Applicant Name: 52 Eighty LLC

Public Notice Submissions

-----Service Area: Hartwell GA

Submitter: Hart Telephone Company

Comment: Hart Telecommunications (“Hart”) is responding to this Public Notice Filing regarding 52 Eighty, LLC’s application for broadband funding under the ARRA. The applicant’s proposed funded service area is located in northeast Georgia and covers parts of Hart County. Hart is an incumbent broadband provider that currently offers broadband service (as defined in the NOFA) to 100% of its service area as outlined in response area map in Hart and County. For the proposed funded service area which overlaps with Hart’ incumbent service area, the applicant claims that it is “underserved”. The data provided in this response demonstrates that the applicant’s claim that the overlap with the proposed funded service area is “underserved” is not true.

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:  West Carolina Rural Telephone Cooperative, Inc.

Comment:  52 Eighty LLC’s application is not eligible to receive requested funds for the below-named service area because that portion of the proposed funded service area is neither "unserved" nor "underserved," as those terms are defined in the Notice of Funds Availability issued on July 9, 2009.

As demonstrated in this response, 52 Eighty LLC’s application should not be considered for funding for the relevant service area because the existing service provider for that portion of the proposed funded service area currently offers terrestrial broadband service at speeds exceeding 3 Mbps in the relevant area and, further, more than 40% of the households subscribe to broadband service.

-----Service Area:  Plainview IL

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.
**Submitter:** NewWave Communications

**Comment:** NewWave along with two other providers, one of which is a wireless provider, already serves this area. NewWave serves 7 percent of data customers vs. homes passed. All of NewWave's service area provides 3MG or higher.

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**Submitter:** Madison Communications

**Comment:** Madison Communications provides comments on this application regarding the underserved designation of the proposed funded area.

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**-----Service Area:** Lancaster KS

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**Submitter:** Sunflower Broadband

**Comment:** Sunflower Broadband is commenting to the stimulus application of 52 Eighty LLC for the proposed funded service area identified in the application as “Lancaster KS”. Within the proposed service area, Sunflower Broadband provides broadband services that meet and exceed the speeds defined in the NOFA. Sunflower Broadband’s full facilities-based broadband service is provided through an HFC network. The current functionality and future capability exceeds the technology proposed by 52 Eighty LLC. Sunflower Broadband is also providing wireless service in portions of the proposed service area of "Lancaster KS". Because the wireless product has been available for 4 years, Sunflower Broadband has experience with the topographic challenges as there are areas where terrain is not conducive to a wireless option and in our experience at least 50% of homes in the area cannot be reached with a wireless option. In addition to Sunflower Broadband, there are at least two other existing wireless Internet options in the proposed service area.

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**Submitter:** Allegiance Communications, LLC

**Comment:** Allegiance Communications (Allegiance) currently provides a wide array of broadband offerings within the proposed funded service area. Allegiance has offered broadband services in excess of the 3 MB bandwidth requirement as set forth in the ARRA, NOFA and BIP/BTOP guidelines, all prior to the ARRA approval. Allegiance’s service area already provides for “sufficient access to broadband service to facilitate rural economic development”, as well as allows for choice of service providers through competing with Local Exchange Carriers, and allows for leasing of services through our own facilities. Allegiance’s opinion of the proposed funded service area is that of excess spending where
funds could be better used in other portions of the country to deploy broadband service in accordance with the ARRA, NOFA and BIP/BTOP programs. Through funding the proposed service area, excessive competition will be created for all, which may create a short term economic boost, but have severe long term ramifications which may force service providers out of business.

Submitter: Rainbow Communications

Comment: Rainbow Telecommunications Association, Inc. dba Rainbow Communications is a phone, Internet, and cable TV service provider in rural northeast Kansas. The telecommunications company is headquartered in Everest, Kansas, and has been in existence since 1952. While Rainbow Telecommunications has offered high speed DSL- Internet for many years, the company has since expanded its service offerings in 2006 through a CLEC operation, Carson Communications dba Rainbow Communications. Rainbow Communications is able to provide high speed DSL, cable modem, and fiber-based Internet in many northeast Kansas rural communities. It is our goal to provide communication technology which rivals or surpasses those available in metro areas.

