

Broadband USA Applications Database

Applicant Name: Open Range Communications Inc.

Public Notice Submissions

-----**Service Area:** 001 - Thomasville

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

Submitter: Pine Belt Telephone Company, Inc.

Comment: Pine Belt Telephone Company, Inc. has been offering broadband speed data service to its subscribers for 7 years. The area applied for by the ARRA applicant which falls within the telephone exchange boundary is served with high speed internet broadband service. Pine Belt, through its subsidiary Pine Belt Broadcasting, LLC, also provides fiber broadband interconnectivity to eleven school locations in Orville, Lindon, Sweetwater, Dixon Mills and Choctaw County School district.

-----**Service Area:** 025 - Tehachapi

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

Submitter: Bright House Networks, LLC

Comment: In support of NTIA and RUS' efforts to optimize the distribution of the scarce resources available under the ARRA Broadband NOFA, Bright House Networks is providing additional data related to this Applicant's planned service areas. This application includes service areas which are not unserved nor underserved.

-----**Service Area:** 119 - Fort Atkinson

Submitter: Charter Communications

Comment: Charter Communications ('Charter'), a broadband service provider, has invested capital to provide a full range of Broadband services, including High Speed Internet services, in this service area. The applicant's request in the proposed under-served service area would create an overlap in Charter's service area. Charter's response includes the necessary information to validate the overlapping condition as a result of this applicant's request.

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed

service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

-----**Service Area:** 120 - Lake Geneva

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: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

-----**Service Area:** 022 - Oroville East/Oroville/S Oroville

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

-----**Service Area:** 109 - Park Forest Village

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

-----**Service Area:** 103 - Mifflinburg

Submitter: Utopian Wireless Corporation

Comment: Proprietary data regarding actual service provider broadband penetration in the proposed service area for this application demonstrates the area is already served by broadband options and therefore this application is ineligible for funding pursuant to the requirements of the Broadband Initiatives Program (BIP) and Broadband Technologies Opportunities Program (BTOP).

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:** 005 - Searcy

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

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:** 051 - Peru

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make

a reasonable analysis or a conclusive determination.

-----**Service Area:** 026 - Yucca Valley/Joshua Tree

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

-----**Service Area:** 041 - Silvis

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

-----**Service Area:** 033 - Harvard

Submitter: Charter Communications

Comment: Charter Communications ('Charter'), a broadband service provider, has invested capital to provide a full range of Broadband services, including High Speed Internet services, in this service area. The applicant's request in the proposed under-served service area would create an overlap in Charter's service area. Charter's response includes the necessary information to validate the overlapping condition as a result of this applicant's request.

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements. Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

Submitter: T6 Wireless, Inc.

Comment: T6 Broadband, a facilities-based CLEC and Wireless ISP using UNE-L DSL loops and FCC Part-15 license-exempt spectrum to deliver broadband service in the proposed funded service areas, is providing information that shows that the proposed funded service area has 3 TO 20 Mbps advertised broadband service, over 99 % broadband coverage and does not qualify as un-served or underserved per the definitions of the NOFA.

-----**Service Area:** 073 - Fremont/Stony Prarie/Ballville

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: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements. Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

-----**Service Area:** 043 - Sterling

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

Submitter: T6 Wireless, Inc.

Comment: T6 Broadband, a facilities-based CLEC and Wireless ISP using UNE-L DSL loops and FCC Part-15 license-exempt spectrum to deliver broadband service in the proposed funded service areas, is providing information that shows that the proposed funded service area has 3 TO 20 Mbps advertised broadband service, over 99 % broadband coverage and does not qualify as un-served or underserved per the definitions of the NOFA.

-----**Service Area:** 056 - Amsterdam

Submitter: Time Warner Cable

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."

-----**Service Area:** 062 - Oswego

Submitter: Time Warner Cable

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: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

-----**Service Area:** 032 - Fox Lake

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

-----**Service Area:** 070 - Defiance

Submitter: MetaLINK Technologies, Inc.

Comment: MetaLINK Technologies, Inc. (MetaLINK) offers last mile broadband services that meet the minimum requirements of 768 Kbps download and 200 Kbps upload speeds. In addition, download speeds of at least 3 Mbps are also available and advertised.

MetaLINK participated in a broadband availability and mapping project sponsored by Connect Ohio that identified broadband service availability throughout its service area. This data is available to the public at www.connectohio.gov.

Census blocks including 958100, 958500, 958600, 958700, 958800, and 958900 are served by MetaLINK were incorrectly shown as underserved in the funding application submitted by Open Range Communications Inc. based on the applicant's service areas depicted on the Broadband USA Mapping Tool. It is worthy to note that while we alone are not the dominant provider; ourselves along with Time Warner Cable and CenturyLink DSL easily disprove these areas as not underserved.

It appears that Open Range Communications Inc did not make use of the broadband availability data published on the Connect Ohio web site nor was familiar with the other means of broadband service offerings meeting the speed requirements. Thus, this area covered by the above census blocks that were incorrectly identified as underserved should be reviewed in light of the fact that those blocks are in fact, not underserved.

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."

