



June 28, 2019

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

Re: *Ex Parte Submission* - Section 63.71 Application of Affiniti, LLC and Affiniti PA, LLC for Authority Pursuant to Section 214 of the Communications Act to Discontinue Wireline Telecommunications Services, WC Docket No. 19-151 and Comp. Pol. File No. 1538

Dear Secretary Dortch:

ARIN Intermediate Unit 28 (“ARIN IU 28” or “Customer”) has reviewed the Reply Comments of Affiniti LLC and Affiniti PA, LLC (“Affiniti”) submitted on June 25, 2019. We do not agree with Affiniti’s characterization of our present circumstances or their claim that we have another comparable service option available to replace our current service with Affiniti if they are permitted to abandon service as of June 30, 2019. We also disagree that Affiniti does not have a legal responsibility to continue to fulfill its public service obligation to us past June 30, 2019.

Affiniti’s assertion that alternative arrangements have been implemented to replace their service and to ensure uninterrupted service past June 30th is inaccurate. Affiniti currently provides 1 Gbps fiber Ethernet broadband transmission service to seven of our schools; 500 Mbps service via a combination of microwave/Ethernet service to one school; and 100 Mbps fiber Ethernet service to two schools.

The only service option *currently available* to these schools is a cellular wireless hot spot for the entire district, via Verizon Wireless mobile service using a hot spot manufactured by Cradlepoint using 4G technology. The service has variable transmission speeds depending upon the location of the user and the strength of the signal to the Verizon network. Service speeds outside of the buildings using a directional antenna are higher but inside the buildings – where the school users primarily need to access the Internet – are substantially lower. Site surveys and testing conducted by the affected school officials reported actual transmission speeds of less than 10 Mbps. This is barely more than T-1 transmission service and substantially lower than the 100 Mbps, 500 Mbps and 1000 Mbps service currently provided by Affiniti.

We have been in discussions with a fixed wireless service provider, In the Stix Broadband (<https://www.itxbb.net/>) and they are continuing to investigate whether they can provide comparable service that would more closely approximate the current Affiniti service. This company, however, has been inundated with requests for service from other Pennsylvania schools that have been abandoned by Affiniti and as of this writing, we await an update from that company as to whether they can provide comparable service and when they will be able to connect to the schools and we have no confirmation of the availability of the service or when this service may possibly be installed.

Affiniti also contends that their provision of Internet access service to us is outside the scope of their Section 63.71 application since Internet is an unregulated information service. Nonetheless, the Commission should compel Affiniti to continue providing broadband transport service to us. If Affiniti is unwilling to continue to provide Internet connectivity, which we sincerely hope will not be the case, we will pursue all other available options to configure the delivery of Internet through the Affiniti facilities during our

transition period until the new vendor's fiber facilities are fully installed. Without Affiniti's continued provision of broadband transport services, however, this option will be completely lost to us.

Affiniti's original application claimed that Verizon or CenturyLink had available replacement service. Our initial comments dispelled that claim. Now Affiniti has pivoted to a new position and contends that a low bandwidth cellular wireless service, via one hot spot to be used by an entire school district, should be viewed as a suitable substitute for fiber, Ethernet broadband service or fixed wireless/microwave service. Unfortunately, this other option is not sufficient to meet our needs.¹

Last, Affiniti states that they bear no responsibility at all to continue to provide service to us past June 30th since we already had decided to change to a new service provider. We unfortunately find ourselves in this predicament because Affiniti initially informally advised us they would be willing to accommodate our need for transition service from July 1 until our new vendor's service is fully installed. Had another option been available, please be assured that we would have made such arrangements well before this date. Indeed, it is because there is no other fiber service available from another vendor that we find ourselves in the current situation.

In conclusion, we continue to request that the Commission deny Affiniti's application and require them to continue providing service to the IU and the other schools covered under this regional wide area network service agreement through July 31, 2019 for seven locations,² and through September 30, 2019 for four additional locations, as described more fully in our Initial Comments.³

Respectfully submitted,

/s/James J. Wagner
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cc: Kimberly Jackson, FCC
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¹ It is well known that as large consumers of broadband, schools need high bandwidth service. See, e.g, Modernizing the E-rate Program for Schools and Libraries, WC Docket No. 13-184 (FCC 14-99), *Report and Order and Further Notice of Proposed Rulemaking* (Released July 23, 2014) at ¶¶ 34, 39. The connectivity goals of the E-rate program are 100 Mbps per 1000 students for Internet access, and 10 Gbps per 1000 students for WAN/last mile connectivity.

² ARIU Intermediate Unit 28; Apollo Ridge School District; Homer-Center School District; Indiana Area School District; Indiana County Technology Center; Leechburg Area School District and Lenape Technical School.

³ Marion Center Area School District; Penns Manor School District, Purchase Line School District; and United School District.