-----Service Area: Selma AL

Submitter: Pine Belt Cellular Inc. dba Pine Belt Wireless

Comment: Pine Belt Cellular, Inc., dba Pine Belt Wireless, has been offering broadband data service to its subscribers for 3 years. The area applied for by the ARRA applicant falls within the franchised, FCC licensed and fixed wireless service areas of Pine Belt Cellular, and is served with high speed internet broadband service.

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.
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: Alexander City AL

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.”
Sierra Telephone Company, Inc. and its affiliates (collectively "Sierra Telephone") hereby challenges this application for American Recovery and Reinvestment Act ("ARRA") funding in Sierra Telephone’s service territory. Sierra Telephone provides Broadband services over a Digital Subscriber Line platform in its service territory, in a manner that exceeds the federal National Telecommunications and Information Administration ("NTIA") and Rural Utilities Service ("RUS") unserved and underserved definitions. The area for which ARRA funding is sought in this application overlaps with the area that Sierra Telephone serves with broadband, and to the extent of such overlap, the application must be denied.

Sierra Telephone's service territory is neither "unserved" nor "underserved." As defined in the Notice of Funds Availability ("NOFA"), an area is classified as unserved if 90% of households lack access to broadband services. The percentage of households that lack access to broadband services at the minimum broadband transmission speeds in Sierra Telephone’s service territory that overlap the applicant’s proposed unserved area is well below the 90% threshold.

As defined in the NOFA, an area is classified as underserved if one of the following criteria are met: (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 of 768 kbps downstream and 200 kbps upstream; (2) no fixed or mobile broadband service provider advertises broadband transmission speeds of at least three megabits per second downstream in the proposed funded service area; or (3) the rate of broadband subscribership in the proposed funded service area is 40% or less. None of these standards for defining an underserved area can be met as to the portion of the proposed funded area that overlaps with Sierra Telephone’s service territory. The rate of broadband subscribership for households in Sierra Telephone’s service territory that overlap the applicant’s proposed underserved area is well above the 40% threshold. Further, Sierra Telephone provides facilities-based, terrestrial broadband service to more than 50% of the households in its service territory. Sierra Telephone does not have information in its possession regarding the advertised speeds for any fixed or mobile broadband offerings in the proposed funded service area. However, Sierra Telephone understands that a satellite-based Internet Service Provider, HughesNet, offers broadband speeds of 3mbps or greater.

As stated in the NOFA, ARRA grants are designed to fund areas where insufficient broadband connectivity exists (i.e. it is designed to target areas that are either unserved or underserved). This is not the case in Sierra Telephone’s service territory. In addition to the applicant's failure to meet the proper definitions of unserved and underserved relative to the proposed funded service area, the applicant also has demonstrated that service would not exist absent support from the grant funds. As described herein, services already exist in this area, including those provided by Sierra Telephone. Broadband is
widely available in the area, and subscribership exceeds the 40% threshold. Since the portion of the proposed funding area that overlaps Sierra Telephone’s service territory does not meet the required criteria, the request for funding in Sierra Telephone’s service territory for this applicant must be denied.

-----Service Area:  Tarrytown GA

Submitter:  Plant Telecommunications

Comment:  Plant Telecommunications (“Plant”) is responding to this Public Notice Filing regarding 52 Eighty, LLC application for broadband funding under the ARRA. The applicant’s proposed funded service area is located in middle Georgia and covers parts of Montgomery, Johnson, Emanuel and Treutlen Counties. Plant is an incumbent broadband provider that currently offers broadband service (as defined in the NOFA) to 95% of its service area as outlined in response area map in Montgomery, Johnson, Emanuel, and Treutlen Counties. For the proposed funded service area which overlaps with Plant’ incumbent service area, the applicant claims that it is “underserved”. The data provided in this response demonstrates that the applicant’s claim that the overlap with the proposed funded service area is “underserved” is not true.

