

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of )
Connect America Fund ) WC Docket No. 10-90

ORDER

Adopted: July 25, 2016

Released: July 25, 2016

By the Deputy Chief, Wireline Competition Bureau:

I. INTRODUCTION

1. In this Order, the Wireline Competition Bureau (Bureau) concludes the Alternative Connect America Cost Model (A-CAM) streamlined challenge process and makes a final determination regarding the broadband coverage data that will be incorporated into the final version of the model for purposes of the voluntary election of model-based support. The Bureau is making the necessary adjustments in A-CAM in order to make final calculations of the offer of model-based support to rate-of-return carriers and will shortly release the Public Notice summarizing offer amounts and associated deployment obligations, which will trigger the 90-day deadline for carriers to indicate their intent to elect model-based support.

2. In this proceeding we received 146 comments, containing 273 requests to change reported A-CAM coverage data. Following our review of each filing on its merits, today we grant 80 requests and deny 73 requests. We decline to act on 124 requests that request changes that are administratively infeasible or unnecessary to make. We modify the A-CAM coverage data in the model accordingly, as described more fully below. The disposition of each request is listed in the attached Appendix.

II. BACKGROUND

3. In the Rate-of-Return Reform Order, the Commission adopted a voluntary path for rate-of-return carriers to elect to receive model-based support in exchange for extending broadband service to a pre-determined number of eligible locations. At that time, the Commission made all necessary decisions to finalize the A-CAM.

4. As directed by the Commission, the Bureau has been refining the A-CAM since the first version was released in December 2014. In particular, the Bureau has updated the broadband coverage data used in the model to identify census blocks served by unsubsidized competitors and rate-of-return

1 Individual comments in some instances requested changes with respect to the coverage of multiple parties.
2 Connect America Fund et al., WC Docket No. 10-90 et al., Report and Order et al., 31 FCC 3087, 3094-3117, paras. 17-79 (2016) (Rate-of-Return Reform Order). It directed the Bureau to "take all necessary steps to release the adopted version of the model for purposes of calculating support amounts for rate-of-return carriers electing to receive model support." Id. at 3102, para. 37.
3 Wireline Competition Bureau Announces Availability of Version 4.2 of the Connect America Phase II Cost Model and the First Version of an Alternative Cost Model Being Developed for Potential Use in Rate-of-Return Areas, WC Docket No. 10-90, Public Notice, 29 FCC Rcd 16157, 16158 (WCB 2014) (A-CAM v1.0 Public Notice).

carriers in multiple versions of A-CAM. The Bureau released version 1.0.1 on March 16, 2015, updating the broadband coverage in light of the Commission's decision to adopt 10/1 Mbps as the minimum speed standard for rate-of-return carriers and unsubsidized competitors.<sup>4</sup> The Bureau released version 1.1 on August 31, 2015, updating broadband coverage using FCC Form 477 data.<sup>5</sup> On October 8, 2015, the Bureau released A-CAM v2.0, which among other things incorporated updated exterior study area boundaries based on extensive input from rate-of-return carriers, and revised the coverage slightly to coincide with new study area boundaries.<sup>6</sup> On December 17, 2015, the Bureau released A-CAM v2.1, which updated broadband coverage data to address concerns raised by rate-of-return carriers that prior versions of the model treated alternative technologies utilized by incumbents or their affiliates as "unsubsidized competitors."<sup>7</sup>

5. On March 30, 2016, in the *Rate-of-Return Reform Order*, the Commission adopted the model platform and input values in version 2.1 for purposes of calculating the cost of serving census blocks in rate-of-return areas, with a modification regarding updates to broadband coverage data.<sup>8</sup> The Commission concluded that the Bureau should update the broadband coverage for unsubsidized competitors in the model to reflect recently released June 2015 FCC Form 477 data, subject to a streamlined challenge process.<sup>9</sup> The Commission's stated objective was "to take steps to ensure that support is not provided to overbuild areas where another provider already is providing voice and broadband service meeting the Commission's requirements."<sup>10</sup> It also directed the Bureau to provide a final opportunity for commenters to challenge the competitive coverage contained in the updated version of the model.<sup>11</sup>

6. The broadband coverage data in A-CAM is based on filers' certified FCC Form 477 broadband deployment data and is determined at the census block level.<sup>12</sup> All facilities-based broadband providers are required to file Form 477 twice a year reporting where they offer Internet access service at speeds exceeding 200 kbps in at least one direction. For a block to be considered "served" in A-CAM, a provider must offer at least 10 Mbps downstream and 1 Mbps upstream (10/1 Mbps). A provider that

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<sup>4</sup> *Wireline Competition Bureau Releases Alternative Connect America Cost Model Version 1.01 and Illustrative Results for Potential Use in Rate-Of-Return Areas*, WC Docket No. 10-90, Public Notice, 30 FCC Rcd 2067 (WCB 2015) (*A-CAM v1.0.1 Public Notice*) (updating broadband coverage to use minimum speed standard of 10/1 Mbps in determining the presence of a cable or fixed wireless competitor and to identify telco served locations).

<sup>5</sup> *Wireline Competition Bureau Releases Alternative Connect America Cost Model Version 1.1 and Illustrative Results for Potential Use in Rate-Of-Return Areas*, WC Docket No. 10-90, Public Notice, 30 FCC Rcd 9777 (WCB 2015) (*A-CAM v1.1 Public Notice*) (updating coverage to reflect preliminary FCC Form 477 broadband deployment data as of December 31, 2014). The prior version of A-CAM (v1.0.1) used State Broadband Initiative/National Broadband Map (SBI/NBM) data as of June 30, 2013.

<sup>6</sup> *Wireline Competition Bureau Releases Alternative Connect America Cost Model Version 2.0 and Illustrative Results for Potential Use in Rate-Of-Return Areas*, WC Docket No. 10-90, Public Notice, 30 FCC Rcd 10928 (WCB 2015)

<sup>7</sup> *Wireline Competition Bureau Releases Alternative Connect America Cost Model Version 2.1 and Illustrative Results for Potential Use in Rate-Of-Return Areas*, WC Docket No. 10-90, Public Notice, 30 FCC Rcd 14217 (WCB 2015) (*A-CAM v2.1 Public Notice*).

<sup>8</sup> *Rate-of-Return Reform Order*, 31 FCC Rcd at 3102, para. 36. Consistent with its rate prescription, the Commission also adopted an input value of 9.75 percent for the cost of money. *Id.*

<sup>9</sup> *Id.* at 3102, para. 37.

<sup>10</sup> *Id.* at 3115, para. 71.

<sup>11</sup> *Id.*

<sup>12</sup> Whether an unsubsidized competitor provides voice is based on Form 477 voice subscription data which are reported at the census tract level, and is determined at the holding company level in a state.

reports deployment of a particular technology and speed in a census block may not necessarily offer that service everywhere in the block. The Commission recognized that FCC Form 477 filers certifying that they offer broadband at the requisite speeds to a particular census block may not fully cover all locations in a census block. The Commission found, however, that “targeting the model-based support to the census blocks where no competitor has certified that it is offering service is a reasonable way to ensure that we do not provide support to census blocks that have some competitive coverage. Like our decision to exclude from model-support calculations those blocks where the incumbent already has deployed fiber to the premises (FTTP), we seek to target support to areas of greater need.”<sup>13</sup>

7. On April 7, 2016, the Bureau commenced the challenge process and released A-CAM v2.2, which incorporated updated broadband coverage to reflect the publicly available June 2015 FCC Form 477 data.<sup>14</sup> The Bureau specifically invited competitors that had made any corrections to their FCC Form 477 June 2015 data since the version of the data reflected in the model to file comments informing the Commission of such corrections,<sup>15</sup> and invited competitors that had newly deployed broadband in particular census blocks since June 2015 to file comments in this challenge process indicating that their certified FCC Form 477 December 2015 data reports broadband for the first time in specified census blocks.<sup>16</sup> The Bureau also reminded parties filing comments seeking to contest the competitive coverage contained in v2.2 of the A-CAM that the Commission stated that a comment that argues in conclusory fashion that the competitive coverage contained in the updated version of the model is overstated would unlikely be persuasive.<sup>17</sup> Comments in the streamlined challenge process were due April 28, 2016.

### III. DISCUSSION

8. The Bureau received 147 comments in the streamlined challenge process, some of which included challenges to coverage data for more than one provider. Generally speaking, the comments can be grouped into the following categories: competitors seeking to correct their own data (both to increase and to decrease broadband coverage); incumbents seeking to correct their own data for their incumbent service territory; and incumbents seeking to challenge certified FCC Form 477 data filed by another provider that reported coverage in a particular census block within the incumbent’s service territory. Comments also were filed on various matters outside the scope of the challenge process.

9. While some comments included challenges of several providers, we reviewed each challenge on its own merits.<sup>18</sup> We used the same standard in reviewing each challenge: whether the challenge along with the evidence presented was enough to persuade us that it is more likely than not that the Form 477 data utilized in v2.2 is incorrect.<sup>19</sup> For a party seeking to change a block from “served” to “unserved,” the burden was on the filer to make a definitive showing that no locations in a challenged

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<sup>13</sup> *Rate-of-Return Reform Order*, 31 FCC Rcd at 3114, para. 70.

<sup>14</sup> *Wireline Competition Bureau Releases Alternative Connect America Cost Model Version 2.2 and Illustrative Results and Commences Challenge Process for Competitive Coverage*, WC Docket No. 10-90, Public Notice, 31 FCC Rcd 3455 (WCB 2016) (*A-CAM v2.2 Public Notice*).

<sup>15</sup> The version of the June 2015 Form 477 data reflected in version 2.2 was released March 16, 2016 and includes revisions made by filers before February 19, 2016. *FCC Releases Form 477 Data on Fixed Broadband Deployment as of June 30, 2015*, WC Docket No. 11-10, Public Notice, 31 FCC Rcd 2025 (WCB 2016).

<sup>16</sup> *A-CAM v2.2 Public Notice*, 31 FCC Rcd at 3457.

<sup>17</sup> *Id.* (citing *Rate-of-Return Reform Order*, 31 FCC Rcd at 3115, para. 71 n.146).

<sup>18</sup> Accordingly, the Appendix shows the results of this process listed by individual challenge, not by filing.

<sup>19</sup> See *Rate-of-Return Reform Order*, 31 FCC Rcd at 3115, para. 71 n. 146. (stating that “[a] comment that argues in conclusory fashion that the competitive coverage contained in the current version of the model is overstated is unlikely to be persuasive.”).

census block are served by the provider reporting coverage in FCC Form 477.<sup>20</sup> We note that in some cases the supporting evidence was a separate filing in the docket, filed by the challenged provider or another provider with further information regarding service in the challenged census blocks.<sup>21</sup> Consistent with past practice, for administrative efficiency, we address comments presenting similar factual circumstances as a group, but emphasize that we have given careful consideration to each individual filing.<sup>22</sup> The specific resolution for individual challenges can be found in the Appendix.