-----**Service Area:** 116 - Swoyersville/Luzerne

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

-----**Service Area:** 014 - Kings Beach/Tahoe Vista

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

-----**Service Area:** 061 - Horseheads

Submitter: Time Warner Cable

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: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

-----**Service Area:** 082 - Arlington Heights

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband

footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

-----**Service Area:** 098 - Kutztown

Submitter: Service Electric Cablevision Inc.

Comment: We believe this area is not underserved as defined by the NOFA. Service Electric offers a wide array of broadband speeds with top speeds at 15 Mbps. In addition Hometown Utilicom (municipal provider) offers fiber to the home technology with broadband speeds over 768k and Penteledata serves borough with a broadband wifi network. Over 40% of our customers subscribe to our broadband internet and in the coming months a Docsis 3.0 network will be deployed to this region. Please visit our website for more info <http://www.secv.com>

-----**Service Area:** 121 - Mauston

Submitter: Mediacom Communications Corporation

Comment: A large number of households in applicant's proposed service area are currently served by Mediacom. Broadband speeds well in excess of the minimum broadband speeds set forth in the NOFA are currently available within the applicant's proposed service area. For its part, Mediacom advertises and provides broadband services within the proposed service area at speeds up to 20 Mbps.

-----**Service Area:** 128 - Whitewater

Submitter: Charter Communications

Comment: Charter Communications ('Charter'), a broadband service provider, has invested capital to provide a full range of Broadband services, including High Speed Internet services, in this service area. The applicant's request in the proposed under-served service area would create an overlap in Charter's service area. Charter's response includes the necessary information to validate the overlapping condition as a result of this applicant's request.

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements. Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

-----**Service Area:** 115 - Sunbury/Shamokin Dam/Northumberland

Submitter: Utopian Wireless Corporation

Comment: Proprietary data regarding actual service provider broadband penetration in the proposed service area for this application demonstrates the area is already served by broadband options and therefore this application is ineligible for funding pursuant to the requirements of the Broadband Initiatives Program (BIP) and Broadband Technologies Opportunities Program (BTOP).

Submitter: Service Electric Cablevision Inc.

Comment: We believe this area is not underserved as defined by the NOFA. Service Electric offers a wide array of broadband speeds with top speeds at 15 Mbps. In addition other companies offer broadband speeds over 768k. There is a wifi network throughout the city of sunbury provided by pentedata. Over 40% of our customers subscribe to our broadband internet and in the coming months a Docsis 3.0 network will be deployed to this region. Please visit our website for more info <http://www.secv.com>

-----**Service Area:** 104 - Milton

Submitter: CATV Service, Inc.

Comment: CATV Service, Inc. is a local company providing cable television, high speed Internet, and telephone services in the communities included in the applicant's proposed funded service area. Having been in business since 1953 and offered broadband Internet services since 2001, CATV Service has always been committed to providing quality services at competitive rates. Significant investment through private funding has been made in the Company's private network in order to make broadband Internet service available to the residents and businesses located in the service footprint. As broadband is already being offered through our existing network, the service area is certainly not unserved. Also, considering the number of residents and businesses that are customers of CATV Service and the fact that broadband is also available through several other wired and wireless providers including the respective ILECs, it is highly questionable that the service area can be defined as underserved. It is our feeling that the applicant's proposal would only duplicate existing available services that have been funded by private investment. As such, we would request and appreciate the full consideration in not recommending or approving the application.

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements. Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make

a reasonable analysis or a conclusive determination.

-----**Service Area:** 011 - Dollar Point

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

-----**Service Area:** 012 - Jamestown/Sonora/East Sonora

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

-----**Service Area:** 080 - Wadsworth

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: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

-----**Service Area:** 038 - Round Lake Park

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband

footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

-----**Service Area:** 107 - Oil City/Woodland Heights/Hasson Heights

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 high speed broadband exceeds 40%, of 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: 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:** 100 - Linntown

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

-----**Service Area:** 129 - Wisconsin Rapids/P Edwards/Nekoosa/Biron

Submitter: Nsighttel Wireless, LLC (dba "Cellcom")

Comment: Cellcom makes available access to facilities based wireless broadband service at greater than the minimum broadband transmission speed as described in NOFA to more than 50% of the households in the existing service area mapped below. The map confirms that Cellcom's existing service area overlaps with the proposed funded service area, Wisconsin Rapids/P Edwards/Nekoosa/Biron of Open Range Communications Inc.

Submitter: Charter Communications

Comment: Charter Communications ('Charter'), a broadband service provider, has invested capital to provide a full range of Broadband services, including High Speed Internet services, in this service area. The applicant's request in the proposed under-served service area would create an overlap in Charter's service area. Charter's response includes the necessary information to validate the overlapping condition as a result of this applicant's request.

-----**Service Area:** 023 - South Yuba City

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

-----**Service Area:** 015 - Kingsburg

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

-----**Service Area:** 126 - Sparta

Submitter: Charter Communications

Comment: Charter Communications ('Charter'), a broadband service provider, has invested capital to provide a full range of Broadband services, including High Speed Internet services, in this service area. The applicant's request in the proposed under-served service area would create an overlap in Charter's service area. Charter's response includes the necessary information to validate the overlapping condition as a result of this applicant's request.