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: Pineland Telephone Cooperative

Comment: Pineland Telephone Cooperative (“Pineland”) is responding to this Public Notice Filing regarding 52 Eighty, LLC application for broadband funding under the ARRA. The applicant’s proposed funded service area is located in south east Georgia and covers parts of Candler, Tattnall, Johnson and Emanuel Counties. Pineland is an incumbent broadband provider that currently offers broadband service (as defined in the NOFA) to 100% of its service area as outlined in response area map in Candler, Tattnall, Johnson and Emanuel Counties. For the proposed funded service area which overlaps with Pineland’ incumbent service area, the applicant claims that it is “underserved”. The data provided in this response demonstrates that the applicant’s claim that the overlap with the proposed funded service area is “underserved” is not true.

-----Service Area: Soledad CA
Submitter: Pinnacles Telephone Co.

Comment: Pinnacles Telephone Co. is currently capable of providing Broadband service (DSL) to most residents of southern San Benito County in and around the rural communities of Paicines, San Benito and Idria. Pinnacles National Monument is also within our service area.

-----Service Area: Surrency GA

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:  Little Rock CA

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:  Palmdale CA

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:  Spartanburg SC

Submitter:  Comporium Communications

Comment:  52 Eighty LLC's application should not be considered to receive the requested funds for the below-named service area because that portion of proposed funded service is not “unserved,” as that term is defined in the Notice of Funds Availability issued on July 9, 2009. As demonstrated in this response, 52 Eighty LLC's application should not be considered to receive requested funding for the relevant service area because 91% or more of the households located within that portion of the proposed funded service area already have the ability to access facilities-based terrestrial broadband service. Also demonstrated in this response, 52 Eighty LLC's application may not be eligible for funding because, at least as to the below-described service area, there is at least one interconnection point of the network within the area that has been described as qualifying as underserved.

Submitter:  Chesnee Telephone Company

Comment:  Chesnee Telephone Company currently provides broadband access capability to 100% of the households within the area of the proposed funded serving area indicated “PFSA” challenged area. Chesnee Telephone is a rural ILEC and RUS borrower that has been serving the area for some time. In the challenged PFSA they currently offer ADSL broadband data services. As of June 2009 they are serving 33% of the households with Broadband services within the challenge area, all above 768K access speeds. Chesnee Telephone offers speeds of over 3Mbps throughout this area. Therefore by any of the definitions of the ARRA broadband program this area does not qualify as un-served. The PFSA currently has access to broadband services above 50% of the households with speed above 3Mbps. This area is underserved only to the extent that actual customer broadband subscriber penetration is slightly less than 40%. Chesnee provides broadband services at competitive rates and the subscriber penetration rate has been limited by factors other than availability and cost.

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: Chesnee Cable TV

Comment: Chesnee CATV Company currently provides broadband access capability to 100% of the households within the area of the proposed funded serving area indicated “PFSA” challenged area. In the challenged PFSA they currently offer Cable Modem DOCSIS broadband data services. As of June 2009 they are serving 99% of the households with Broadband services within the challenge area, all
above 768K access speeds. Chesnee CATV offers speeds of over 3Mbps throughout this area. Therefore by any of the definitions of the ARRA broadband program this area does not qualify as unserved or underserved. Within the PFSA Chesnee currently provides access to broadband services to nearly 100% of the households all with speeds above 3Mbps and has an existing broadband subscriber penetration rate of 99%. Chesnee provides broadband services at competitive rates and the subscriber penetration rate reflect this fact.

-----Service Area:  Gluck SC

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:  West Carolina Rural Telephone Cooperative, Inc.

Comment:  52 Eighty LLC’s application is not eligible to receive requested funds for the below-named service area because that portion of the proposed funded service is neither "unserved" nor "underserved," as those terms are defined in the Notice of Funds Availability issued on July 9, 2009.

As demonstrated in this response, 52 Eighty LLC’s application should not be considered for funding for the relevant service area because the existing service provider for that portion of the proposed funded service area currently offers terrestrial broadband service at speeds exceeding 3 Mbps in the relevant area and, further, more than 40% of the households subscribe to broadband service.