**A. Requests to Update or Correct FCC Form 477 Data**

**1. Unsubsidized Competitors Filing Newly Reported Broadband**

10. We grant requests from seven unsubsidized competitors that filed comments asking the Bureau to use their December 2015 Form 477 data, which included census blocks with new broadband deployment: Allen's TV Cable Service, Inc. (Allen's TV);<sup>23</sup> Charter Communications, Inc. (Charter),<sup>24</sup> Co-Mo Comm, Inc. (Co-Mo);<sup>25</sup> Cox Communications (Cox);<sup>26</sup> Northland Communications;<sup>27</sup> Time Warner Cable, Inc. (TWC);<sup>28</sup> and Vyve Broadband.<sup>29</sup> Accordingly, we are incorporating these updates in the broadband coverage data in the final version of the model.

**2. Rate-of-Return Carrier Corrections to In-Region Data**

11. We deny requests filed by rate-of-return carriers to update their June 2015 Form 477 data for their own study areas for purposes of A-CAM after the *Rate-of-Return Reform Order* was released on March 30, 2016. Specifically, we deny requests by Miles Cooperative Telephone Association (Miles Cooperative), Sharon Telephone Company (Sharon Telephone), Valley Telephone Cooperative, Inc., and Copper Valley Telephone, Inc. (Valley/Copper Valley) to use FCC Form 477 data filed after March 30,

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<sup>20</sup> We note that the Commission adopted a different standard for purposes of the CAF-BLS challenge process, and thus a determination today that a block is "served" for purposes of A-CAM is not dispositive for purposes of the CAF-BLS challenge process.

<sup>21</sup> For example, Harmony Telephone Company (Harmony) filed a letter agreeing with the Mabel Cooperative Telephone (Mabel) challenge providing information stating that Mabel does not provide voice service in the shared census blocks Mabel identified in the challenge. See Harmony Telephone Company Comments (*Harmony Comments*). See also *infra* paras. 36-46 (Challenges Granted).

<sup>22</sup> See *Connect America Fund, Rural Broadband Experiments*, WC Docket Nos. 10-90, 14-259, Memorandum Opinion and Order, 30 FCC Rcd 8974, 8970, para. 7 (2015) (*CAF/RBE MO&O*) (upholding Bureau decision to dispose of multiple waiver requests in a single order for administrative convenience).

<sup>23</sup> See Allen's TV Cable Service, Inc. Comments.

<sup>24</sup> Letter from Denise J. Williams, Director of Regulatory Compliance, Charter Communications, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 10-90 (filed May 27, 2016) (Charter May 27, 2016 *Ex Parte* Letter). For both legacy Charter and TWC, Charter provided lists of newly-serviceable census blocks reported in updated December 2015 filings for the first time, and lists of blocks that were removed. Charter noted that ten census blocks that previously had been identified as served in TWC's April 28, 2016, filing were eliminated in the updated December 2015 filing. *Id.* at 2 n.2.

<sup>25</sup> See Co-Mo Comm, Inc. Comments.

<sup>26</sup> See Cox Communications Comments.

<sup>27</sup> See Northland Cable Television, Inc., Northland Cable Properties, Inc., Northland Cable Ventures, LLC, and Northland Cable Properties Eight Limited Partnership Comments.

<sup>28</sup> See Time Warner Cable, Inc. Comments.

<sup>29</sup> See Vyve Broadband A, LLC and Vyve Broadband J, LLC Comments.

2016 in the model for their study areas.<sup>30</sup> In addition, we deny requests by Western New Mexico Telephone Company (Western) to include in A-CAM census blocks in its territory it claims were inadvertently omitted and by Pattersonville Telephone Company (Pattersonville) to remove a census block from its service territory.<sup>31</sup> We grant James Valley Cooperative Telephone Company's (James Valley) request to incorporate its updated Form 477 data, filed March 30, 2016, in the final version of the model.<sup>32</sup>

12. In the *Rate-of-Return Reform Order*, the Commission determined that it would exclude from support calculations those census blocks where an incumbent or any affiliated entity is providing 10/1 Mbps or better broadband using either FTTP or cable technologies.<sup>33</sup> For purposes of implementing this directive, the Commission directed the Bureau to "utilize June 2015 FCC Form 477 data that has been submitted and certified to the Commission prior to the date of release of this order."<sup>34</sup> The Commission also adopted a second eligibility limitation on the voluntary path to the model, concluding that any carrier that has deployed 10/1 broadband to 90 percent or more of its eligible locations in a state, based on June 2015 FCC Form 477 data that has been submitted as of the date of release of the *Rate-of-Return Reform Order*, would not be eligible for A-CAM support.<sup>35</sup> The purpose of both restrictions was to target support to areas of greater need.<sup>36</sup> The Commission deliberately adopted specific deadlines regarding the vintage of data to be used in those determinations so that carriers could not change their data after release of the order to evade these restrictions. Moreover, the Commission intended that the focus of the streamlined challenge process would be on the data of competitors, not the incumbents; it intended to impose administrative closure on the incumbent data set.

13. We deny Miles Cooperative's request to use its 477 data, submitted on April 28, 2016, which corrected technology codes in certain census blocks from DSL (10) to fiber (50) because only its fiber customers have access to speeds of 10/1 Mbps.<sup>37</sup> Miles Cooperative claims that it understands why the Commission does not allow maximum speed changes after release of the *Rate-of-Return Reform Order*, but argues that technology code changes should be allowed and would reduce the amount of support available in its study area. We disagree that technology code changes should be treated differently than speed changes.<sup>38</sup> The purpose of the deadlines adopted by the Commission was to impose

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<sup>30</sup> See Miles Cooperative Telephone Association Comments (*Miles Cooperative Comments*); Sharon Telephone Company Comments (*Sharon Telephone Comments*); Valley Telephone Cooperative, Inc., and Copper Valley Telephone, Inc. Comments (*Valley/Copper Valley Comments*) (filed Apr. 28, 2016).

<sup>31</sup> See Western New Mexico Telephone Company Comments at 2-3 (*Western Comments*); Pattersonville Telephone Company Comments (*Pattersonville Comments*).

<sup>32</sup> See James Valley Comments (attaching FCC Form 477 filing summary); see also Informal Request/Petition of James Valley for Commission Action or, in the Alternative, Limited Waiver, WC Docket No. 10-90 (filed June 29, 2016) (*James Valley Petition*), <https://www.fcc.gov/ecfs/filing/1062926891284>. James Valley's timely filed corrected data were not included in v2.2 because James Valley filed its data later that evening, after the Bureau pulled an image of the June 2015 Form 477 data on March 30, 2016, prior to the close of business. See 47 CFR § 0.403.

<sup>33</sup> *Rate-of-Return Reform Order*, 31 FCC Rcd at 3109, para. 56.

<sup>34</sup> *Id.*

<sup>35</sup> *Id.* at 3113, para. 66.

<sup>36</sup> *Id.* at 3109, 3113, paras. 56, 66.

<sup>37</sup> See *Miles Cooperative Comments*.

<sup>38</sup> The Commission specifically stated that carriers may not resubmit their previously filed data to reduce their reported FTTP or cable coverage, i.e., change technology codes. *Rate-of-Return Reform Order*, 31 FCC Rcd at 3109, para. 56.

administrative closure on the incumbent data set so that the Bureau could focus its intention solely on competitor data in the streamlined challenge process.

14. For similar reasons, we deny Sharon Telephone's request to use its Form 477 data, submitted on April 26, 2016, which revised data for many census blocks that were incorrectly identified as having broadband service deployed using FTTP.<sup>39</sup> The Commission clearly stated that "carriers may not resubmit their previously filed data to reduce their reported FTTP or cable coverage."<sup>40</sup>

15. We also deny the request of Valley/Copper Valley that the Bureau update A-CAM with their June 2015 Form 477 data submitted on April 28, 2016, and to the extent required, grant a waiver and/or extension of the March 30, 2016 deadline.<sup>41</sup> Valley/Copper Valley claim that they correctly reported digital subscriber loop (DSL) speeds of 5/1 Mbps in their initial June 2015 Form 477 filings, but after revising their December 2015 DSL speeds to 20/1.5 Mbps, also revised their June 2015 Form 477 data on March 7, 2016, because they had misapplied the definition of "available" in the Form 477 instructions. They argue that they erroneously believed that DSL service at 20/1.5 Mbps was *possible* in those census blocks, but not without an extraordinary commitment of resources and financial contributions from the customer.<sup>42</sup>

16. We find that Valley/Copper Valley has not demonstrated good cause warranting waiver of the March 30, 2016 deadline. We are not persuaded by Valley/Copper Valley's argument that special circumstances exist because an otherwise routine reporting correction impacts their ability to elect model-based support and would harm the public interest by depriving them of the opportunity to receive support to which they otherwise would be entitled that would allow them to maximize their broadband service offerings to unserved these unserved areas. The record in this proceeding demonstrates that misinterpretation of the Form 477 filing instructions is not unusual; indeed, it appears that quite a few parties have failed to correctly file their Form 477 data. The fact that a routine correction in the future may well have affected support amounts for some carriers had they been recognized earlier is not grounds for a waiver. We find that special circumstances do not exist in this case that would justify a waiver of the deadline.

17. We deny Western's request to include in A-CAM an additional 258 census blocks in its territory as beyond the scope of the streamlined challenge process.<sup>43</sup> Western, working with its consultant Mapcom, claims that they found that each of these blocks contain structural locations where Western provides, or could provide, voice and broadband service, and they know of no reason why these census blocks were removed from its study area for A-CAM purposes. On the contrary, these blocks were not "removed" from A-CAM; they do not appear in the model's results because almost all of these blocks have no housing units or business locations.<sup>44</sup> Additionally, we deny Pattersonville's request to remove a

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<sup>39</sup> See *Sharon Telephone Comments*.

<sup>40</sup> *Rate-of-Return Reform Order*, 31 FCC Rcd at 3109, para. 56. It is not clear that Sharon Telephone's revised data would have any effect on its model-based support. According to A-CAM v2.2 illustrative results, all of its 147 eligible locations are lacking 10/1 Mbps broadband. It would appear that the blocks Sharon Telephone has revised have an average cost below the funding threshold.

<sup>41</sup> See *Valley/Copper Valley Comments*. Valley/Copper Valley subsequently filed an *ex parte* letter with additional information about their Form 477 revisions. See Letter from Caressa D. Bennet, Counsel for Valley/Copper Valley, WC Docket No. 10-90, to Marlene H. Dortch, Secretary, FCC (filed June 9, 2016).

<sup>42</sup> Valley/Copper Valley also greatly overstated the number of blocks where such service was available: 4,006 and 1,709, respectively, versus 1,582 and 1,195 in the data revised April 28, 2016.