-----**Service Area:** 010 - Dixon, CA

Submitter: WaveDivision Holdings, LLC

Comment: WaveDivision Holdings, LLC (“Wave”) is a facilities-based, terrestrial provider of high speed Internet, cable television and telephone services. Wave challenges the application of Open Range Communications Inc. (“Applicant”) for last mile funding because Applicant’s proposed funded service area does not meet the requirement set forth in the Notice of Funds Availability to qualify as an “Underserved Area”. The current aggregate broadband penetration in Applicant’s proposed funded service area is approximately 55%, significantly greater than the 40% standard set forth in the NOFA. Additionally, in the portion of Applicant’s proposed service area that is served by Wave more than 50% of the households have access to facilities-based, terrestrial broadband service. Essentially 100% of the households in the areas Wave serves in the proposed funded service area have access to Wave’s broadband services. Accordingly, NTIA and/or RUS must deny Applicant’s funding proposal.

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements. Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

-----**Service Area:** 058 - Fredonia

Submitter: Time Warner Cable

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: 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: Dunkirk and Fredonia Telephone Company

Comment: Dunkirk and Fredonia Telephone Company provides Digital Subscriber Line broadband service and direct facilities connection broadband services in Fredonia, New York at speeds exceeding the NOFA definition. The service is offered at every customer location.

-----**Service Area:** 105 - Nazareth

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

-----**Service Area:** 021 - Oakdale

Submitter: Interwest Management Services Inc. dba Fire2Wire

Comment: Fire2Wire has been servicing rural areas within the San Joaquin Valley since 2002. The market price of residential broadband Internet service in this area is at a current low, due to wireline service promotions and other competing rural providers. The heavy use of license-exempt equipment for broadband Internet service, as well as for consumer devices, makes it unlikely that an additional operator could successfully deploy a wide-scale network using license-exempt equipment. In addition, the San Joaquin Valley's proximity to grandfathered fixed satellite stations makes deploying 3.65GHz equipment under FCC part 90 difficult in most areas. It is our belief that the proposed service area could not sustain additional competition without causing a notable loss of jobs within the various smaller rural providers.

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

-----**Service Area:** 114 - Stroudsburg

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers'

currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

-----**Service Area:** 013 - Kerman

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

Submitter: Kerman Telephone Company, dba Sebastian

Comment: Kerman Telephone, dba, Sebastian, is challenging the applications for ARRA funding for the Kerman Telephone exchange. The Kerman telephone exchange exceeds the federal NTIA/RUS unserved and underserved definition. Audeamus, a non-regulated affiliate of Sebastian launched high-speed Internet service back in 2000 and has availability to 100% of the customers in our service territory. Sebastian is currently offering the choice of 1.5Mbps, 4 Mbps, and 6Mbps to all our customers. The Kerman Telephone exchange has a broadband penetration rate of 41% and growing. As stated in the NOFA ARRA grants are designed to fund areas where no broadband connectivity exists (i.e. are either unserved or underserved). This is not the case in the Kerman exchange. Applicants also fail in the requirement to demonstrate that service would not exist absent support from the grant funds – services already exist in this area. As the area served by Sebastian does not meet the required criteria, the request for funding in our service territory for this application should be denied.

-----**Service Area:** 067 - Clyde

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."

-----**Service Area:** 003 - Mountain Home

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.

-----**Service Area:** 125 - Reedsburg

Submitter: Reedsburg Utility Commission

Comment: The Reedsburg Utility Commission ("RUC") is an incumbent Broadband provider in the City of Reedsburg, Wisconsin and has been providing essential and advanced telecommunications services since 2003. RUC was the first utility to provide Broadband services in the service territory and has built a wireline facilities based network to offer advanced Broadband services to 100% of all the households and businesses in the service territory. RUC has deployed fiber to all medical institutions, public libraries, public schools and to 100% of the households and business in the service territory. RUC offers discounted equipment and services packages with services such as voice, video, and data to 100% of its customers. RUC is a local municipality which employs approximately 40 local residents. Because RUC offers 3 Mbps of Broadband speed to 100% of the households in the service area, this area should not qualify as an Underserved Area.

Submitter: Charter Communications

Comment: Charter Communications ('Charter'), a broadband service provider, has invested capital to provide a full range of Broadband services, including High Speed Internet services, in this service area. The applicant's request in the proposed under-served service area would create an overlap in Charter's service area. Charter's response includes the necessary information to validate the overlapping condition as a result of this applicant's request.

-----**Service Area:** 072 - Fostoria

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: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements. Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

Submitter: bright.net

Comment: bright.net, a subsidiary of an established local exchange company, offers high-speed broadband service as a competitive broadband service provider in the entirety of the applicant's proposed funded service area. In the proposed funded service area, bright.net competes with several other broadband service providers; namely, Time Warner, AT&T and WatchTV. It is the assertion of bright.net that the proposed funded service area is not underserved. Without even factoring in the incumbent provider and the other competitors and their broadband service availability, bright.net, on its own, has the capability to offer broadband service with speeds of 3 Mbps x 1 Mbps to 100% of the residences and businesses within the proposed funded service area.