-----Service Area:  Tomah WI
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: Vernon Telephone Cooperative, Inc

Comment: 52 Eighty, LLC has applied for broadband stimulus funds in our serving area. Since the area that 52 Eighty, LLC has applied in does not meet the determination of Unserved or Underserved as defined in the Notice of Funds Availability (NOFA), we feel that their application is invalid. Vernon Telephone Cooperative is a provider of broadband services in this area.

Submitter: Lemonweir Valley Telephone Company

Comment: Lemonweir Valley Telephone Company demonstrates that it provides broadband service throughout Monroe County which is encompassed in the proposed funded Service Area in the 52 Eighty LLC application and that the proposed funded Service Area is not unserved or underserved.

As demonstrated, 100% of households in Lemonweir’s service territory within the proposed funded Service Area are able to readily subscribe upon request to facilities-based, terrestrial broadband services with an advertised speed of greater than 768 kbps downstream and 200 kbps upstream from Lemonweir; 100% of the households in Lemonweir’s service territory within the proposed funded Service Area have access to facilities-based, terrestrial broadband service at greater than the minimum broadband transmission speed as set forth in the definition of broadband; and the rate of broadband subscribership for the proposed funded Service Area is greater than 40 percent of households.

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: Hillsboro Telephone Company, Inc.

Comment: 52 Eighty, LLC has applied for broadband stimulus funds in our serving area. Since the area that 52 Eighty has applied to serve does not in our opinion meet the determination of Unserved or Underserved as defined in the Notice of Funds Availability (NOFA), we feel that their application should be invalidated.

Within our service area there are 5 broadband competitors providing a range of service levels from the 768Kb’s to greater than 5Mb’s. Besides Verneau Networks (Hillsboro Telephone’s subsidiary) the list includes Community Antenna Systems, Verizon Wireless, US Cellular and Wild Blue Communications. The coverage of these 5 competitors, are able to render services to 100% of the available households within our service area.

Our service area contains several facilities, both public and private, where access to the Internet is available for free. Also our area is home to a large population of people that shun technology due to religious beliefs and have no desire for service at any level.

Utilizing the current technologies that we have deployed 100% of the households and businesses in our service area have access to a minimum of 5Mb’s and 97% have access to 12 to 47Mb’s and in some cases as we expand our fiber to the home as much as 100Mb’s.

-----Service Area: Wesleyville PA

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: Time Warner Cable, Inc.

Comment: As shown in the attached map and exhibit, TWC currently provides broadband Internet access service in the Proposed Funded Service Area. In addition, we advertise service of speeds above 3 Mbps throughout this service area. We pass over 50% of households, and either (1) have actual broadband subscribership of over 40% of the households in these census blocks or (2) the combined broadband subscribership of the wireline broadband providers (including TWC) in these census blocks is reasonably likely to exceed 40%. Therefore, that portion of the proposed funded service area that overlaps Respondent’s service area reflected in this response is neither “unserved” or “underserved.”

Submitter: Armstrong Utilities Inc.

Comment: Significant portions of the proposed funded service area (PFSA) in the above Application do not satisfy the BIP or BTOP definitions of "unserved" or "underserved," and thus, should not be eligible
to receive BIP or BTOP funding. Armstrong Cable provides broadband service at speeds of 3MBPS or
greater throughout the portions of Applicant's PFSA mapped in this response. (Advertisement
uploaded). Armstrong’s high speed broadband network passes more than 50%, and its high speed
broadband exceeds 40%, of its households within the areas of Applicant's PFSA mapped herein. Given
the presence of other broadband service providers in neighboring towns, it is reasonable to conclude
that Applicant has failed to meet the required showings for its entire PFSA, and its application should be
denied. At a minimum, Applicant has failed to meet the required showing in the portions of its PFSA
served by Armstrong, and therefore, its Application should be denied with respect to the areas mapped
herein.

-----Service Area:  Laramie WY

Submitter:  Bresnan Communications

Comment:  Based on our research and exposure in this service area, we’ve concluded that this
proposed funded service area fails to meet the NOFA definitions of underserved or unserved as defined
in NOFA.