<sup>43</sup> See *Western Comments*.

<sup>44</sup> In any event, we cannot evaluate Western's claim in more detail because it did not explain the data or methodology it used to arrive at this estimate.

census block from A-CAM model support that is outside its study area.<sup>45</sup> The data sources and methodology used to determine demand in A-CAM had been described in detail in the A-CAM documentation, and parties had numerous opportunities to bring any errors or anomalies to the Bureau's attention during the more than 15-month long A-CAM development process. The Commission adopted the model platform and input values when it adopted version 2.1 in the *Rate-of-Return Reform Order*.<sup>46</sup> It specifically declined at that time "to make further changes to the data sources or model design as requested by some commenters."<sup>47</sup> The purpose of the streamlined challenge process was not to revisit decisions already made by the Commission.

### 3. Rate-of-Return Carrier Corrections to Out-of-Region Data

18. In several cases a rate-of-return carrier challenges the coverage of a neighboring rate-of-return carrier or its affiliate in certain census blocks, and the neighboring carrier agreed that it does not serve those blocks. It appears in certain cases that rate-of-return carriers erroneously reported that they offered service in certain census blocks outside of their incumbent territory, effectively reporting coverage as a competitive local exchange carrier (CLEC) in those blocks. We treat corrections to the out-of-region data the same way we treat revisions by competitors. For example, Amery Telecom, Inc. (Amery) and Clear Lake Telephone Company (Clear Lake) each filed challenges arguing that Chibardun Telephone Cooperative, Inc. (Chibardun) did not serve certain census blocks in their study areas.<sup>48</sup> Chibardun d/b/a Mosaic Telecom filed separate comments agreeing with the challenges and stating that Form 477 revisions were being filed.<sup>49</sup> In that case, we granted the challenge. In many cases, however, neighboring rate-of-return carriers challenge each other in split blocks. As discussed below, broadband coverage is determined at the block level, and we decline to take action in response to these challenges.

#### B. Challenges Dismissed

19. We decline to take action in response to 124 challenges where the challenge requested a change that was infeasible or unnecessary to make because the provider or a subset of provider's census blocks are already excluded from the A-CAM coverage data.

20. *Split Blocks.* We decline to make requested changes to broadband coverage in census blocks that are split between two or more providers. Broadband coverage in A-CAM is determined at the block level, i.e., a block is either served or unserved based on the Form 477 data. As explained below, it is not administratively possible to make the requested changes, and accordingly we decline to act on 76 requests regarding specific census blocks that straddle two or more study areas. In addition, we address the arguments of John Staurulakis, Inc. and a group of rate-of-return carriers (collectively, JSI) regarding the treatment of census blocks that straddle study area boundaries in the A-CAM.<sup>50</sup>

21. In response to the Public Notice releasing A-CAM v2.2, JSI expresses concern about the exclusion of census blocks served by another subsidized local exchange carrier from support calculations. JSI argues that neighboring incumbents are neither unsubsidized, nor competitors, and therefore should not be treated as an unsubsidized competitor in the A-CAM. Commenters filing challenges to blocks that are split with a neighboring incumbent make similar arguments, and in a number of comments attached

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<sup>45</sup> See *Pattersonville Comments* at 1.

<sup>46</sup> The A-CAM Methodology is available at [https://transition.fcc.gov/wcb/Model%20MethodologyACAM\\_2\\_2\\_041116\\_FINAL.docx](https://transition.fcc.gov/wcb/Model%20MethodologyACAM_2_2_041116_FINAL.docx).

<sup>47</sup> *Rate-of-Return Reform Order*, 31 FCC Rcd at 3110, para. 57.

<sup>48</sup> See Amery Telecom, Inc. Comments (*Amery Comments*), Clear Lake Telephone Company Comments (*Clear Lake Comments*).

<sup>49</sup> See Chibardun Telephone Cooperative, Inc. Comments (*Chibardun Comments*).

<sup>50</sup> Comments of the Rural ILECs Concerned About Split Blocks, WC Docket No. 10-90 (filed Apr. 28, 2016) (*JSI Comments*).

website screenshots of USAC disbursement data to support the claim that the challenged provider was a subsidized carrier.

22. We deny JSI's request to modify the way the model calculates support for split blocks in the final version of the model. In the *Rate-of-Return Reform Order*, the Commission directed the Bureau to exclude from the support calculations those census blocks where the incumbent rate-of-return carrier (or its affiliate) is offering voice and broadband service that meets the Commission's minimum standards for the high-cost program using FTTP or cable technology.<sup>51</sup> It did so in order to prioritize model support for those areas that currently are unserved.

23. In making this decision, the Commission was not focusing on whether a neighboring carrier is a competitor or not. Rather, it made a blanket decision to exclude such census blocks from support calculations to ensure that support is targeted to areas that clearly are not served. JSI's argument that a neighboring incumbent "cannot actually compete or traverse study area boundaries" is unpersuasive.<sup>52</sup> There are a number of rate-of-return carriers with CLEC affiliates that operate out-of-region, and therefore the simplest course was to exclude census blocks that are partially served using FTTP or cable.

24. A-CAM contains two modules: a cost module that calculates costs for each census block in a study area,<sup>53</sup> and a support module, which calculates the support for a study area. The cost module is designed in a way that costs of serving particular locations within a given study area are assigned to the relevant incumbent: thus, the costs of serving locations in study area A are assigned to carrier A, and the costs of serving locations in study area B are assigned to carrier B. The support module allows users to "filter" the cost data to calculate support for specific census blocks; the model architecture does not permit one to filter coverage at the sub-census block level. In order to implement the Commission's direction to exclude census blocks that are served with 10/1 Mbps broadband using FTTP or cable technology, the Bureau classified the relevant census blocks as "wired-served" in the coverage filter. There is no way in the current model architecture to treat a given census block as "wired-served" for one incumbent and at the same time as "telco-served" or unserved for a neighboring incumbent. Modifying the model to incorporate such a feature would entail significant time to revise the model code. Nor is it feasible to perform some form of manual workaround to address this issue.

25. In the model development process, the Bureau modified the methodology it previously had utilized to identify unsubsidized competitors meeting the Commission's minimum performance standards for the high-cost program to address concerns raised by rate-of-return carriers.<sup>54</sup> In previous versions of A-CAM, broadband technology codes and speed were used to determine whether a census block was served by an unsubsidized competitor, and some in-region affiliates were treated as competitors. To address this issue, in A-CAM v2.1 any broadband deployment with speeds of at least 10/1 Mbps that was reported in FCC Form 477 by a rate-of-return carrier or its affiliates (based on the published "holding company number") within the study area was treated as "telco-served," regardless of technology.<sup>55</sup> In A-CAM v2.2, to implement the Commission's direction to exclude census blocks that are served using FTTP or cable technology, the Bureau classified only such blocks not served with FTTP

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<sup>51</sup> *Rate-of-Return Reform Order*, 31 FCC Rcd at 3109, para. 56.

<sup>52</sup> *JSI Comments* at 3.

<sup>53</sup> The cost module itself has two parts—one part that figures out an efficient routing to ensure each location is "passed" by a network, namely a network topology, and a second part that calculates the costs associated with that network topology.

<sup>54</sup> See *A-CAM v2.1 Public Notice*, 30 FCC Rcd at 14219 & n.16. They argued that A-CAM treated fixed wireless and cable networks deployed by incumbents or their affiliates as unsubsidized competitors, even though carriers those facilities were used to deliver voice and broadband service in furtherance of their ETC obligations throughout parts of their service territories.

<sup>55</sup> *Id.*



or cable as “telco-served” in the coverage filter.

26. The A-CAM support module calculates support for split blocks that are identified as “telco-served.” As noted above, the cost module is designed in a way that costs of serving particular locations within a given study area are assigned to the relevant incumbent. JSI argues that for the model for price cap carriers, there was a process that calculated support for the portion of the census block served by the price cap carrier, and we should use that same process here.<sup>56</sup> A-CAM already uses the same process that was used in the price cap model to assign locations and costs to the relevant study area in blocks split between incumbents. JSI claims that, because of this process, challenges were not necessary in split block situations for price cap carriers. That is not the case. As noted above, broadband coverage data are filed at the census block level; a block is either served or unserved. For the price cap carrier model, if a census block partially served by a price cap carrier A was deemed served by an unsubsidized competitor for a neighboring price cap carrier B, the whole block was treated as served, and no support was calculated for the first price cap carrier’s portion of the census block. Neither the price cap model, nor A-CAM can split the coverage reported by an unsubsidized competitor as serving a block.

27. We also are not persuaded by the argument that the split census block issue will have a significant impact on incumbent rate-of-return carriers. JSI argues that the issue impacts hundreds if not thousands of census blocks served by rate-of-return carriers.<sup>57</sup> The Bureau undertook an analysis of the census blocks where a neighboring incumbent carrier reported it offers at least 10/1 Mbps using either FTTP or cable technology. We estimate that there are only 6,000 locations nationwide in such split blocks compared to more than 1.1 million locations that would be funded by the model – which represents only half of one percent of funded locations nationwide. Given how few locations are impacted by this issue, we are not persuaded by arguments that the lack of support for a portion of the census block will have a material impact on the decision of affected carriers whether to elect the voluntary path to the model.

28. Nor are we persuaded by the argument that exclusion of split blocks from support calculations will deny broadband to the consumers in those split blocks. As noted throughout this Order, the Commission made clear that it was trying to target support to areas of greatest need. To the extent particular split blocks are not funded, that leaves additional money available to support locations in other census blocks. Moreover, the exclusion of these split blocks from support calculations is not a prohibition on serving those customers. Carriers electing A-CAM support have to report locations within eligible census blocks for purposes of meeting their location counts, but to the extent carriers electing the model can offer broadband to more than the minimum number of model-funded locations with A-CAM support, they are not barred from extending broadband service to unserved customers within their incumbent territory. The deployment obligations associated with A-CAM are a minimum; they do not serve as a limit on what a recipient of support can accomplish with the funding provided.

29. We dismiss challenges in cases where it was not clear from the challenge whether blocks were split between two rate-of-return carriers or were merely served by two incumbents. For example, some challengers argued that a neighboring incumbent was not an “unsubsidized competitor” and provided screenshots of USAC disbursement data as evidence. As we made clear above, whether the neighboring carrier is subsidized or not is not relevant to how a block will be treated in the model; it is administratively infeasible to apply different coverage filters within a given census block. We dismiss these challenges because they most likely were blocks split between the study areas

30. In a few cases, the Bureau independently mapped the location of the challenged blocks to

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<sup>56</sup> *JSI Comments* at 4.