-----**Service Area:** 059 - Glens Falls/Hudson Falls/Fort Edward

Submitter: Utopian Wireless Corporation

Comment: Proprietary data regarding actual service provider broadband penetration in the proposed service area for this application demonstrates the area is already served by broadband options and therefore this application is ineligible for funding pursuant to the requirements of the Broadband Initiatives Program (BIP) and Broadband Technologies Opportunities Program (BTOP).

Submitter: Time Warner Cable

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: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements. Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

-----**Service Area:** 047 - Gas City/Jonesboro

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements. Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make

a reasonable analysis or a conclusive determination.

Submitter: Bright House Networks, LLC

Comment: In support of NTIA and RUS' efforts to optimize the distribution of the scarce resources available under the ARRA Broadband NOFA, Bright House Networks is providing additional data related to this Applicant's planned service areas. This application includes service areas which are not underserved.

-----**Service Area:** 048 - Huntington

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

-----**Service Area:** 008 - Chowchilla

Submitter: Interwest Management Services Inc. dba Fire2Wire

Comment: Fire2Wire has been servicing rural areas within the San Joaquin Valley since 2002. The market price of residential broadband Internet service in this area is at a current low, due to wireline service promotions and other competing rural providers. The heavy use of license-exempt equipment for broadband Internet service, as well as for consumer devices, makes it unlikely that an additional operator could successfully deploy a wide-scale network using license-exempt equipment. In addition, the San Joaquin Valley's proximity to grandfathered fixed satellite stations makes deploying 3.65GHz equipment under FCC part 90 difficult in most areas. It is our belief that the proposed service area could not sustain additional competition without causing a notable loss of jobs within the various smaller rural providers.

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

-----**Service Area:** 049 - Jasper

Submitter: Perry-Spencer Rural Telephone Coop., Inc d/b/a PSC

Comment: The application submitted by Open Range Communications Inc. contains inaccurate and incomplete information for the proposed funded service area. Perry-Spencer Communications, Inc. DBA PSC (PSC) demonstrates that it provides broadband wireless access services in both the Huntingburg and Jasper areas of 3 Mbps or greater via Fiber to the Premises or broadband wireless access technologies. PSC is currently migrating customers from the 384 Kbps speed to 3 Mbps for the same rate of \$29.95 per month. The upgrade is made possible by an upgrade to a new Wi-Max Network. As such, this area is "SERVED" based on the definitions as established in the Notice of Funds Availability (NOFA). In this public notice response PSC is providing; 1) a map of the overlapping area where PSC provides broadband services, 2) PSC's DSL high speed Internet advertising 3) the number of residential households and

business establishments capable of receiving broadband services from PSC within our service area, 4) the number of residential households and business establishments subscribing to our broadband, 5) the advertised download and upload speeds and service rates, and 6) comments addressing the existing services offered within the proposed funded service area.

Submitter: Insight Communications

Comment: Based on the requirements for broadband stimulus funding outlined in the Federal Notice of Funds Availability, released jointly by the U.S. Department of Agriculture and the U.S. Department of Commerce on July 9, 2009 in the Federal Register, the application filed by Open Range Communications, proposing to serve portions of Dubois County, Indiana, must be underserved by broadband. In the proposed service area containing the community of Jasper, Indiana, greater than 50 percent of households have access to facilities-based, terrestrial broadband service, households in the proposed service area have access to broadband speeds of 20 Mbps downstream provided by Insight Communications, and greater than 40 percent of households in the proposed service area have subscribed to broadband provided by Insight Communications. Because this proposed service area is, in fact, neither unserved nor underserved by broadband, it is not eligible for funding under the July 9, 2009 NOFA.

-----**Service Area:** 006 - Siloam Springs

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. Attached is a state map that is a representative sample of areas where the application overlaps our existing broadband deployment. CenturyLink also provides data showing broadband availability in our local telephone exchanges within the proposed service areas. We will provide additional information on request if that will further assist the agency's review.

This data is not exhaustive; the application may include other areas also currently served with broadband by other providers, which should be considered in the assessment of the application. Our data combined with that of other broadband providers would likely show further duplication and overlap of broadband services in the proposed service areas.

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 (insert state) 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.

-----**Service Area:** 045 - Bedford

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

Submitter: International Broadband Electric Communications

Comment: IBEC is providing High Speed Internet services in this area under an existing RUS Rural Broadband Loan.

-----**Service Area:** 106 - New Holland

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

-----**Service Area:** 027 - Dacono

Submitter: JAB Wireless, Inc.

Comment: JAB Wireless, Inc. ("JAB"), operating under the trade name Skybeam, is providing information specific to the proposed service area depicting JAB's existing broadband coverage, a sample of JAB's regular and routine advertising of the availability of 3 meg. or higher Internet service, and subscriber information to assess broadband penetration.