Bresnan, along with other local telcos such as Qwest, provide broadband service in this service area via
cable modem and DSL technology. Bresnan provides several tiers of broadband service with download
speeds ranging from 1.5mbps to 15mbps.

Our market research and in-depth knowledge of our markets show that we occupy approximately 45-
55% of the market share of broadband subscribers in this market, with the remaining distributed among
incumbent telcos. With the subscribers and penetration levels entered below, this market area exceeds
the penetration and access thresholds as defined in the NOFA, thus making this application ineligible for
BTOP/BIP funds in this proposed funded service area.

We have outlined our service areas on the mapping tool provided. Also, see the attached supporting
document for additional information regarding our product offering and price points in this market. We
also entered confidential and sensitive subscriber details to support our case.
Submitter: Inventive Wireless of Nebraska, LLC dba Vistabeam

Comment: 52 Eighty LLC has proposed a project that includes several service areas that are already served with 3meg or faster broadband by Vistabeam and multiple other broadband providers. Vistabeam provides service to 32 towns in the Nebraska Panhandle and Eastern Wyoming.

-----Service Area: Chiefland FL

Submitter: James Cable LLC

Comment: James Cable LLC provides 8Mb broadband service to the community of Alachua, High Springs and Alachua County. We provide 3Mb service to the communities of Branford, Cross City, Stetchatchee, Dixie County, Levy County and Chiefland, Florida.

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: Huntsville AL

Submitter: Advanced Computer Solutions LLC

Comment: BamaWISP LLC currently provides access to Madison AL, Athens AL, and Harvest AL, all included in your underserved definition of Huntsville Alabama. Advanced Computer Solutions LLC DBA Advanced Broadband is now in negotiations to continue providing service once BamaWISP stops providing service next month. This is a currently served area.

Submitter: Mediacom Communications Corporation

Comment: Applicant’s proposed service area is currently served by multiple wireline broadband service providers, including Comcast, Knology, AT&T and 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 20 Mbps.

-----Service Area: Bruce FL
Submitter: Mediacom Communications Corporation

Comment: A large number of households in applicant's proposed service area are currently served by multiple broadband providers including Mediacom, Knology, Brighthouse, Verizon Wireless and AT&T. 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.

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.

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 least ten years. Cox provides its customers in Florida 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:  Merced Wiltel CA

Submitter:  Sierra Telephone Company, Inc.

Comment:  Public Response:

Sierra Telephone Company, Inc. and its affiliates (collectively "Sierra Telephone") hereby challenges this application for American Recovery and Reinvestment Act ("ARRA") funding in Sierra Telephone’s service territory. Sierra Telephone provides Broadband services over a Digital Subscriber Line platform in its service territory, in a manner that exceeds the federal National Telecommunications and Information Administration ("NTIA") and Rural Utilities Service ("RUS") unserved and underserved definitions. The area for which ARRA funding is sought in this application overlaps with the area that Sierra Telephone serves with broadband, and to the extent of such overlap, the application must be denied.
Sierra Telephone's service territory is neither "unserved" nor "underserved." As defined in the Notice of Funds Availability ("NOFA"), an area is classified as unserved if 90% of households lack access to broadband services. The percentage of households that lack access to broadband services at the minimum broadband transmission speeds in Sierra Telephone's service territory that overlap the applicant's proposed unserved area is well below the 90% threshold.

As defined in the NOFA, an area is classified as underserved if one of the following criteria are met: (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 of 768 kbps downstream and 200 kbps upstream; (2) no fixed or mobile broadband service provider advertises broadband transmission speeds of at least three megabits per second downstream in the proposed funded service area; or (3) the rate of broadband subscribership in the proposed funded service area is 40% or less. None of these standards for defining an underserved area can be met as to the portion of the proposed funded area that overlaps with Sierra Telephone's service territory. The rate of broadband subscribership for households in Sierra Telephone's service territory that overlap the applicant's proposed underserved area is well above the 40% threshold. Further, Sierra Telephone provides facilities-based, terrestrial broadband service to more than 50% of the households in its service territory. Sierra Telephone does not have information in its possession regarding the advertised speeds for any fixed or mobile broadband offerings in the proposed funded service area. However, Sierra Telephone understands that a satellite-based Internet Service Provider, HughesNet, offers broadband speeds of 3mbps or greater.