<sup>57</sup> JSI apparently did not consider the technology codes in its analysis of split blocks. Of the eight maps of split block examples attached to its comments, four show split blocks where there would be no impact on support amounts calculated by the model because the neighboring incumbent does not provide broadband using FTTP or cable. *JSI Comments*, Appx.

determine whether the blocks actually were split or not. For example, we partially deny and partially dismiss a challenge filed by Shell Rock Communications (Shell Rock) against Dumont Telephone Company (Dumont).<sup>58</sup> Shell Rock challenged five census blocks on the basis that they were border blocks or split blocks, shared with Dumont and provided a map showing four of the blocks. We dismiss challenges to three of the five blocks because they address split blocks. However, based on our analysis, two of the blocks are not split blocks. One of the blocks, is not within Shell Rock's territory, and so the challenge to this block is dismissed.<sup>59</sup> Additionally, another block is within Shell Rock's territory, but Shell Rock provided no information to contradict the current Form 477 data that shows Dumont serves this block, so the challenge is denied as to this census block.<sup>60</sup>

31. *Affiliate Provider.* We decline to take action in response to seven challenges on the basis that the challenged provider is an affiliate or subsidiary company of the challenger. As discussed above, the Bureau modified the methodology used in A-CAM so that broadband deployment reported in Form 477 by a rate-of-return carrier or its affiliates within the study area, using certain technologies, e.g., fixed wireless or DSL, are treated as "telco-served," not competitors, in the coverage filter.<sup>61</sup> However, broadband deployment reported in Form 477 by a rate-of-return carrier or its affiliates within the study area, using FTTP or cable, are treated as "wired-served" in the coverage filter because the Commission concluded that it "will exclude from support calculations those census blocks where an incumbent or any affiliated entity is providing 10/1 Mbps or better broadband using either FTTP or cable technologies."<sup>62</sup>

32. For example, Amery argued that its unsubsidized affiliate, Northwest Community Communications, Inc. (NCC), provides cable TV service in many of Amery's census blocks, but does not provide voice.<sup>63</sup> In making its decision to exclude from support calculations those census blocks where the incumbent rate-of-return carrier or its affiliate has deployed broadband using FTTP or cable technology, the Commission was not focusing on whether the affiliate was an unsubsidized competitor. As discussed above, the Commission made its decision to exclude such blocks from support calculations to ensure that support is targeted to areas that clearly are not served. Even though NCC does not provide voice in those blocks, presumably Amery does as the incumbent carrier, and between the two affiliated companies, consumers in the area have access to both voice and broadband service.

33. Although we decline to take action on this challenge because the challenged provider is an affiliate, we do revise the coverage data to link properly affiliated companies with a common holding company number. Ayrshire Farmers Mutual Telephone Company (Ayrshire) and Northwest Telephone Cooperative Association (Northwest Telephone) challenged Northwest Communications, Inc. (Northwest Communications) arguing that Northwest Communications, a fixed wireless provider, does not provide voice in the identified census blocks.<sup>64</sup> Northwest Communications is a 100 percent owner of Ayrshire and is a subsidiary of Northwest Telephone. In this particular case, the separately filed Form 477 data were not linked as related companies up until now, but based on the information provided in this process, they now are identified with a common holding company number, which will be reflected in the final version of the coverage utilized in A-CAM.

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<sup>58</sup> See Shell Rock Communications Comments.

<sup>59</sup> Census Block 190230701001225.

<sup>60</sup> Census Block 190230701001224.

<sup>61</sup> See *supra* paras. 24-26.

<sup>62</sup> *Rate-of-Return Reform Order*, 31 FCC Rcd at 3102, para. 37.

<sup>63</sup> See *Amery Comments*.

<sup>64</sup> See Reynolds Schultheis Consulting, Inc. Comments (discussing Ayrshire Farmers Mutual Telephone Company challenge of Northwest Communications).

34. *Not in Coverage Data.* We decline to take action on 50 challenges that argued we should not treat certain entities as competitors because those census blocks already are treated as unserved by that provider in the A-CAM. These challengers apparently did not look at the actual coverage data in A-CAM, but only looked at the Form 477 data posted on the Commission's website. The Form 477 data includes providers reporting speeds below the 10/1 Mbps minimum, and providers with no voice provider at the holding company level. These providers were never included as competitors in the model's broadband coverage, so there is nothing to challenge. Rather than looking at the posted Form 477 data that included revisions through March 30, 2015 and excluded satellite data (which is not included in the model's coverage), some challengers apparently looked at the state level Form 477 data which does include satellite.

35. For example, Columbine Telephone Company (Columbine) challenged: wyoming.com, stating it does not meet the 10/1 Mbps minimum speed standard; tw telecom, stating it provides only business service; and GCI Communications, ViaSat, Skycasters, and HughesNet, stating they are satellite providers.<sup>65</sup> None of these providers were included in the A-CAM coverage data in v2.2, so these comments effectively asked the Bureau to take action on an issue that did not exist. For similar reasons, we do not take action on the challenges against LTD Broadband (LTD), which argue that the company does not provide voice and does not meet the speed obligation, because LTD is already excluded from the coverage data in v2.2.<sup>66</sup> Additionally, we decline to take action in response to those commenters that argued GCI and Skycasters/HughesNet are satellite providers and should be removed from the coverage data, because they are already excluded from the coverage data.<sup>67</sup>

### C. Challenges Granted

36. We grant 61 challenges. We grant challenges that argued a provider does not provide voice or broadband or does not offer these services at levels meeting the Commission's service obligations only when supported with evidence sufficient to meet the burden of showing the certified Form 477 data is more likely than not to be incorrect.<sup>68</sup> As described more completely below, examples of persuasive evidence included, alone or in combination, a declaration from the challenged provider, declaration from the an officer of the challenger, an engineering study, information from the challenged provider's customer service representative, information from the challenged provider's website, or maps.

37. *Declaration of the Challenged Provider.* Of the 61 granted challenges, we grant 40 challenges based on the evidence contained in a declaration or affidavit from the challenged provider. Of these 40 challenges granted, 31 filed only a declaration as supporting evidence. Some challengers attached this declaration as an exhibit or attachment to their filing. We find a declaration from the provider subject to challenge to be highly persuasive, because it is a sworn statement by a representative or officer of the challenged provider agreeing with the challenge. The most persuasive form of affidavit was one explicitly stating that the challenged provider does not provide voice or broadband service or does not meet the required service obligations in the challenged census blocks or in an entire state. For example, Central Utah Telephone and Skyline Telephone (Central Utah) challenged the reported coverage of Emery Telephone (Emery), arguing it does not provide voice or broadband in two census blocks in

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<sup>65</sup> See Columbine Telephone Company, Inc. Comments.

<sup>66</sup> See, e.g., Titonka Telephone Comments, The Burt Telephone Comments, Zumbrota Telephone Comments.

<sup>67</sup> See, e.g., Silver Star Telephone Company Comments, Helix Telephone Company Comments.

<sup>68</sup> See 47 CFR § 54.309. See also *Connect America Fund*, Report and Order, 29 FCC Rcd 15644, 15656-61, paras. 30-44 (2014) (*December 2014 Connect America Order*) (Price cap carriers accepting Phase II model-based support are required to offer voice and 10/1 Mbps broadband, with a usage allowance that evolves over the term of support, latency of 100 milliseconds (ms) or less, at rates reasonably comparable to urban areas). For example, a challenger argued the provider does not meet the broadband speed requirement of 10/1 Mbps, does not meet the price requirement or does not meet the usage requirements.

Central Utah's service area.<sup>69</sup> Central Utah attached a declaration from the General Manager of Emery to its challenge, which stated that Emery does not have facilities or provide voice or broadband service in the two identified census blocks.<sup>70</sup> Other challengers relied on a separate filing from the challenged provider. For example, Consolidated Telecom (Consolidated) challenged the reported coverage of Hamilton.net (Hamilton) arguing that it does not provide service in several census blocks.<sup>71</sup> Hamilton filed a letter stating it does not provide voice service in the state of Nebraska.<sup>72</sup> In some cases, this declaration was further supported by other evidence, such as information from the challenged provider's website, correspondence with a customer service representative, maps, or declaration from an officer of the challenger; however, our decision was made primarily on the evidence provided by the declaration from the challenged provider.

38. Of the 40 challenges granted, nine challenges rely primarily on a declaration from the challenged provider, but also provide other evidence to support the challenge. For example, some challengers supplemented the declaration with evidence from the challenged provider's website, with maps, or with evidence of correspondence with the challenged provider's customer service representative. While this evidence helped inform and support our decision to grant the challenge, the declaration remained the determinative piece of evidence because the challenged party was confirming its lack of coverage. In one case, Starbuck Telephone (Starbuck) challenged the reported coverage of Gardonville Cooperative Telephone Association dba Wisper (Gardonville), arguing it does not provide voice in several census blocks in Starbuck's study area.<sup>73</sup> As evidence, Starbuck attached information from Gardonville's website showing the services offered. However, Starbuck also attached a sworn declaration from the General Manager of Gardonville stating the company does not provide voice in Starbuck's study area.<sup>74</sup> As the declaration was from the challenged provider and directly on point, this evidence was the determining factor in deciding to grant this challenge.

39. Additionally, we partially grant and partially deny a challenge filed by Ardmore Telephone Company (Ardmore).<sup>75</sup> Ardmore challenged the reported coverage of Athena Broadband (Athena), arguing it does not provide voice or broadband service and does not meet the minimum broadband speed requirement and provided several types of evidence.<sup>76</sup> The evidence provided by Ardmore included an e-mail and declaration letter from Athena indicating it was unable to provide service to the census blocks challenged and listed in Appendix A of Ardmore's challenge, and Athena had refiled the data to properly reflect service.<sup>77</sup> However, the refiled data did not indicate a lack of service as to the census blocks listed in Ardmore's Appendix B. We found the evidence provided for those – which included inexact and poorly labeled maps and minimal information regarding phone calls with Athena's customer service representatives – insufficient to persuade us to change the coverage for the census blocks in Ardmore's Appendix B. Accordingly, we grant the challenges pertaining to the census blocks identified in Ardmore's Appendix A and deny those census blocks identified in Appendix B of Ardmore's challenge.

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<sup>69</sup> See Central Utah Telephone and Skyline Telecom Comments at 3-4.

<sup>70</sup> See *id.* at 6.

<sup>71</sup> See Reynolds Schutheis Consulting, Inc. Comments (discussing Consolidated Telecom, Inc. challenge of Hamilton.net).

<sup>72</sup> See Hamilton.net, Inc. Comments.

<sup>73</sup> See Starbuck Telephone Comments at 14.

<sup>74</sup> *Id.* at 19.

<sup>75</sup> See Ardmore Telephone Company Comments.

<sup>76</sup> See *id.* at 2-5.

<sup>77</sup> See *id.* at 11, 28 (e-mail and declaration).