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband

footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

Submitter: Qwest

Comment: As authorized by the BIP and BTOP Notice of Funds Availability and the Public Notice associated with the publication of BIP and BTOP broadband infrastructure project funding applications found on the BroadbandUSA.gov website, Qwest responds with broadband service data to the application of Open Range Communications Inc., Dacono for funding for an area represented as “underserved” that is located, in whole or in part, in Qwest’s broadband service area.

-----**Service Area:** 088 - Canonsburg

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

-----**Service Area:** 117 - Tamaqua

Submitter: Utopian Wireless Corporation

Comment: Proprietary data regarding actual service provider broadband penetration in the proposed service area for this application demonstrates the area is already served by broadband options and therefore this application is ineligible for funding pursuant to the requirements of the Broadband Initiatives Program (BIP) and Broadband Technologies Opportunities Program (BTOP).

Submitter: Pencor

Comment: RESIDENTIAL PACKAGES

Blue Ridge Communications offers Residential High Speed Internet Packages that range from:

1.5 Megabits Downstream / 384 Kilobits Upstream to 15Megabits Downstream /2 Megabits Upstream.

COMMERCIAL PACKAGES

Blue Ridge Communications Commercial High Speed Internet Packages range from:

3 Megabits Downstream / 800 Kilobits Upstream to 15 Megabits Downstream / 2 Megabits Upstream.

Blue Ridge Communications/PTD Commercial High Speed Internet Packages range from:

2 Megabits Downstream / 2 Megabit Upstream to 12 Megabits Downstream / 2 Megabit Upstream

-----**Service Area:** 068 - Columbiana

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband

footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

-----**Service Area:** 112 - Ridgway

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:** 074 - London

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: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband

footprint to assist in determining whether the applicant's proposed

service area, which may be part of a larger application and project,

satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers'

currently operating in the service area may be needed in order to make

a reasonable analysis or a conclusive determination.

-----**Service Area:** 028 - Firestone

Submitter: JAB Wireless, Inc.

Comment: JAB Wireless, Inc. ("JAB"), operating under the trade name Skybeam, is providing information specific to the proposed service area depicting JAB's existing broadband coverage, a sample of JAB's regular and routine advertising of the availability of 3 meg. or higher Internet service, and subscriber information to assess broadband subscribership.

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements. Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

-----**Service Area:** 046 - Brazil

Submitter: Avenue Broadband Communications, Inc.

Comment: Avenue started providing high speed internet services to 100% of the Service Area earlier this year. The take rates have been very strong. Verizon also provides DSL service in the Service Area with advertised speeds up to 3 Mgbps. The penetration levels between Avenue and Verizon exceed 40% of homes passed

-----**Service Area:** 084 - Birdsboro

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

Submitter: Service Electric Cablevision Inc.

Comment: We believe this area is not underserved as defined by the NOFA. Service Electric offers a wide array of broadband speeds with top speeds at 15 Mbps. In addition other companies offer broadband speeds over 768k. Over 40% of our customers subscribe to our broadband internet and in the coming months a Docsis 3.0 network will be deployed to this region. Please visit our website for more info <http://www.secv.com>

-----**Service Area:** 029 - Antioch

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project,

satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

-----**Service Area:** 102 - Middletown

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

-----**Service Area:** 018 - Madera Acres

Submitter: Interwest Management Services Inc. dba Fire2Wire

Comment: Fire2Wire has been servicing rural areas within the San Joaquin Valley since 2002. The market price of residential broadband Internet service in this area is at a current low, due to wireline service promotions and other competing rural providers. The heavy use of license-exempt equipment for broadband Internet service, as well as for consumer devices, makes it unlikely that an additional operator could successfully deploy a wide-scale network using license-exempt equipment. In addition,

the San Joaquin Valley's proximity to grandfathered fixed satellite stations makes deploying 3.65GHz equipment under FCC part 90 difficult in most areas. It is our belief that the proposed service area could not sustain additional competition without causing a notable loss of jobs within the various smaller rural providers.

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband

footprint to assist in determining whether the applicant's proposed

service area, which may be part of a larger application and project,

satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers'

currently operating in the service area may be needed in order to make

a reasonable analysis or a conclusive determination.

-----**Service Area:** 055 - Washington

Submitter: DigitalBridge Communications Corp.

Comment: DigitalBridge Communications ("DBC") currently offers true 4G, WiMAX broadband service in the applicant's PFSA, serving an active base of residential and business subscribers in the PFSA. Other companies also serve the PFSA - DBC actively competes with cable (Avenue) and DSL (AT&T) broadband providers in the PFSA. DBC has 100% overlap of its coverage with the PFSA based on households served.

Submitter: Avenue Broadband Communications, Inc.

Comment: Avenue provides 3 Mbps and 10 Mbps high speed internet service to 100% of this Service Area. At&t also provides DSL service in the Service Area with advertised speeds up to 3 Mgbps. The penetration levels between Avenue and At&t exceed 40% of homes passed.

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

Submitter: International Broadband Electric Communications

Comment: IBEC is providing High Speed Internet services in this area under an existing RUS Rural Broadband Loan.

-----**Service Area:** 044 - Auburn

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

-----**Service Area:** 111 - Red Lion

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

-----**Service Area:** 089 - Carlisle

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: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

-----**Service Area:** 031 - Dixon

Submitter: T6 Wireless, Inc.