As stated in the NOFA, ARRA grants are designed to fund areas where insufficient broadband connectivity exists (i.e. it is designed to target areas that are either unserved or underserved). This is not the case in Sierra Telephone’s service territory. In addition to the applicant’s failure to meet the proper definitions of unserved and underserved relative to the proposed funded service area, the applicant also has demonstrated that service would not exist absent support from the grant funds. As described herein, services already exist in this area, including those provided by Sierra Telephone. Broadband is widely available in the area, and subscribership exceeds the 40% threshold. Since the portion of the proposed funding area that overlaps Sierra Telephone’s service territory does not meet the required criteria, the request for funding in Sierra Telephone’s service territory for this applicant must be denied.

-----Service Area:  Waterloo NY

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: 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: Culbertson NE

Submitter: ATCJet.net LLC

Comment: ATCJet.net, LLC provides high speed broadband internet service to its service territory with download speeds ranging from 1 Mbps up to 7 Mbps; and upload speeds from 256 kbps up to 768 kbps. ATCJet.net, LLC does not charge an installation fee and monthly pricing plans begin at an affordable rate of $29.95. ATCJet.net, LLC is capable of offering broadband service to all the households in its service territory.

Submitter: Great Plains Communications, Inc.

Comment: 52 Eighty LLC (52 Eighty) has applied for broadband funding for a last mile project for a four county area in southern Nebraska and parts of northern Kansas. The BroadbandUSA application database does not contain a 52 Eighty application but there is a map showing a proposed funded service area (PFSA) for Culbertson, NE. Great Plains Communications, Inc. (GPC) provides broadband service in the Culbertson PFSA. 52 Eighty claims that 8,133 of the housing units are underserved. For the reasons set forth herein, the 52 Eighty - Culbertson PFSA should not be considered underserved.

GPC’s “overlay” map shows the portions of the Culbertson PFSA in which GPC provides facilities-based terrestrial broadband service. Specifically, GPC provides broadband service availability (per the definition in the NOFA) to 5,757 residential and business locations, a population of 11,779. Of the 8,133 units that 52 Eighty designates as underserved, 70.8% of those have broadband service available from GPC -- i.e., these locations are served.

There are other broadband providers serving some portion of the Culbertson PFSA – these other broadband providers include McCookNet, Consolidated Communications, ATC JETNET, Time Warner and Qwest. In addition, it appears that Verizon Wireless may have coverage in 52 Eighty - Culbertson PFSA. This can be ascertained by entering a selected zip code from the 52 Eighty - Culbertson PFSA into the Verizon Wireless coverage locator at www.verizonwireless.com. Thus, once one takes into account
GPC and other facilities-based providers offering terrestrial broadband service within the 52 Eighty Culbertson PFSA, there is well over 50% of the households in that PFSA that have access to facilities-based terrestrial broadband services — meaning that it would not qualify as “underserved” based upon the availability criterion.

Moreover, as discussed elsewhere herein, the 52 Eighty - Culbertson PFSA likely fails to satisfy any other criteria that would qualify the PFSA as underserved (assuming the applicant even asserted any basis other than availability as the justification for its underserved claim). Specifically, the GPC customers in the PFSA subscribe to the broadband services offered by GPC, and GPC advertises a broadband service with transmission speeds of at least 3 Mbps downstream within the PFSA. Similar advertised availability is also likely the case for the other broadband providers in the 52 Eighty - Culbertson PFSA.

Although no project description is available because the 52 Eighty application is unavailable in the BroadbandUSA application database, based on its PFSA, 52 Eighty appears to propose a wireless-based project. However, it is unlikely that wireless would provide broadband service availability to all of the 2,931 square miles identified in the PFSA. This is beyond the fact that this area is already significantly served by a number of facilities-based providers as noted above.

