

Broadband USA Applications Database

Applicant Name: Rural Telephone Service Co., Inc.

Public Notice Submissions

-----**Service Area:** Service Area 1

Submitter: Eagle Communications Inc.

Comment: Eagle Communications, Inc. is a strong supporter of the federal government's program to assist in delivering broadband to rural unserved and underserved areas. But Rural Telephone Service Company's proposed Service Area 1 is not such an area. In fact, according to Connect Kansas' maps, the majority of the population of this Service Area live in the area of Hays, Kansas, in one of only three small dots in the entire western half of Kansas that is not rural.

Hays is one of the best served areas in western Kansas. The city has population of 20,013 which comprises over 53% of the total Service Area 1. Within the City of Hays, Eagle Communications provides broadband service of up to 100 Mbps via fiber to the premises, cable modem, and wireless technologies. The Kansas Corporation Commission (KCC) reported that 12 (twelve) broadband service providers currently offer service within zip code 67601(Hays), including Eagle and AT&T. In addition, RUS should take note that the applicant's own affiliate Nex-Tech already provides broadband service throughout much of Service Area 1. ***RUS should require the Applicant to produce subscriber data for Nex-Tech in computing whether the area is underserved.***

Also included in Service Area 1 is the City of Plainville, which the KCC has found is served by 9 broadband providers. Via fixed-wireless service, Eagle Communications actively offers broadband service at bandwidths up to 3 Mbps to the community and surrounding townships.

To support our response, attached is a mapping of Eagle Communications, Inc.'s service offerings across Service Area 1. Said map was created by Connect Kansas, a group funded by the state of Kansas to provide broadband mapping services for use in determining truly unserved and underserved areas.

Eagle Communications, Inc. believes that delivering broadband service to unserved areas, as well as truly underserved areas, is an important task in maintaining rural America. However, in the case of this

particular application, the supporting documentation of Connect Kansas, as well as Kansas Corporation Commission testimony provided to the Kansas Legislature shows, without question, that the majority of the homes in Service Area 1 are well served. Even if the Service Area as a whole area qualifies as underserved, it is more served than elsewhere in western Kansas and RUS and NTIA should look elsewhere in the region first in prioritization of its funding.

The number of entities already providing broadband in Service Area 1 also raises concerns regarding the applicant's ability to attract enough customers to create a sustainable project. The Government Accountability Office, in their October 27, 2009 testimony before the U.S. Senate's Committee on Commerce, Science and Transportation presents the risks of "awarding funds to projects that are not sustainable or do not meet the priorities of the Recovery Act". The data provided herein supports that within Service Area 1, access to broadband service does exist at such levels that question the area's meeting the requirements of an underserved area and thus the financial viability of a project of this level of taxpayer supported funding.