40. *Declaration of the Challenger.* Of the 61 challenges granted, we grant seven challenges that provided a declaration from the challenger as evidence. In six of these challenges, other evidence was also provided to support the challenge including a declaration from the challenged provider, information from the challenged provider's website, maps, or with evidence of correspondence with the challenged provider's customer service representative. In only one challenge was our decision based solely on the challenger's declaration.<sup>78</sup> In that challenge, Oregon-Idaho Utilities, Inc. (Oregon-Idaho) challenged the classification of a block that Cal-Nevada Broadband (Cal-Nevada) reported on Form 477 as served, arguing it does not provide broadband in one census block. Oregon-Idaho provided only a declaration by the Operations Manager of Oregon-Idaho as evidence.<sup>79</sup> The circumstances in this declaration are unique, however, as it states that the owner of Cal-Nevada was contacted and agreed with the challenge filed and that Cal-Nevada edited its Form 477 data accordingly. Although there is not a separate declaration from Cal-Nevada, we independently verified the Form 477 data had been corrected and therefore accept the sworn declaration from the challenger as persuasive evidence.

41. *Website Information.* Of the 61 challenges granted, we grant 24 challenges that provided screenshots of information from one or several websites, including search data regarding service availability or other information regarding types of services provided, speed or price of services from the challenged provider's website. Website screenshots of search information from a challenged provider's website regarding the availability of service was persuasive only if the results showed a search of all locations in a census block and all searches returned a result of no service. Information from a provider's website regarding types of service provided, speed or price of service was persuasive when it is clear on its face that voice or broadband services are not provided or that these services do not meet our service obligation standards. In 10 of these challenges, website evidence was the only evidence provided to support the challenge and was alone sufficient to support a grant.<sup>80</sup> For example, Choctaw Telephone (Choctaw) challenged the reported coverage of Total Highspeed, arguing it does not provide voice and does not meet the service obligation for price, and provided only a screenshot from the Total Highspeed website.<sup>81</sup> The website screenshot clearly shows that Total Highspeed does not provide broadband meeting the Commission's price requirement because 1 Mbps download speed broadband is priced at \$100/month and speeds above 1Mbps download require special pricing.<sup>82</sup>

42. In 14 of these challenges, other evidence was also provided to support the challenge, including a declaration from the challenged provider, declaration from the challenger, maps, or evidence of correspondence with the challenged provider's customer service representative. In these cases, the website information provided was also highly persuasive. For example, Salina-Spavinaw Telephone Company (SST) challenged the reported coverage of Vyve Broadband (Vyve) arguing Vyve did not provide voice or broadband in ten census blocks.<sup>83</sup> As evidence, SST provided screenshots from Vyve's website showing that no service is available for any of the zip codes in any of the census blocks.<sup>84</sup> SST also provided a declaration from its Central Office Manager.<sup>85</sup> Additionally, Southwest Texas Telephone Company (Southwest Texas) challenged the reported coverage of Reach Broadband, arguing it does not

<sup>78</sup> See *infra* para. 48-49 (discussing denials on the basis of Challenger Declaration).

<sup>79</sup> See Oregon-Idaho Utilities, Inc. dba Humboldt Telephone Company Comments at Exh. 1.

<sup>80</sup> Six of these challenges were challenges against census blocks that Transworld reports as served on FCC Form 477. See also *infra* para. 43 (discussing Transworld challenges).

<sup>81</sup> See Choctaw Telephone Company Comments at 4.

<sup>82</sup> See *id.*

<sup>83</sup> See Salina-Spavinaw Telephone Company, Inc. Comments at 2-5.

<sup>84</sup> See *id.* at 7-12. However, as discussed below in the Challenges Denied section, when such information was not comprehensive, we did not grant the challenge.

<sup>85</sup> See *id.* at 12.

provide voice or broadband in Southwest Texas' service area. Southwest Texas provided website information as well as evidence of a phone call with a customer service representative and an affidavit from the President of Southwest Texas to support its challenge.<sup>86</sup> The website information was persuasive, because it clearly identified the locations.

43. We grant a total of nine challenges disputing the reported coverage of Transworld Network Corp. (Transworld), because the website evidence alone persuaded us that Transworld does not provide voice service or meet the broadband pricing requirement. While the reported coverage of Transworld was challenged on the basis that it is not offering voice service, it fails to meet the broadband speed obligation, and it fails to meet the broadband pricing requirement, we find that the evidence only supported granting challenges on the basis of lacking voice service and failure to meet the broadband pricing requirement. Given our finding that Transworld does not provide voice service, we grant other challenges filed by other commenters against the reported coverage of Transworld even when the specific evidence submitted by a particular challenger alone would have been unpersuasive. For example, although Western New Mexico Telephone Company (Western) only argued that Transworld does not provide broadband meeting the Commission's speed obligation, we grant this challenge because we have determined that Transworld does not provide voice services in this area as a result of the other challenges. We recognize this provides Western the benefit of information filed by other challengers, but find it is in the public interest in this particular instance to grant the challenge when we have sufficient information in the record from other commenters to make a blanket determination with respect to Transworld.

44. *Other Evidence.* As indicated above, several challenges provided a combination of various types of evidence that we considered in making our decisions; however, this evidence was only supportive and none alone was determinative. For example, information from a customer service representative was supportive evidence in granting five challenges. Middleburgh Telephone Company (Middleburgh) challenged the reported coverage of Fairpoint Communications (Fairpoint) in one census block, arguing it is not a provider in that block.<sup>87</sup> As evidence, Middleburgh attached e-mail correspondence with a representative of Fairpoint stating that the census block was not served by Fairpoint and agreeing to share the information with the state in a broadband proceeding.<sup>88</sup> Additionally, Haviland Telephone Company (Haviland) challenged the reported coverage of United Wireless Communications (UWC), arguing it does not meet the Commission's broadband service requirement for speed or price.<sup>89</sup> As evidence, Haviland provides, among other things, a copy of an e-mail with a customer service representative of UWC, screenshots of information pulled from UWC's website, and an affidavit from the vice-president of Haviland certifying to the truth of the filing.<sup>90</sup> The e-mail from the customer service representative clearly stated that UWC does not provide broadband at speeds meeting the service obligations. This was further supported by the website information submitted, which clearly stated that UWC offers the qualifying broadband service only within a town that is outside Haviland's study area.<sup>91</sup>

45. Additionally, some challengers included maps as evidence to support their challenge. We also grant 6 challenges that included maps as evidence. Maps were only considered persuasive as supporting evidence where the map was clearly legible and showed lack of service. For example, Grand River Mutual Telephone (Grand River) challenged the reported coverage of Northeast Missouri Rural

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<sup>86</sup> See Southwest Texas Telephone Company Comments at 3-4.

<sup>87</sup> See Middleburgh Telephone Company Comments at 1.

<sup>88</sup> See *id.* at 3-8.

<sup>89</sup> See Haviland Telephone Company, Inc. Comments at 2-4.

<sup>90</sup> See *id.* at 30-51.

<sup>91</sup> See *id.* at 46.

Telephone (NEMR), arguing it does not meet the speed obligation.<sup>92</sup> As evidence, Grand River attached a map clearly showing the block at issue, but also provided a declaration from the CEO of NEMR that confirms lack of broadband service in the challenged census block.<sup>93</sup>

46. For these reasons we grant the challenges identified in the Appendix.<sup>94</sup> We note, however, that even though we grant these challenges, the coverage data may not change to unserved in a particular census block to the extent there is another provider reporting service in a census block that was not challenged.

#### **D. Challenges Denied**

47. We deny 68 challenges. We deny challenges arguing a provider does not provide voice or broadband or does not meet the service obligations when the evidence is insufficient to persuade us to disregard the certified Form 477 data. As described more completely below, examples of unconvincing evidence included a declaration or affidavit only from a representative of the challenger, ambiguous information from the challenged provider's website, minimal or ambiguous information from the provider's customer service representative, information that indicates the challenger only relied on its own visual inspection of whether facilities were apparent in the census blocks, engineering studies commissioned by the challenger, or maps that were poorly labeled and not understandable.

48. *Declaration of Challenger.* Of the 68 denied challenges, we deny six challenges that only provided a declaration from an officer or representative of the challenger and no other evidence. For example, Ronan Telephone Company (RTC) challenged the reported coverage of CenturyLink, arguing it does not provide voice or broadband in Ronan's service territory.<sup>95</sup> The only evidence provided was a declaration from the President and CEO of RTC stating that to his knowledge RTC and CenturyLink do not have an interconnection agreement that allows for local traffic, that CenturyLink has not ported any local numbers, and that CenturyLink does not provide fixed voice or broadband in the RTC study area.<sup>96</sup> As there is no independent evidence on which to judge these claims, this is not enough information to persuade us that the certified Form 477 data is incorrect.

49. We also deny 19 other challenges that rely primarily on a declaration from the challenger, but that also include some other type of supporting evidence including maps, visual inspection, website screenshots, or correspondence with a customer service representative. For example, Beggs Telephone Company (Beggs) challenged the reported coverage of Bixby Telephone Company (Bixby) on the basis that Bixby does not provide residential broadband and only provides commercial broadband to schools.<sup>97</sup> As evidence to support its challenge, Beggs provides an affidavit from the President of Beggs stating that, to her knowledge, Bixby does not provide residential broadband. The challenge also attached a general study area map of Beggs' study area. This information is not enough to persuade us to disregard the certified data of the Form 477, which states that Bixby provides residential voice and broadband.

50. *Website Information.* We deny eight challenges that rely only on screenshots of the provider's website as evidence.<sup>98</sup> Unlike the challenges we grant above that rely, in part, on screenshots of the provider's website, we deny these particular challenges because the information provided by the

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<sup>92</sup> See Grand River Mutual Telephone Corporation Comments at 4.

<sup>93</sup> See *id.* at 31-32.

<sup>94</sup> See Appendix, Table A: Challenge Resolutions.

<sup>95</sup> See Ronan Telephone Company Comments.

<sup>96</sup> See *id.* at 2-3.

<sup>97</sup> See Beggs Telephone Company Comments at 3-5.

<sup>98</sup> We deny a total of 26 challenges that include screenshots of the challenged provider's website as evidence, although some also include other types of evidence.

website screenshots is ambiguous regarding types of service or service obligations, the challenger's searched the provider's website for service availability only for some of the locations in the challenged blocks, or, when independently checked, the information provided by the challenger was contradicted or outdated.<sup>99</sup> For example, Mt. Horeb Telephone Company (Mt. Horeb) challenged the reported coverage of Charter Communications (Charter), arguing Charter does not provide voice service.<sup>100</sup> As evidence, Mt. Horeb attached screenshots of searches from Charter's website showing that addresses searched return results of no service available.<sup>101</sup> There is not, however, any information to identify whether Mt. Horeb searched all locations in the challenged census blocks or whether the results provided are inclusive of all locations. Accordingly, we deny this challenge.