Wireless not only an expensive technology to deploy with its dependence on large numbers of tower sites, but in addition it suffers from the inherent technical limitations of any spectrum-based technology. In rural areas, such as those comprised in much of the 52 Eighty application, the greater distance a customer is from a tower, the less likely that claimed speeds are attained. All wireless technologies are terrain-limited, with hills greatly reducing the distances in which service is available. Also, unlike fiber, engineering experts agree that wireless is not expected to be a good platform for video services due to limited bandwidth and external influences. It is inappropriate that scarce stimulus program resources would possibly be utilized for deployment of such an expensive technology in rural areas where other facilities-based services exists at a significant level of availability.

Granting 52 Eighty’s application constitutes an inefficient and redundant use of funds. 52 Eighty’s claims are unsubstantiated. Therefore, its application should be rejected.

Submitter:  BWTelcom
**Comment:** Benkelman, Wauneta and Hartman Telephone Companies, dba BWTelcom, currently provides service inside its certificated exchange areas that meets or exceeds all ARRA NFOA requirements to be classified as a "Served" area. 100% of the households have access to Broadband service at a speed of at least 768/200 Kbps. The current residential take rate of Broadband service in this application area is 46% of households. BWTelcom offers a 5 Mbps service.

**Submitter:** Consolidated Companies

**Comment:** Consolidated Companies is the parent company of four rural local exchange carriers, three of which provide telephone and broadband service to the PFSA for which the applicant has applied for broadband funding. Consolidated Companies’ response polygon has been input to the mapping tool. One hundred percent of the households within the response polygon have access to broadband as defined in the NOFA.

The respondent provides, and advertises the availability of 3Mbps broadband service within the PFSA, so the PFSA does not qualify as underserved based on the 3Mbps criterion.

**Submitter:** Cambridge Telephone Company

**Comment:** Since 2003, The Cambridge Telephone Company, in partnership with its sister company, Pinpoint Communications, has offered broadband service with speeds up to 12 Mbps (Adaptive) via digital subscriber link services (DSL) in Bartley, Nebraska. On January 15, 2009 The United States Department of Agriculture granted interim funds under the Rural Utility Service (RUS) fund to the Cambridge Telephone Company to further enhance that service with the construction of a Fiber-to-the-Home (FTTH) project. FTTH construction is currently underway and is scheduled for completion by July 1, 2010.

Several census blocks within the proposed funded area as filed in the first round of broadband stimulus applications in August of this year overlap both the 12 Mbps DSL service area and the FTTH area currently under construction. In our opinion, the noted census blocks do not meet either the definitions of “unserved” or “underserved” as defined in the NOFA.
-----Service Area: Blountsville AL

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: Advanced Computer Solutions LLC

Comment: Otelco provides service to a large portion of Blountsville, Alabama. 3-6 meg service according to state provided maps at www.connectingalabama.gov.

Submitter: Windstream

Comment: 1. Unserved Respondent Summary #1 – [internal only: Use this response if Windstream geographic area completely overlaps applicant area on the map.]

Windstream’s data conclusively establish that the proposed funded service area does not qualify as an unserved area. Windstream offers facilities-based, terrestrial broadband service at advertised speeds of greater than 768 kbps downstream and 200 kbps upstream to more than 10% of the households in the proposed funded service area, and such households can readily subscribe to Windstream’s broadband service upon request.

Windstream is a communications and entertainment company with more than 1 million broadband customers in 16 states. Investing more than $200 million in broadband deployment over the last several years, Windstream now offers approximately 89% of its 3 million voice customers access to quality and affordable broadband service.

The agencies define an “unserved area” as follows: “Unserved area means a proposed funded service area, composed of one or more contiguous census blocks, where at least 90 percent of households in the proposed funded service area lack access to facilities-based, terrestrial broadband service, either fixed or mobile, at the minimum broadband transmission speed (set forth in the definition of broadband transmission speed).
above). A household has access to broadband service if the household can readily subscribe to that service upon request.”

