



Comcast Corporation  
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Suite 700  
Washington, DC 20001

October 21, 2016

**VIA ELECTRONIC FILING**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: Challenge to Connect America Phase I (Round 2) Incremental Support Election of  
Frontier Communications Corp., WC Docket No. 10-90

Dear Ms. Dortch:

Comcast Corporation (“Comcast”) hereby challenges nineteen census blocks that Frontier Communications Corp. (“Frontier”) seeks funding to serve as part of the second round of Connect America Fund Phase I.<sup>1</sup> Comcast already serves these census blocks, which are identified on Attachment A hereto. Comcast identified the nineteen census blocks in question in its most recent FCC Form 477 filing.<sup>2</sup> For each of these census blocks, Comcast indicated that it provides broadband service at speeds exceeding 3 Mbps downstream and 768 kbps upstream as of June 2016.<sup>3</sup> Moreover, a Comcast official certified to the accuracy of the FCC Form 477 submission.

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<sup>1</sup> On August 26, 2016, Frontier submitted a list of 3,146 additional census blocks that it intends to serve using Phase I incremental support. *See* Letter from AJ Burton, Frontier Communications Corp., to Marlene H. Dortch, Secretary, FCC, WC Docket No. 10-90 (Aug. 26, 2016); *Wireline Competition Bureau Announces Deadline for Existing Providers to Notify Frontier Communications Corp. that They Serve Census Blocks that Frontier Communications Corp. Proposes to Serve with Connect America Phase I Incremental Support*, Public Notice, WC Docket No. 10-90, DA 16-1013 (rel. Sept. 7, 2016) (“Frontier Public Notice”).

<sup>2</sup> *See* FCC, *Fixed Broadband Deployment Data from FCC Form 477*, <https://www.fcc.gov/general/broadband-deployment-data-fcc-form-477> (generally including any revisions made through August 29, 2016).

<sup>3</sup> Frontier Public Notice at 1.

Since the National Broadband Map shows service data as of June 30, 2014,<sup>4</sup> Comcast's more recent June 2016 Form 477 submission represents the most current, accurate deployment information on file with the Commission. The Wireline Competition Bureau ("Bureau") has made clear that in order to obtain subsidy payments the "location in question must be eligible at the time" a potential funding recipient completes the certifications required to receive support.<sup>5</sup> Since Frontier now has knowledge of Comcast's FCC Form 477 filing, Frontier simply cannot certify that "to the best of the carrier's knowledge, the locations are, in fact, unserved by fixed Internet access" with the requisite speeds.<sup>6</sup> To the contrary, Comcast has demonstrated through its FCC Form 477 submission that these areas are served by an unsubsidized competitor and therefore should not be eligible for funding.

Notably, the entire purpose of requiring providers such as Frontier to report updates to planned Phase I deployments was to "better ensure that Phase I support is not spent in areas that already receive service through another provider."<sup>7</sup> The Bureau must make certain that this aim is accomplished by ensuring that the FCC Form 477 data the Commission has gathered to assess the state of broadband deployment is considered and, as a result, that Frontier is not provided incremental support for these census blocks.

Respectfully submitted,

/s/ Mary McManus

Mary McManus

Executive Director

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<sup>4</sup> See, e.g., FCC, *Broadband Availability Data from the National Broadband Map*, <https://www.fcc.gov/general/broadband-availability-data-national-broadband-map> (showing that National Broadband Map data is "as of June 30, 2014").

<sup>5</sup> *Connect America Fund*, Order on Reconsideration, 28 FCC Rcd 10488, n.22 (2013) ("CAF Reconsideration Order").

<sup>6</sup> 47 C.F.R. § 54.312(c)(5)(ii).

<sup>7</sup> CAF Reconsideration Order ¶ 1; see also *id.* ¶ 6 ("This minor change strengthens our ongoing ability to oversee use of this public funding and is consistent with our commitment to accountability and oversight, ensuring that universal service funding is used as efficiently as possible.").

## **ATTACHMENT A**

### **List of Proposed Census Blocks Already Served by Comcast**

1. 260650064021053
2. 530579509002049
3. 530610538033010
4. 530610538033048
5. 540110107003014
6. 540279682002088
7. 540279682002101
8. 540279686001171
9. 540550010003026
10. 540550015001000
11. 540550018002005
12. 540550018002011
13. 540550018004020
14. 540550018004029
15. 540550023001088
16. 540550023001107
17. 540790201002040
18. 540790201004010
19. 540790201004013

## CERTIFICATE OF SERVICE

I, Erica A. Bettenhausen, hereby certify that a true and correct copy of the foregoing Letter of Comcast Corporation was served on this 21st day of October, 2016, by electronic mail, to the following:

Frontier Communications Corp.  
AJ Burton  
Director, Federal Regulatory Affairs  
1800 M Street, NW, Suite 800N  
Washington, DC 20036  
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/s/ Erica A. Bettenhausen  
Erica A. Bettenhausen