

## Broadband USA Applications Database

**Applicant Name:** Spacenet Inc

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### Public Notice Submissions

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-----**Service Area:** JDouglasTexas3

**Submitter:** NTS Telephone Company LLC

**Comment:** NTS Telephone Company LLC is providing BROADBAND services, beginning at 8 mbps download speed, to the residents of the communities of Smyer & Levelland, TX via a Fiber to the User network. The United States Department of Agriculture, Rural Utilities Service funded the overbuild of these two communities under RUS Broadband Loan TX 1112-A.

**Submitter:** Santa Rosa Telephone Cooperative, Inc.

**Comment:** Santa Rosa Telephone Cooperative, Inc. provides comments on this application regarding the underserved designation of the proposed funded area.

**Submitter:** Big Bend Telephone Co

**Comment:** Big Bend Telephone Company, Inc. is an ILEC currently providing terrestrial broadband data service within portions of the proposed funding area. Big Bend Telephone has served this area as the provider of last resort since 1960 and currently provides broadband service throughout 100% of its rural service territory.

**Submitter:** Poka Lambro Telephone Cooperative, Inc.

**Comment:** Poka Lambro is a member-owned provider and has been providing quality telecommunications services within the proposed funding area since 1950. Poka Lambro currently provides both terrestrial and wireless broadband service that is ubiquitous throughout its service area.

**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:** Taylor Telephone Cooperative, Inc.

**Comment:** The proposed funded service areas of Spacenet, Inc., located in Nolan, TX, in Nolan County, does not meet the criteria for underserved area because Taylor Telephone provides up to 6 Meg service in 90% of the PFSA. Although Taylor does not cover the entire PFSA the 407 premises covered disqualifies the entire area based on the 40% penetration.

**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:** JDouglasTexas2

**Submitter:** Central Texas Telephone Cooperative, Inc.

**Comment:** Central Texas Telephone Cooperative, Inc. (Central Texas) is an incumbent broadband provider in an area covered by Spacenet's Texas2 broadband stimulus application. Central Texas provides universal broadband coverage to 100% of its potential subscribers in this area, and it provides broadband service to a significant number of those potential subscribers. Central Texas has consistently and effectively advertised the availability of broadband Internet access at speeds of 3 Mbs and higher. In addition, at least seven other broadband providers serve all or part of the Central Texas Service Territory. The combined penetration rate of Central Texas and all other incumbent broadband providers should negate a description of this portion of the applicant's Proposed Service Area as "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:** Taylor Telephone Cooperative, Inc.

**Comment:** The proposed funded services area of Spacenet, Inc., Shackelford, Callahan, Taylor, Coleman Counties in Texas does not meet the criteria for a underserved area because Taylor Telephone provides up to 6 Meg service in 90% of the PFSA. Although Taylor does not cover the entire PFSA the 740 premises covered disqualifies the entire area with a composite penetration of 40%.

**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.

**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:** JDouglasTexas

**Submitter:** Electra Telephone Co.

**Comment:** Electra Telephone Company demonstrates that the area Spacenet, Inc proposes to serve which overlaps Electra Telephone's service area does not meet all of the criteria which categorize an area as underserved.

As demonstrated, 100% of households in Electra Telephone's service area, including those areas which are part of Applicant's proposed funded service area, are able to readily subscribe upon request to facilities-based, terrestrial broadband services at a minimum transmission speed of greater than 768 kbps downstream and 200 kbps upstream from Electra Telephone and, therefore, no part of this overlapping area is underserved on the basis of access to broadband service. In addition, Electra Telephone demonstrates that the rate of broadband subscribership for households is significant.

**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:** Tatum Telephone

**Comment:** Tatum Telephone Company demonstrates that the application filed by Spacenet, Inc. is incorrect in its claim that the area it proposes to serve which overlaps Tatum Telephone’s service area is unserved. Further, Tatum Telephone demonstrates that the area Spacenet, Inc. proposes to serve which overlaps Tatum Telephone’s service area does not meet all of the criteria which categorize an area as underserved.

As demonstrated, 92.2% of households in Tatum Telephone’s service area, including those areas which are part of Spacenet, Inc.’s proposed funded service area, are able to readily subscribe upon request to facilities-based, terrestrial broadband services at a minimum transmission speed of greater than 768 kbps downstream and 200 kbps upstream from Tatum Telephone. Therefore, Spacenet, Inc.’s claim that this overlapping area is unserved is incorrect. Further, no part of this overlapping area is underserved

on the basis of access to broadband service. In addition, Tatum Telephone demonstrates that the rate of broadband subscribership for households in Tatum, TX is significant.

**Submitter:** Etex Telephone Cooperative, Inc.

**Comment:** Etex Telephone Cooperative, Inc. is an ILEC providing reliable terrestrial broadband data service within portions of the proposed funding area. In Etex's many years of experience within this rural service territory, including experience operating a wireless CMRS affiliate, satellite broadband services are unlikely to be able to provide reliable broadband service throughout the area due to the size and density of local forests. Etex is currently capable of delivering 4-5mbps broadband service throughout much of its service territory.

**Submitter:** Riviera Telephone Company, Inc.

**Comment:** Riviera Telephone Company, Inc. ("RTC") is capable of providing broadband access to 100% of the households and businesses within its service territory. RTC currently provides two levels of broadband internet access service including a basic plan and a premium plan that provides downstream speeds of 1.3 Mbps. RTC continues to invest in its broadband network and plans to offer 3Mbps broadband service to its subscribers and is evaluating a fiber-to-the-home (FTTH) deployment. RTC's broadband internet service offerings are competitively priced as evident from high subscriber penetration rates. Historical trend analysis indicates a 57% increase in broadband subscribers over the last three years.

**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:** Eastex Telephone Cooperative, Inc.

**Comment:** Eastex Telephone Cooperative, Inc. is an ILEC providing reliable terrestrial broadband data service within portions of the proposed funding area. In Eastex's many years of experience within this rural service territory, satellite services are unlikely to be able to provide reliable broadband service throughout the area due to the size and density of local pine trees.