2. Unserved Respondent Summary #2 – [internal only: Use this response if Windstream area is smaller than the applicants area on the map]

Windstream’s data strongly suggest that the proposed funded service area likely does not qualify as an unserved area. Windstream offers facilities-based, terrestrial broadband service at advertised speeds of greater than 768 kbps downstream and 200 kbps upstream to some of the households within the proposed funded service area, and such households can readily subscribe to Windstream’s broadband service upon request. Windstream also has reason to believe that competitive broadband offerings are available in exchanges overlapping the proposed funded service area. Given this information, agency officials should further investigate existing broadband offerings within the proposed funded service area, so that officials can be sure that the area, in fact, qualifies as unserved.

Windstream is a communications and entertainment company with more than 1 million broadband customers in 16 states. Investing more than $200 million in broadband deployment over the last several years, Windstream now offers approximately 89% of its 3 million voice customers access to quality and affordable broadband service.

The agencies define an “unserved area” as follows: “Unserved area means a proposed funded service area, composed of one or more contiguous census blocks, where at least 90 percent of households in the proposed funded service area lack access to facilities-based, terrestrial broadband service, either fixed or mobile, at the minimum broadband transmission speed (set forth in the definition of broadband above). A household has access to broadband service if the household can readily subscribe to that service upon request.”

3. Underserved Respondent Summary #1 – [internal only: Use this response if Windstream geographic area completely overlaps applicant area on the map.]
Windstream’s data conclusively establish that the proposed funded service area 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 households in the proposed funded service area, and such households can readily subscribe to Windstream’s broadband service upon request. Data regarding these broadband offerings, detailed below, establish that the proposed funded service area cannot meet all of the three prongs of the “underserved area” test.

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.”

4. Underserved Respondent Summary #2 – [internal only: Use this response if Windstream area is smaller than the applicants area on the map]
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: Pensacola FL

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 least ten years. Cox provides its customers in Florida with 21st century infrastructure that provides advanced broadband, video and telephone services. More than 99.5 percent of the households in our service areas have access to Cox high-speed Internet, at some of the fastest broadband speeds available in the nation.

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

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

We request that this data be treated as confidential and proprietary. Much of the information provided with this letter constitutes trade secrets or commercial information that is privileged and confidential and therefore exempt from public disclosure under 5 U.S.C. § 552(b)(4). Cox does not disclose this information to the public, and release of this information could cause competitive harm, by enabling other broadband providers to tailor their business strategies to unfairly compete with Cox.
Thank you for the opportunity to submit this information. We trust that it will be helpful in your analysis, and will inform your final decision concerning the application.

Submitter: Mediacom Communications Corporation

Comment: A large number of households in applicant's proposed service area are currently served by multiple broadband providers including Mediacom, Cox, Verizon Wireless and AT&T. 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.

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.

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: Arkadelphia AR

Submitter: Central Arkansas Telephone Cooperative, Inc.

Comment: In the Bismarck and Donaldson exchanges - Central Arkansas Telephone Cooperative (CATC) objects to the classification of the proposed area being designated as underserved. CATC provides access to consumers of facilities-based broadband transmission speeds of at least 768 kilobits
to 100% of the Proposed Funded Service Area. Not only does CATC provide services to this area, but two wireless broadband service providers also compete and advertise broadband services of speeds up to 5 megabits in the proposed funded service area. CATC believes that, when coupled with the two broadband wireless providers, the penetration rate of broadband access is over 40% in the proposed service area. CATC has invested extensively in the proposed funded service area to bring consumers the latest broadband technologies. Therefore this application should be rejected based on the above statements.

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: Suddenlink Communications

Comment: This response conclusively demonstrates that Suddenlink and its competitors already offer robust broadband service within the mapped area of the applicant’s proposed funded service area and that this mapped area is neither unserved nor underserved. Additional information is provided in the uploaded document, including (1) sample marketing material; (2) a guide on how to read the data we entered in the “Existing Broadband Subscribers” section of this response; (3) a summary of the vendor and methodology used for estimating competitive-service subscribers in the mapped area; (4) Suddenlink contact information, should one or more federal agencies have questions or require additional information; and (5) a summary of concerns with the response process and the limitations that process has placed on our ability to provide NTIA/RUS with relevant, timely data.