Comment: T6 Broadband, a facilities-based CLEC and Wireless ISP using UNE-L DSL loops and FCC Part-15 license-exempt spectrum to deliver broadband service in the proposed funded service areas, is providing information that shows that the proposed funded service area has 3 TO 20 Mbps advertised broadband service with over 99 % broadband coverage. The applicant does not qualify as un-served or underserved per the definitions of the NOFA.

-----**Service Area:** 019 - Magalia

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

-----**Service Area:** 094 - Gettysburg

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: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

-----**Service Area:** 077 - Tiffin

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: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed

service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

Submitter: bright.net

Comment: bright.net, a subsidiary of an established local exchange company, offers high-speed broadband service as a competitive broadband service provider in the entirety of the applicant's proposed funded service area. In the proposed funded service area, bright.net competes with several other broadband service providers; namely, Time Warner, AT&T and WatchTV. It is the assertion of bright.net that the proposed funded service area is not underserved. Without even factoring in the incumbent provider and the other competitors and their broadband service availability, bright.net, on its own, has the capability to offer broadband service with speeds of 3 Mbps x 1 Mbps to 100% of the residences and businesses within the proposed funded service area.

-----**Service Area:** 034 - Highland

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements. Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

-----**Service Area:** 017 - Lincoln

Submitter: WaveDivision Holdings, LLC

Comment: WaveDivision Holdings, LLC (“Wave”) is a facilities-based, terrestrial provider of high speed Internet, cable television and telephone services. Wave challenges the application of Open Range Communications Inc. (“Applicant”) for last mile funding because Applicant’s proposed funded service area does not meet the requirement set forth in the Notice of Funds Availability to qualify as an “Underserved Area”. The current aggregate broadband penetration in Applicant’s proposed funded service area is 67%, significantly greater than the 40% standard set forth in the NOFA. Additionally, in the portion of Applicant’s proposed service area that is served by Wave more than 50% of the households have access to facilities-based, terrestrial broadband service. Essentially 100% of the households in the areas Wave serves in the proposed funded service area have access to Wave’s broadband services. Accordingly, NTIA and/or RUS must deny Applicant’s funding proposal.

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements. Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

Submitter: SureWest Communications

Comment: Respondent disputes herein that some of the service area proposed for funding by Open Range Communications Inc. is neither underserved nor unserved. Putting aside the issue of other existing providers, for alleged unserved area, respondent shows that in the proposed funded service area, it currently advertises and provides fixed broadband service with transmission speeds of at least 768 kbps downstream and 200 kbps upstream, and that more than 10 percent of the households in the proposed funded service area currently have access to that service for alleged underserved area. Respondent also shows that in the proposed funded service area, 1) it currently advertises and provides fixed broadband service with transmission speeds of at least 3 mbps downstream, 2) that more than 50 percent of the households in the proposed funded service area currently have access to that service, and 3) that more than 40% of the households in the proposed funded service area currently subscribe to broadband service. The wireline broadband service providers in the area are AT&T, SureWest, and Comcast various wireless broadband providers.

The applicant crosses, as specified above, in an area that is neither un-served or underserved. The specific CBGs are 213011-213012, 213031, 213044, 214011- 214013, 214021-214024.

-----**Service Area:** 124 - Portage

Submitter: Charter Communications

Comment: Charter Communications ('Charter'), a broadband service provider, has invested capital to provide a full range of Broadband services, including High Speed Internet services, in this service area. The applicant's request in the proposed under-served service area would create an overlap in Charter's service area. Charter's response includes the necessary information to validate the overlapping condition as a result of this applicant's request.

-----**Service Area:** 016 - Lemoore

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed

service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

-----**Service Area:** 064 - Tupper Lake

Submitter: Time Warner Cable

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."

-----**Service Area:** 101 - Mechanicsburg

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements. Additional information regarding other broadband service providers'

currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

-----**Service Area:** 091 - East York/Stonybrook-Wilshire

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

-----**Service Area:** 113 - Steelton

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make

a reasonable analysis or a conclusive determination.

-----**Service Area:** 078 - Urbana

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

Submitter: CHampaign Telephone Company

Comment: The Champaign Telephone Company is providing information regarding the number of residential households and business establishments capable of receiving broadband in the area that the applicant's PFSA overlaps the respondent's service area. The Champaign Telephone Company is also providing information regarding the number of existing customers purchasing broadband service in the area of overlap. In the area of overlap, 100% of households have access to facilities-based broadband service and the rate of broadband subscribership exceeds 10%.

-----**Service Area:** 069 - Conneaut/Edgewood/N Kingsville

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: Utopian Wireless Corporation

Comment: Proprietary data regarding actual service provider broadband penetration in the proposed service area for this application demonstrates the area is already served by broadband options and therefore this application is ineligible for funding pursuant to the requirements of the Broadband Initiatives Program (BIP) and Broadband Technologies Opportunities Program (BTOP).