51. *Customer Service Representative.* We deny 6 challenges that rely only on a web chat or a phone call with the challenged provider's customer service representative as evidence.<sup>102</sup> We deny these challenges because this information is not substantiated or certified to by the challenged provider and therefore carries less weight than the certified data provided on the Form 477. For example, Range Corporation in Wyoming (Range Wyoming) challenged the reported coverage of Collins Telephone (Collins), arguing Collins does not provide voice service.<sup>103</sup> Range Wyoming included information regarding a phone call with a Collins customer service representative as evidence. The information provided about the phone call was minimal, providing only the representative's first name, phone number called, date called, and a line that says "no voice services available."<sup>104</sup> There are no details about the conversation, the title of the representative, or any information verifying the phone call took place or that Collins understood what the phone call was regarding or that it would be provided to the Commission as evidence of service. We view the information provided as insufficient, and we therefore do not find it more persuasive than the certified data provided on the Form 477.

52. *Maps.* We deny four challenges that rely only on maps as evidence.<sup>105</sup> We deny these challenges because the maps were imprecise and did not provide legends or the key information to support the claims, and therefore we do not find this information more persuasive than the certified 477 data. For example, Wyoming Mutual Telephone Company (Wyoming Mutual) challenged the reported coverage of Mediacom, arguing that it does not provide voice or broadband service in two census blocks it reports to serve.<sup>106</sup> As evidence Wyoming Mutual provides two 2010 census block maps and identifies the challenged census blocks with an outline and a note that states the blocks are in Wyoming Mutual's study area, and Mediacom's facilities do not reach these blocks.<sup>107</sup> These maps do not provide any data regarding Mediacom's facilities or study area or any further information to show why or how the services cannot be provided. Accordingly, we deny this challenge.

53. *Visual Inspection.* We deny 15 challenges that rely in whole or in part on visual inspection of the physical service area as evidence. In these challenges the challenger asserts that they physically went to the location of the census block and looked at the land and determined there were no facilities or infrastructure that could provide the voice or broadband services reported. For instance,

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<sup>99</sup> See *infra* para. 57 (discussing incorrect information regarding certification).

<sup>100</sup> See Mt. Horeb Telephone Company Comments at 3-4.

<sup>101</sup> *Id.* at 8-55.

<sup>102</sup> We deny a total of 18 challenges that include communication with the provider's customer service representative as evidence, although some also include other types of evidence.

<sup>103</sup> See Range Telephone Cooperative and Dubois Telephone Exchange Comments.

<sup>104</sup> See *id.* at Attachment 1.

<sup>105</sup> We deny a total of 21 challenges that include a map as at least one type of evidence.

<sup>106</sup> See Wyoming Mutual Telephone Company Comments at 1.

<sup>107</sup> See *id.* at 3-4.



Bruce Telephone Company, Inc. (Bruce Telephone) challenged the reported coverage of BCI Mississippi Broadband, LLC dba Maxxsouth Broadband (BCI), arguing it does not provide broadband service in five census blocks.<sup>108</sup> As evidence, Bruce Telephone attached an affidavit to its challenge of a local manager stating the manager personally viewed the blocks and saw no coaxial cable facilities to deliver voice or broadband services.<sup>109</sup> Additionally, Franklin Telephone Company, Inc. (Franklin) challenged Mediacom Southeast LLC (Mediacom) and Cable One, Inc. (Cable One), arguing neither provides broadband service in three census blocks in Franklin's study area.<sup>110</sup> For both challenges, Franklin attached a single declaration from its Vice President and General Manager stating that he drove through the each of the Mediacom and Cable One census blocks and did not find any facilities in the blocks.<sup>111</sup> We find this information is insufficient to overcome the certified Form 477 data, and therefore deny these challenges.

54. *Other Evidence.* We deny nine challenges that rely, in whole or in part, on other types of evidence that we did not find persuasive to meet the burden of proof. For example, we deny three challenges that rely only on website screenshots from the Local Exchange Routing Guide ("LERG") to support their claim. We deny these challenges because we find that information from the LERG is not determinative of whether or not a provider serves a census block and not sufficient by itself to overcome the certified Form 477 data.<sup>112</sup> For example, Fort Randall Telephone Company (Fort Randall) challenged the reported coverage of Golden West Telecom (GWT), arguing it does not provide voice service in 55 census blocks within Fort Randall's study area.<sup>113</sup> As evidence, Fort Randall attached screenshots from the LERG that propose to show no overlap between the two ILEC serving areas.<sup>114</sup> This information provided, however, does not provide enough detail or specificity to make this determination or to overcome the Form 477 data that states GWT does provide voice.

55. We deny two challenges that presented evidence of an engineering study to help support their claims against the reported coverage of Wisper ISP.<sup>115</sup> These challenges also provided other evidence, including correspondence with a customer service representative, maps, and visual inspection; however, none of this evidence, even when considered in totality, was sufficient to show that there was no possibility the challenged provider served at least one location in the challenged census blocks.<sup>116</sup> For example, while the engineering study was extensive, it used words like "implausible" and "likely," which leave open the possibility that there is at least one location in a census block that could be served.<sup>117</sup>

56. Additionally we deny five challenges that included screenshots of data from the FCC COALs database, screenshot of a tariff page, screenshots of search data from the Iowa Utilities Board website, and search data from the California PUC's website.

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<sup>108</sup> See Bruce Telephone Company and Fulton Telephone Company Comments.

<sup>109</sup> See *id.* at 6.

<sup>110</sup> See Franklin Telephone Company, Inc. Comments at 3-4.

<sup>111</sup> See *id.* at 5.

<sup>112</sup> See *Connect America Fund Phase II Challenge Process*, WC Docket Nos. 10-90 14-93, Order, 30 FCC Rcd 2718, 2730-31 para. 38, n. 90 (WCB 2015) (*Phase II Challenge Process Resolution Order*) (discussing the unpersuasive nature of information regarding the lack of number porting).

<sup>113</sup> See Fort Randall Telephone Company Comments at 7.

<sup>114</sup> See *id.* at 8-9.

<sup>115</sup> See Hamilton County Telephone Co-op Comments at 3-9, 25-38 (*Hamilton County Challenge*); Wabash Telephone Coop. and Grafton Telephone Company Comments at 3-6, 21-32.

<sup>116</sup> See *id.*

<sup>117</sup> See *Hamilton County Challenge* at 28.

57. We note that there were several commenters that argued a provider was not eligible or its census blocks were not properly served because the challenged provider was not properly certified or certificated to provide voice in the state. In all of these cases the voice service was provisioned via Voice over Internet Protocol (VoIP). While we did not deny any challenges specifically on this basis, we did deny all challenges that argued and provided as evidence a lack of certification in a state. Our primary goal in this process is properly identifying whether or not a provider serves a census block with voice and broadband meeting the Commission's requirements. To that end, this argument failed to persuade us in several cases where it was asserted incorrectly. For example, Woolstock Mutual Telephone Association (Woolstock) argues that Prairie iNet is not certificated with the Iowa Utilities Board, and attaches a website screenshot of a search.<sup>118</sup> However, Prairie iNet is in fact a service provider in Iowa; an independent search confirms that the provider is certificated with the Iowa Utilities Board under its parent company, Skybeam.<sup>119</sup> Additionally, Cal-Ore Telephone (Cal-Ore) challenged the reported coverage of FireServe, arguing it is not properly certificated to provide voice services in California.<sup>120</sup> Cal-Ore attached website screenshots showing no results for a search for FireServe on the California PUC's website or California Secretary of State's website.<sup>121</sup> However, FireServe does in fact provide voice service in California, as confirmed by the State of California PUC website.<sup>122</sup>

58. For these reasons we deny the challenges identified in the Appendix.<sup>123</sup> We note, however, that even though we deny these challenges, the coverage data may change to unserved in a particular census block to the extent the Bureau incorporated updated 477 data in a census block an unsubsidized competitor no longer reports as served.

#### IV. ORDERING CLAUSES

59. ACCORDINGLY, IT IS ORDERED that, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act, 47 U.S.C. §§ 151-154, and 254, and pursuant to sections 0.91 and 0.291 of the Commission's rules, 47 CFR §§ 0.91 and 0.291, this order is ADOPTED.

60. IT IS FURTHER ORDERED that the requests in the Appendix of this Order, ARE GRANTED, DENIED, DISMISSED, GRANTED IN PART AND DENIED IN PART, GRANTED IN PART AND DISMISSED IN PART, or DENIED IN PART AND DISMISSED IN PART as described therein.

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<sup>118</sup> See Woolstock Mutual Telephone Company Comments at 6.

<sup>119</sup> See Iowa Utilities Board Website, Company Summary for Skybeam, LLC, <https://efs.iowa.gov/efs/ShowCompanySummary.do?companyID=2679834> (last accessed July 25, 2016).

<sup>120</sup> See Cal-Ore Telephone Company Comments at 2-4.

<sup>121</sup> See *id.* at 8.

<sup>122</sup> See California Public Utilities Commission Website, Utility Contact System Search, <https://apps.cpuc.ca.gov/apex/f?p=102:1:0::NO:RP::> (last accessed July 25, 2016).

<sup>123</sup> See Appendix, Table A: Challenge Resolutions.

