



# PUBLIC NOTICE

**Federal Communications Commission**  
**445 12<sup>th</sup> St., S.W.**  
**Washington, D.C. 20554**

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**DA 18-433**

**Released: April 27, 2018**

**WIRELINE COMPETITION BUREAU COMMENCES LIMITED CONNECT AMERICA  
PHASE I CHALLENGE PROCESS REGARDING PREVIOUSLY UNIDENTIFIED CENSUS  
BLOCKS SERVED BY FAIRPOINT COMMUNICATIONS, INC.**

**WC Docket No. 10-90**

**Challenges Due: May 29, 2018**

**Response Due: June 29, 2018**

On March 30, 2017, FairPoint Communications, Inc. (FairPoint) submitted a list of 185 previously unidentified census blocks in Virginia in which it deployed broadband using Connect America Phase I Round 2 incremental support.<sup>1</sup> A machine readable list of these census blocks is available at [https://apps.fcc.gov/edocs\\_public/attachmatch/DOC-350418A1.xlsx](https://apps.fcc.gov/edocs_public/attachmatch/DOC-350418A1.xlsx).

Consistent with the Wireline Competition Bureau's Order today,<sup>2</sup> this Public Notice commences a limited Connect America Phase I challenge process.<sup>3</sup> Interested parties have 30 days from the release of this Public Notice to indicate that they currently offer Internet service at speeds of 3 Mbps downstream and 768 kbps upstream or higher in the identified census blocks. FairPoint will then have 30 days from the end of the challenge period to respond. We take this opportunity to remind parties that all challenges and responses must be supported by evidence.<sup>4</sup> For example, documented evidence may include a signed certification from an officer of the provider under penalty of perjury that it offers 3 Mbps/768 kbps Internet service to customers in a particular census block, current customer billing records with appropriate redactions, or statements from residents of an area noting that they have attempted and failed to receive service from a putative unsubsidized competitor.<sup>5</sup>

All such filings may be submitted to WC Docket No. 10-90 using the Commission's Electronic Comment Filing System (ECFS) or by paper, on or before the respective dates indicated above. Parties should also send a copy of their filings to Stephen Wang, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12<sup>th</sup> Street, SW, Room 5-B552, Washington, DC 20554, or by email at [Stephen.Wang@fcc.gov](mailto:Stephen.Wang@fcc.gov).

- Electronic Filers: Challenges may be filed electronically using the Internet by accessing the ECFS: <https://www.fcc.gov/ecfs/>

<sup>1</sup> See Petition for Limited Waiver to Identify, *Nunc Pro Tunc*, the Census Blocks and Locations in Virginia in which FairPoint Deployed Broadband to Meet the Requirements of CAF Phase I, Round 2, Attach. 2, FairPoint Communications, Inc, WC Docket No. 10-90 (filed Mar. 30, 2017).

<sup>2</sup> *Connect America Fund*, Order, DA 18-432 (WCB Apr. 27, 2018) (*FairPoint Waiver Order*).

<sup>3</sup> See *Connect America Fund*, Report and Order, 28 FCC Rcd 7766, 7776-79, paras. 28-33 (2013).

<sup>4</sup> See *id.* at 7779, para. 33.

<sup>5</sup> See *id.*; *FairPoint Waiver Order* at 4, paras. 10-11.

- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
  - All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12<sup>th</sup> St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
  - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
  - U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12<sup>th</sup> Street, SW, Washington, DC 20554.

The proceeding continues to be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.<sup>6</sup> Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

For further information, please contact Stephen Wang, Telecommunications Access Policy Division, Wireline Competition Bureau, at (202) 418-7400 or via email at [Stephen.Wang@fcc.gov](mailto:Stephen.Wang@fcc.gov).

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<sup>6</sup> 47 CFR §§ 1.1200 *et seq.*