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:** 009 - Corcoran

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

-----**Service Area:** 092 - Ephrata/Akron/Rothsville

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband

footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

-----**Service Area:** 122 - Mount Horeb

Submitter: Charter Communications

Comment: Charter Communications ('Charter'), a broadband service provider, has invested capital to provide a full range of Broadband services, including High Speed Internet services, in this service area. The applicant's request in the proposed under-served service area would create an overlap in Charter's service area. Charter's response includes the necessary information to validate the overlapping condition as a result of this applicant's request.

Submitter: Mt Horeb Telephone Company dba MHTC

Comment: Upon reviewing the BIP/BTOP applications posted by RUS and NTIA I have the following comments as they affect the Mt Horeb Telephone Company service area. Mt Horeb Telephone Company currently can provide DSL service to 100% of our service area in excess of 3 meg, in most locations 5 meg service is available. In addition we have fiber connectivity to the schools which allows for greater broadband capacities if desired. Our service area does not meet the "Unserved or Underserved" definition as defined in the Notice of Funds Availability (NOFA).

Therefore we are objecting to this applicant who has indentified the Mt Horeb Telephone Company service area as a potential for funding.

-----**Service Area:** 020 - North Auburn

Submitter: WaveDivision Holdings, LLC

Comment: WaveDivision Holdings, LLC (“Wave”) is a facilities-based, terrestrial provider of high speed Internet, cable television and telephone services. Wave challenges the application of Open Range Communications Inc. (“Applicant”) for last mile funding because Applicant’s proposed funded service area does not meet the requirement set forth in the Notice of Funds Availability to qualify as an “Underserved Area”. The current aggregate broadband penetration in Applicant’s proposed funded service area is approximately 65%, significantly greater than the 40% standard set forth in the NOFA. Additionally, in the portion of Applicant’s proposed service area that is served by Wave more than 50% of the households have access to facilities-based, terrestrial broadband service. Essentially 100% of the households in the areas Wave serves in the proposed funded service area have access to Wave’s broadband services. Accordingly, NTIA and/or RUS must deny Applicant’s funding proposal.

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements. Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

-----**Service Area:** 108 - Palmyra

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed

service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

-----**Service Area:** 096 - Hermitage/Sharon/Farrell/Sharpsville

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: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

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:** 052 - Vincennes

Submitter: DigitalBridge Communications Corp.

Comment: DigitalBridge Communications (“DBC”) currently offers true 4G, WiMAX broadband service in the applicant’s PFSA, serving an active base of residential and business subscribers in the PFSA. Other companies also serve the PFSA - DBC actively competes with cable (Avenue) and DSL (AT&T) broadband providers in the PFSA. DBC has 100% overlap of its coverage with the PFSA based on households served.

Submitter: Avenue Broadband Communications, Inc.

Comment: Avenue provides 10 Mbps and 3 Mbps high speed internet service to 100% of this Service Area. Cinergy Metronet also provides high speed internet service to this area at advertised speeds up to 15 Mbps and At&t provides DSL service to this area at advertised speeds of up to 3 Mbps. Between Avenue, Cinergy and At&t, penetration levels exceed 40% of homes passed.

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

Submitter: International Broadband Electric Communications

Comment: IBEC is providing High Speed Internet services in this area under an existing RUS Rural Broadband Loan.

-----**Service Area:** 057 - Dunkirk

Submitter: Time Warner Cable

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: 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:** 086 - Briar Creek/Berwick/Foundryville/Nescopeck

Submitter: Gans Communications LP dbaMetroCast Communications

Comment: Gans Communications, L.P. dba MetroCast Communications offers broadband service to 100% of the applicant's proposed service area. MetroCast offers residential broadband transmission speeds in applicant's proposed service area up to 10Mbps downstream and 1 Mbps upstream, with MetroCast’s most highly-subscribed to broadband service having a transmission speed of 7.0Mbps downstream and 512 kbps upstream. MetroCast’s business broadband service offerings start at 3Mbps downstream and 256 kbps upstream, with advertised offerings of up to 15Mbps downstream and 2 Mbps upstream. Higher business speeds are available with customized service options including direct fiber connections. Over 25% of the households and businesses within the applicant's proposed service area currently subscribe to MetroCast broadband services. MetroCast is aware of other providers of high speed broadband service in applicant’s proposed service area, including Verizon. According to an FCC report (<http://www.fcc.gov/wcb/iatd/comp.html>), as of June 30, 2008, eleven other companies reported providing high-speed service to this service area. Based on the information provided above, applicant’s proposed service area certainly does not meet the definition of “unserved” or “underserved” as those two terms are defined in the NTIA/RUS NOFA. MetroCast has invested several million dollars of private capital to build an advanced fiber optic network to provide broadband services in Northeastern Pennsylvania, which encompasses most of the applicant’s proposed service area. Further details regarding the broadband services MetroCast provides in applicant's proposed service area are provided below.

Submitter: Utopian Wireless Corporation

Comment: Proprietary data regarding actual service provider broadband penetration in the proposed service area for this application demonstrates the area is already served by broadband options and therefore this application is ineligible for funding pursuant to the requirements of the Broadband Initiatives Program (BIP) and Broadband Technologies Opportunities Program (BTOP).