61. IT IS FURTHER ORDERED that, pursuant to section 1.102(b)(1) of the Commission's rules, 47 CFR § 1.102(b)(1), this order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Carol E. Matthey  
Deputy Chief  
Wireline Competition Bureau

## APPENDIX

Table A: Challenge Resolutions

Challenger	Provider Challenged	Decision
3 Rivers Telephone Cooperative, Inc.	Central Montana Communications, Inc.	Dismiss
3 Rivers Telephone Cooperative, Inc.	CenturyLink, Inc.	Dismiss
3 Rivers Telephone Cooperative, Inc.	CenturyLink, Inc.	Dismiss
3 Rivers Telephone Cooperative, Inc.	CenturyLink, Inc.	Dismiss
3 Rivers Telephone Cooperative, Inc.	SpeedConnect LLC	Deny
Absaraka Cooperative Tel.	Dickey Rural Services, Inc.	Grant
Absaraka Cooperative Tel.	ICTC Group, Inc. dba Inter-Community Telephone Company	Dismiss
Agate Mutual Telephone Cooperative Association	Eastern Colorado Independent Networks, LLC	Grant
Agate Mutual Telephone Cooperative Association	Kellin Communications	Deny
Alma Telephone Company	Vyve Broadband A, LLC	Deny
Alpine Communications, LC	Northeast Iowa Telephone Company	Grant
Alpine Communications, LC	Bernard Telephone Company Inc.	Dismiss
Amery Telecom, Inc.	Northwest Community Communications, Inc.	Dismiss
Amery Telecom, Inc.	Chibardun Telephone Cooperative	Grant
Arapahoe Telephone Company dba ATC Communications	Hamilton.net, Inc.	Grant

<b>Challenger</b>	<b>Provider Challenged</b>	<b>Decision</b>
Arcadia Telephone Cooperative	Sunbeam Acquisition Corp. dba Prairie iNet	Deny
Arcadia Telephone Cooperative	BTC Bredia dba Western Iowa Networks	Dismiss
Ardmore Telephone Company	Athena Broadband	Grant/Deny
Beggs Telephone Company	Bixby Telephone Company	Deny
Beggs Telephone Company	Vyve Broadband A, LLC	Deny
Beggs Telephone Company	Suddenlink Communications	Deny
Brazos Telephone Cooperative Inc.	Suddenlink Communications	Deny
Brazos Telephone Cooperative Inc.	Community Telephone Company, Inc.	Dismiss
Brazos Telephone Cooperative Inc.	Santa Rosa Telephone Cooperative Inc.	Dismiss
Bruce Telephone Company	BCI Mississippi Broadband, LLC	Deny
Butler-Bremer Mutual Telephone Company	Dumont Telephone Company	Dismiss
Butler-Bremer Mutual Telephone Company	Readlyn Telephone Company	Dismiss
Butler-Bremer Mutual Telephone Company	CenturyLink, Inc.	Dismiss
Butler-Bremer Mutual Telephone Company	OmniTel	Dismiss
Cal-Ore Telephone Company	FireServe, LLC	Deny
Carr Telephone Company	Crystal Automation Systems, Inc	Deny
Cascade Utilities, Inc. dba Reliance Connects	Douglas Fastnet	Grant

<b>Challenger</b>	<b>Provider Challenged</b>	<b>Decision</b>
Cascade Utilities, Inc. dba Reliance Connects	Comcast Cable Communications, LLC	Deny
Cascade Utilities, Inc. dba Reliance Connects	Beaver Creek Cooperative Telephone	Dismiss
Cascade Utilities, Inc. dba Reliance Connects	Colton Telephone Company	Grant/Dismiss
Center Junction Telephone Company	Olin Telephone Company	Dismiss
Center Junction Telephone Company	Onslow Cooperative Telephone Company	Grant
Central Utah Telephone and Skyline Telecom	CentraCom	Dismiss
Central Utah Telephone and Skyline Telecom	Emory Telephone	Grant
Chillicothe Telephone Company	Time Warner Cable	Deny
Choctaw Telephone Company	Total Highspeed LLC	Grant
Clear Lake Telephone Company	Northwest Community Communications, Inc.	Grant
Clear Lake Telephone Company	Chibardun	Grant
Colorado Valley Telephone Cooperative, Inc.	Ranch Wireless	Grant
Columbine Telephone Company, Inc.	Wyoming.com	Dismiss
Columbine Telephone Company, Inc.	TW Telcom	Dismiss
Columbine Telephone Company, Inc.	GCI Communications	Dismiss
Columbine Telephone Company, Inc.	ViaSat Inc.	Dismiss
Columbine Telephone Company, Inc.	Skycasters LLC	Dismiss

<b>Challenger</b>	<b>Provider Challenged</b>	<b>Decision</b>
Columbine Telephone Company, Inc.	HughesNet	Dismiss
Columbine Telephone Company, Inc.	Fremont Telecommunications Company	Dismiss
Columbine Telephone Company, Inc.	Direct Communications	Dismiss
Columbine Telephone Company, Inc.	Digis, LLC	Deny
Coon Valley Farmers Telephone	Vernon Communications Cooperative	Dismiss
Craigville Telephone Company	TransWorld Network, Corp.	Grant
Danville Mutual Telephone	Mediacom Iowa LLC	Deny
Delta County Tele-Comm	Clearnetwork's	Deny
Dixon Acquisition, LLC	Night Owl Wireless	Dismiss
Dixon Acquisition, LLC	F&B Communications	Dismiss
Dixon Acquisition, LLC	Windstream Communications	Dismiss
Eastern Slope Rural Telephone Association, Inc.	Comcast Cable Communications, LLC	Deny
Eastern Slope Rural Telephone Association, Inc.	Eastern Colorado Independent Networks, LLC	Grant
ENMR Telephone Cooperative	TransWorld Network Corp	Grant
FairPoint Communications, Inc.	Shoreham's Telephone Company, LLC	Grant
FairPoint Communications, Inc.	Salina-Spavinaw Telephone Co.	Dismiss
Farmers Mutual Cooperative Telephone Company	Corn Belt Telephone	Grant

Challenger	Provider Challenged	Decision
Farmers Mutual Cooperative Telephone Company	Walnut Communications	Dismiss
Farmers Mutual Telephone Company	Centurylink, Inc.	Deny
Fort Randall Telephone	Golden West Telecom	Deny
Fort Randall Telephone	Midstate Communications, Inc.	Deny
Franklin Telephone Company, Inc.	Mediacom Southeast LLC	Deny
Franklin Telephone Company, Inc.	Cable One, Inc.	Deny
Fremont Telecommunications Company	Direct Communications	Grant
Fulton Telephone Company	Comcast Cable Communications, LLC	Deny
Gervais Telephone Company	McMinnville Access Company dba Online Northwest	Grant
Gervais Telephone Company - Monitor Cooperative Telephone Company	McMinnville Access Company dba Online Northwest	Grant
Gervais Telephone Company - Mt. Angel Telephone Cooperative	McMinnville Access Company dba Online Northwest	Grant
Gervais Telephone Company - St. Paul Cooperative Telephone	McMinnville Access Company dba Online Northwest	Grant
Grand River Mutual Telephone Corporation	AT&T Services, Inc.	Deny
Grand River Mutual Telephone Corporation	Suddenlink Communications	Deny
Grand River Mutual Telephone Corporation	MCC Missouri LLC	Deny
Grand River Mutual Telephone Corporation	Northeast Missouri Rural Telephone Co	Grant
Great Plains Communications	Diode Communications	Grant



<b>Challenger</b>	<b>Provider Challenged</b>	<b>Decision</b>
Great Plains Communications	Future Technologies	Dismiss
Hamilton County Telephone Co-op	Wisper ISP, Inc.	Deny
Harmony Telephone Company	Hiawatha Broadband Communications, Inc.	Deny
Haviland Telephone Company Inc.	Sumner Cable TV	Grant
Haviland Telephone Company Inc.	United Wireless Communications	Grant
Helix Telephone Company	StarTouch Broadband	Dismiss
Helix Telephone Company	GCI	Dismiss
Helix Telephone Company	HNS License	Dismiss
Helix Telephone Company	VSAT	Dismiss
Helix Telephone Company	Eastern Oregon Telecom	Grant
Industry Telephone Company	Ranch Wireless, Inc.	Grant
Inter-Community Telephone Company, LLC	Dickey Rural Services, Inc.	Grant
Inter-Community Telephone Company, LLC	BEK Communications Coop	Dismiss
Inter-Community Telephone Company, LLC	Moore & Liberty Telephone Company/Griggs County Telephone	Dismiss
Inter-Community Telephone Company, LLC	Polar Communications Mutual Aid Corporation	Dismiss
Inter-Community Telephone Company, LLC	Dakota Central Telecommunications Coop	Dismiss

<b>Challenger</b>	<b>Provider Challenged</b>	<b>Decision</b>
Inter-Community Telephone Company, LLC	Dickey Rural Telephone Cooperative	Dismiss
Inter-Community Telephone Company, LLC	CenturyLink, Inc.	Dismiss
Interstate Telecommunications Coop., Inc.	Northern Valley	Grant
Interstate Telecommunications Coop., Inc.	RC Technologies	Grant
Interstate Telecommunications Coop., Inc.	Mediacom Minnesota	Deny
Kasson and Mantorville Telephone Company	Hiawatha Broadband Communications	Deny
Kasson and Mantorville Telephone Company	LTD Broadband	Dismiss
Kasson and Mantorville Telephone Company	King Street PCS	Dismiss
Kasson and Mantorville Telephone Company	Radio Link Internet	Dismiss
Logan Telephone Cooperative Inc.	City of Russellville Electric Plant Board	Grant
Logan Telephone Cooperative Inc.	Suddenlink Communications	Deny
Logan Telephone Cooperative Inc.	Comcast Cable Communications, LLC	Deny
Lone Rock Cooperative Telephone Company	Fenton Coop Telephone	Dismiss
Lone Rock Cooperative Telephone Company	LTD Broadband	Dismiss
Lone Rock Cooperative Telephone Company	River Valley Telephone Coop-Graettinger	Dismiss
Lone Rock Cooperative Telephone Company	River Valley Telephone Cooperative-Ruthven	Dismiss
Long Lines Company, Inc.	JAG Wireless	Dismiss

Challenger	Provider Challenged	Decision
Long Lines Company, Inc.	Siouxland Wireless	Dismiss
Mabel Cooperative Telephone Company	Harmony Telephone	Grant
Mabel Cooperative Telephone Company	Spring Grove Communications	Dismiss
Mark Twain Rural Telephone Company	Missouri RSA No. 5 Partnership d/b/a Chariton Valley Wireless Services	Grant
Martelle Cooperative Telephone Association	LTD Broadband	Dismiss
Martelle Cooperative Telephone Association	Mechanicsville Telephone Company	Dismiss
Martelle Cooperative Telephone Association	Prairie iNet	Deny
Martelle Cooperative Telephone Association	Springville Cooperative Telephone	Dismiss
Michigan Central Broadband Company, LLC	Cherry Capital Connection	Grant
Middleburgh Telephone Company	Fairpoint	Grant
Middleburgh Telephone Company	Time Warner	Deny
Mid-Plains Rural Telephone Cooperative, Inc.	TransWorld Network Corp	Grant
Midstate Telephone	Northwest Communications Cooperative	Dismiss
Modern Cooperative Telephone Company	Cooperative Telephone	Dismiss
Modern Cooperative Telephone Company	North English Cooperative	Dismiss
Modern Cooperative Telephone Company	Wellman Cooperative Telephone	Dismiss

Challenger	Provider Challenged	Decision
Mt. Horeb Telephone Company	Charter Communications	Deny
Nemont Telephone Cooperative Inc.	Central Montana Communications (Triangle Telephone)	Dismiss
Nemont Telephone Cooperative Inc.	Northwest Communications Cooperative	Deny
Nemont Telephone Cooperative Inc.	Reservation Telephone Cooperative	Deny
Newport Telephone Company, Inc.	Time Warner Cable	Deny
Nicholville Telephone Company, Inc.	Time Warner Cable	Deny
Nicholville Telephone Company, Inc.	Slic Network Solutions	Dismiss
Northeast Iowa Telephone Company	Ace Telephone Association	Grant
Northeast Iowa Telephone Company	Colo Telephone	Grant
Oklahoma Western Telephone Co.	Vyve Broadband LLC	Deny
Onslow Telephone Company	Olin Telephone Company	Dismiss
Onslow Telephone Company	Cascade Telephone Company	Dismiss
Onslow Telephone Company	Center Junction Telephone	Grant
Oregon-Idaho Utilities, Inc., dba Humboldt Telephone Company	Cal-Nevada Broadband	Grant
Park Regional Mutual Telephone	Tekstar Communications (Arvig Enterprises)	Deny
Pattersonville Telephone Company	Time Warner Cable	Deny
Pierce Telecommunications, Inc.	Cable One, Inc.	Dismiss

