significant amounts of time, effort and money invested into this project. The State of California also has invested significant resources into this project as the CPUC is currently performing the CEQA (CA Environmental Quality Assurance Assessment) for our project. Since our State grant award, back in February, we have encountered two major obstacles which may have caused this project not to happen, but for ARRA funding. Those two obstacles are as follows:

1. The change in the economic condition of the country, which changed our ability to obtain the loans we anticipated as our original plan for CASF matching funds.
2. Our inability to get approval from CalTrans for our original method of construction, micro-trenching, which increased the project cost.

There are also two significant Last Mile ARRA applications that significantly address the goals of ARRA that are dependent upon the Broadband Associates Hwy 299 Middle Mile project. They are: (1) Broadband Associates' Hwy 299 Last Mile project- making 18 unserved communities served - and (2) Hoopa Valley Tribe Last Mile project.

Due to the following facts, we request the ARRA BTOP & BIP Broadband Grant programs deny the IP Networks application for funding; (i) IP Networks' Middle-Mile application is for serving an area of California that overlaps with the area where the State of California has selected Broadband Associates' plan to serve the area by awarding us a CASF rural broadband grant, (ii) the CPUC considers the census blocks in the area on the IP Network's application now to-be-served by Broadband Associates and have therefore made the area ineligible for future state grants, (iii) Broadband Associates has a complete plan to service the entire region with both Middle-Mile and Last Mile with anchor tenants that have provided letters of support for our projects, and we will be making available broadband in 18 unserved communities in the region and the Hoopa Indian Reservation, and (iv) Broadband Associates and the CPUC have a significant amount of time, effort, and money invested into our project to serve the area already.

**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.