-----**Service Area:** 076 - Norwalk

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."

-----**Service Area:** 066 - Brookville

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

-----**Service Area:** 039 - Salem

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

-----**Service Area:** 065 - Bellevue

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."

-----**Service Area:** 097 - Kingston/Pringle/Courtdale/Edwardsville

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project,

satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

-----**Service Area:** 085Bloomsburg/Espy/Almedia/Lime Ridge/Mifflinville

Submitter: Gans Communications LP dbaMetroCast Communications

Comment: Gans Communications, L.P. dba MetroCast Communications offers broadband service to approximately 50% of the applicant's proposed service area. MetroCast offers residential broadband transmission speeds in applicant's proposed service area up to 10Mbps downstream and 1 Mbps upstream, with MetroCast's most highly-subscribed broadband service having a transmission speed of 7.0Mbps downstream and 512 kbps upstream. MetroCast's business broadband service offerings start at 3Mbps downstream and 256 kbps upstream, with advertised offerings of up to 15Mbps downstream and 2 Mbps upstream. Higher business speeds are available with customized service options including direct fiber connections. Over 12% of the households and businesses within the applicant's proposed service area currently subscribe to MetroCast broadband services. MetroCast is aware of other providers of high speed broadband service in applicant's proposed service area, including Verizon. According to an FCC report (<http://www.fcc.gov/wcb/iatd/comp.html>), as of June 30, 2008, eleven other companies reported providing high-speed service to this service area.

Based on the information provided above, applicant's proposed service area certainly does not meet the definition of "unserved" or "underserved" as those two terms are defined in the NTIA/RUS NOFA.

MetroCast has invested several million dollars of private capital to build an advanced fiber optic network to provide broadband services in Northeastern Pennsylvania, which encompasses most of the applicant's proposed service area. Further details regarding the broadband services MetroCast provides in applicant's proposed service area are provided below.

Submitter: Utopian Wireless Corporation

Comment: Proprietary data regarding actual service provider broadband penetration in the proposed service area for this application demonstrates the area is already served by broadband options and therefore this application is ineligible for funding pursuant to the requirements of the Broadband Initiatives Program (BIP) and Broadband Technologies Opportunities Program (BTOP).

Submitter: Service Electric Cablevision Inc.

Comment: We believe this area is not underserved/unserved as defined by the NOFA. Service Electric offers a wide array of broadband speeds with top speeds at 15 Mbps and Metrocast serves the area of Mifflinville with broadband. In addition other phone and wireless companies offer broadband speeds over 768k. Over 40% of our customers subscribe to our broadband internet and in the coming months a Docsis 3.0 network will be deployed to this region. Please visit our website for more info <http://www.secv.com>

-----**Service Area:** 079 - Van Wert

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: 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 designated area.

-----**Service Area:** 037 - Rock Falls

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

Submitter: T6 Wireless, Inc.

Comment: T6 Broadband, a facilities-based CLEC and Wireless ISP using UNE-L DSL loops and FCC Part-15 license-exempt spectrum to deliver broadband service in the proposed funded service areas, is providing information that shows that the proposed funded service area has 3 TO 20 Mbps advertised broadband service, over 99 % broadband coverage and does not qualify as un-served or underserved per the definitions of the NOFA.

-----**Service Area:** 071 - Delphos

Submitter: Time Warner Cable

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."

-----**Service Area:** 093 - Exeter/Wyoming/West Wyoming

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

-----**Service Area:** 118 - Burlington

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: 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: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements. Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

-----**Service Area:** 127 - Stoughton

Submitter: Charter Communications

Comment: Charter Communications ('Charter'), a broadband service provider, has invested capital to provide a full range of Broadband services, including High Speed Internet services, in this service area. The applicant's request in the proposed under-served service area would create an overlap in Charter's service area. Charter's response includes the necessary information to validate the overlapping condition as a result of this applicant's request.

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project,

satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

-----**Service Area:** 081 - Willard

Submitter: Time Warner Cable

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."

-----**Service Area:** 110 - Reamstown/Denver

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements. Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make

a reasonable analysis or a conclusive determination.

-----**Service Area:** 090 - Colonial Park/Progress

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

-----**Service Area:** 024 - Sunnyside-Tahoe City

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make

a reasonable analysis or a conclusive determination.

-----**Service Area:** 042 - South Beloit

Submitter: Charter Communications

Comment: Charter Communications ('Charter'), a broadband service provider, has invested capital to provide a full range of Broadband services, including High Speed Internet services, in this service area. The applicant's request in the proposed under-served service area would create an overlap in Charter's service area. Charter's response includes the necessary information to validate the overlapping condition as a result of this applicant's request.

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements. Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

Submitter: T6 Wireless, Inc.

Comment: T6 Broadband, a facilities-based CLEC and Wireless ISP using UNE-L DSL loops and FCC Part-15 license-exempt spectrum to deliver broadband service in the proposed funded service areas, is providing information that shows that the proposed funded service area has 3 TO 20 Mbps advertised broadband service, over 99 % broadband coverage and does not qualify as un-served or underserved per the definitions of the NOFA.