Challenger	Provider Challenged	Decision
Pierce Telecommunications, Inc.	CenturyLink, Inc.	Dismiss
Pierce Telecommunications, Inc.	HunTel Cablevision dba HunTel Communications	Dismiss
Pierce Telecommunications, Inc.	Huntel, Inc.	Dismiss
Pierce Telecommunications, Inc.	Northeast Nebraska Telephone Company	Dismiss
Pierce Telecommunications, Inc.	Plainview Telephone Company	Dismiss
Pierce Telecommunications, Inc.	Stanton Telecom Inc.	Dismiss
Pine Drive Telephone Co.	Comcast Cable Communications, LLC	Deny
Pine Drive Telephone Co.	Rye Telephone Company	Dismiss
Pioneer Telephone Company	St. John Cable Company	Grant
Poka Lambro Telephone Cooperative, Inc.	TransWorld Network, Corp d/b/a Wi-Power	Grant
Preston Telephone Company	Bernard Telephone Company	Dismiss
Preston Telephone Company	Bernard Communications Company	Dismiss
Preston Telephone Company	Central Scott Telephone Company	Dismiss
Range Montana	RT Communications	Dismiss
Range Wyoming and Dubois Telephone	Collins Communication	Deny
Range Wyoming and Dubois Telephone	Surf Communications d/b/a Fiberpipe	Deny
Range Wyoming and Dubois Telephone	Mountain West Technologies	Deny

Challenger	Provider Challenged	Decision
Range Wyoming and Dubois Telephone	CenturyLink, Inc.	Dismiss
Range Wyoming and Dubois Telephone	Charter Communications	Deny
Range Wyoming and Dubois Telephone	TRI County Telephone Association	Dismiss
Reynolds Schultheis Consulting - The Nebraska Central Telephone Co	Hamilton.net	Grant
Reynolds Schultheis Consulting - Consolidated Telco, Inc.	ATCJET.NET, LLC	Grant
Reynolds Schultheis Consulting - Consolidated Telecom, Inc.	Hamilton.net	Grant
Reynolds Schultheis Consulting - Great Plains Communications, Inc.	Hamilton.net	Grant
Reynolds Schultheis Consulting - Consolidated Telecom, Inc.	ATCJET.NET, LLC	Grant
Reynolds Schultheis Consulting - Curtis Telephone	ATCJET.NET, LLC	Grant
Reynolds Schultheis Consulting - Great Plains Communications, Inc.	ATCJET.NET, LLC	Grant
Reynolds Schultheis Consulting, Inc - Ayrshire Farmers Mutual Telephone Company	River Valley Telephone Coop	Dismiss
Reynolds Schultheis Consulting, Inc - Ayrshire Farmers Mutual Telephone Company	Premier Communications	Dismiss
Reynolds Schultheis Consulting, Inc - Ayrshire Farmers Mutual Telephone Company	Northwest Communications	Dismiss
Reynolds Schultheis Consulting, Inc - Ayrshire Farmers Mutual Telephone Company	Evertex, Inc.	Grant
Reynolds Schultheis Consulting, Inc - Northwest Telephone Cooperative Assoc.	River Valley Telephone Cooperative	Dismiss
Reynolds Schultheis Consulting, Inc - Northwest Telephone Cooperative Assoc.	Evertex, Inc.	Grant
Reynolds Schultheis Consulting, Inc - Northwest Telephone Cooperative Assoc.	LTD Broadband	Dismiss

<b>Challenger</b>	<b>Provider Challenged</b>	<b>Decision</b>
Reynolds Schultheis Consulting, Inc - Northwest Telephone Cooperative Assoc.	Northwest Communications	Dismiss
Reynolds Schultheis Consulting, Inc - Northwest Telephone Cooperative Assoc.	NWT Fixed Broadband	Dismiss
Reynolds Schultheis Consulting, Inc - Northwest Telephone Cooperative Assoc.	Prairie iNet	Deny
Rockwell Cooperative Telephone	LTD Broadband	Dismiss
Rockwell Cooperative Telephone	Skybeam/Prairie iNet	Deny
Ronan Telephone Company	CenturyLink, Inc.	Deny
Ronan Telephone Company	Charter Communications	Deny
Salina-Spavinaw Telephone Company, Inc.	Fairpoint/Chouteau	Dismiss
Salina-Spavinaw Telephone Company, Inc.	Vyve Broadband LLC	Grant/Deny
Sharon Telephone Company	CenturyLink, Inc.	Dismiss
Sharon Telephone Company	South Slope Coop	Dismiss
Sharon Telephone Company	Windstream Iowa	Dismiss
Sharon Telephone Company	Wellman Coop	Dismiss
Sharon Telephone Company	Cooperative Telephone	Dismiss
Shawnee Telephone Company	Time Warner Cable	Deny
Shawnee Telephone Company	Aero Communications	Dismiss
Shawnee Telephone Company	WideOpen West	Dismiss

Challenger	Provider Challenged	Decision
Shawnee Telephone Company	JAB Wireless	Deny
Shell Rock Communications	Dumont Telephone Company	Deny/Dismiss
Shoreham Telephone Company	Waitsfield-Fayston Telephone Co.	Grant
Shoreham Telephone Company	Telephone Operating Company of Vermont d/b/a FairPoint	Grant
Silver Star Telephone Company, Inc.	wyoming.com	Dismiss
Silver Star Telephone Company, Inc.	GCI Comm	Dismiss
Silver Star Telephone Company, Inc.	Skycasters	Dismiss
Silver Star Telephone Company, Inc.	HughesNet	Dismiss
Silver Star Telephone Company, Inc.	Digis, LLC (Rise Broadband)	Dismiss
Somerset Telephone Company	Northwest Community Communications	Dismiss
South Plains Telephone Cooperative, Inc.	TransWorld Network Corp	Grant
Southwest Texas Telephone Company	Big Bend Telephone Company	Grant
Southwest Texas Telephone Company	Ranch Wireless	Grant
Southwest Texas Telephone Company	Reach Broadband	Grant
SRT Communications	North Dakota Telephone Co.	Dismiss
SRT Communications	United Telephone Mutual d/b/a Turtle Mountain	Dismiss
SRT Communications	Reservation Telephone Coop	Dismiss



Challenger	Provider Challenged	Decision
Starbuck Telephone	Charter Communications	Deny
Starbuck Telephone	Gardonville Coop d/b/a Wisper	Grant
Table Top Telephone Company, Inc.	Mediacom	Deny
Table Top Telephone Company Inc.	Midvale	Dismiss
Table Top Telephone Company Inc.	Transworld Network Corp.	Grant
Taylor Telephone Cooperative, Inc.	TransWorld Network Corp.	Grant
The Burt Telephone Company	LTD Broadband	Dismiss
The Burt Telephone Company	River Valley Telephone Coop-Graettinger	Dismiss
The Burt Telephone Company	River Valley Telephone Coop - Ruthven	Dismiss
The Chillicothe Telephone Company dba Horizon Telecom	Time Warner Cable, Inc.	Deny
Titonka	LTD Broadband	Dismiss
Titonka	Northwest Communications	Grant
Titonka	River Valley Telephone Coop-Graettinger	Dismiss
Titonka	River Valley Coop - Ruthven	Dismiss
Titonka	Winnebago Cooperative Telecom Association	Dismiss
Totah Communications, Inc.	Craw Kan Telephone	Dismiss
Totah Communications, Inc.	KanOkla Telephone	Dismiss

Challenger	Provider Challenged	Decision
Totah Communications, Inc.	Vyve Broadband A, LLC	Grant
Union Telephone Company	Centurytel-Central Wisconsin d/b/a Centurylink, Inc.	Deny
Union Telephone Company	Charter Communications	Deny
Valley Telephone Cooperative Inc. and Copper Valley Telephone, Inc.	TransWorld Network Corp	Grant
Van Buren Telephone Company, Inc.	Danville Mutual Telephone	Grant
Van Buren Telephone Company, Inc.	Natel	Deny
Wabash Telephone Coop., Inc. and Grafton Telephone Company	Wisper ISP	Deny
West Texas Rural Telephone Cooperative, Inc.	Suddenlink Communications	Grant
Western New Mexico Telephone Company	TransWorld Network Corp d/b/a Wi-Power	Grant
Wood County Telephone Company	CCI Systems, Inc. d/b/a Packerland Broadband	Deny
Wood County Telephone Company	Charter Communications	Deny
Woolstock Mutual Telephone Association	Goldfield Telephone Company	Dismiss
Woolstock Mutual Telephone Association	Goldfield Access	Dismiss
Woolstock Mutual Telephone Association	Prairie iNet	Deny
Woolstock Mutual Telephone Association	LTD Broadband	Dismiss
Wyoming Mutual Telephone Company	Baldwin-Nashville Telephone Co	Dismiss
Wyoming Mutual Telephone Company	Clarence Telephone Co	Dismiss

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<b>Challenger</b>	<b>Provider Challenged</b>	<b>Decision</b>
Wyoming Mutual Telephone Company	Lost Nation-Elwood Telephone Co.	Dismiss
Wyoming Mutual Telephone Company	Olin Telephone Co	Dismiss
Wyoming Mutual Telephone Company	Mediacom	Deny
Zumbrota Telephone	Charter Communications	Deny
Zumbrota Telephone	LTD Broadband	Dismiss

**Table B: Data Correction Resolutions**

Filer	Decision
Allen's TV Cable Service, Inc.	Grant
Arapahoe Telephone Company d/b/a ATC Communications	Grant
Charter Communications	Grant
Co-Mo Comm, Inc.	Grant
Cox Communications	Grant
Farmers Mutual Telephone Company	Dismiss
Fremont Telecommunications Company	Grant
Hot Springs Telephone Company	Dismiss
James Valley Cooperative	Grant
Miles Cooperative Telephone Association	Deny
Northland Communications	Grant
Pattersonville Telephone Company	Deny
Sharon Telephone Company (Farmers Mutual Telephone Co)	Deny
Time Warner Cable Inc. and DukeNet Communications, LLC	Grant
Valley Telephone Cooperative Inc. and Copper Valley Telephone, Inc.	Deny
Vyve Broadband A and Vyve Broadband J, LLC	Grant
Western New Mexico Telephone Company	Deny