



2527 US Hwy 522 South
McVeytown PA 17051-9717
(814) 542-2501 • (717) 899-7143

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:

Tuscarora Intermediate Unit ("TIU 11" or "Customer") is one of the current customers of Affiniti that is impacted by the Affiniti Application to discontinue service. TIU 11 learned just yesterday that all 28 schools that are served by Affiniti via a master consortium agreement will be without broadband transport service as of July 1, 2019 if Affiniti is permitted to cease providing service. Had this information been known sooner, TIU 11 would have filed timely initial comments per DA 19-488.

Due to the tremendous benefits of the E-rate program, TIU 11 successfully established a consortium over 10 years ago to facilitate the availability of high-speed broadband transports to schools throughout their region, including public, private, charter, alternative and career and technical education. Together, the nine public school districts alone in the region have over 16,000 enrolled students throughout portions of four rural counties. Consequently, the loss of Affiniti's service to this single Customer will not only leave TIU 11 without broadband transport service and transport service for Internet access; it may leave stranded many of these other schools without Internet access.

The Agreement between Affiniti and TIU 11 was executed on March 27, 2019, just two days before Affiniti announced the Company's intention to discontinue service. The contract has a service start date of July 1, 2019. The current contract between Affiniti and TIU 11 ends June 30, 2019. But for Affiniti's decision two days after signing the contract to abandon service, the existing and new agreements together would have assured continuous uninterrupted service for all of the affected schools on whose behalf this Protest is being filed.

After the Affiniti abandonment announcement, the Utility advised TIU 11 on April 15, 2019 that the Company was seeking to identify and negotiate a transfer of the contract to another company. Despite the Customer's multiple requests and diligent efforts to remain informed of Affiniti's progress, TIU 11 was informed only a little over two weeks ago, on June 10, 2019 that a contract was signed between Affiniti and Zito. In the interim, the Customer received no direction or guidance from Affiniti as to whether the schools could rely on its contract with Affiniti for service to continue past June 30, 2019. The only official announcement they had received from Affiniti was the March 29, 2019 letter stating that the Company was pursuing efforts to provide a seamless transfer of the contract to another company that would provide the same or equivalent service through the remainder of the term.

The first communication that occurred directly and officially between TIU 11 and Zito to plan for the transfer of service from Affiniti to Zito, was on June 14, 2019, just two weeks ago and 17 days prior to Affiniti's intention to cease operations. The parties convened a conference call to discuss the creation of a project plan to migrate customers from Affiniti's service to Zito's service.

As part of the preparation of a project plan and schedule, Zito was required to visit each of the 28 schools to assess the technical requirements for installing service. On information and belief, TIU 11 states that Zito clearly understood the urgency of the situation and swiftly proceeded to gather all of the technical information necessary to finalize their schedule for the service transition at each school.

On June 27, 2019, yesterday, Zito informed TIU 11 that the service transitions for 27 of the 28 schools could not occur until on or after July 10, 2019. The schedule indicates the following dates on which schools may be able to connect to the Zito network:

<u>Activation Date</u>	<u>Number of Schools</u>
July 3, 2019	1
July 10, 2019	14
July 12, 2019	5
July 15, 2019	2
July 16, 2019	1
July 19, 2019	1
September 30, 2019	2
October 30, 2019	1

Based on our research, and not surprising considering the extreme ruralness of our location, no other vendor has facilities or service available that is capable of serving these schools with broadband service as of July 1, 2019. Due to the mountainous and rural area, there is a significant time requirement and expenditure of cost required to connect to these locations and no vendor has been identified that can install facilities and provide service as of July 1, 2019.

Internet access is vital for the instruction of students in the classroom, most administrative functions, and for many other educational activities that continue during the summer months. Although schools may not be in session full time for all students, all of these schools rely on Internet to perform their administrative functions during the summer days, and many of these schools continue to provide summer school and supplemental educational activities that depend on Internet access. These essential functions will be greatly hindered or cease all together if they are taken offline on July 1. Just a few of these examples include communications between parents, students and administrators; financial recordkeeping; and submission of reports to the State Department of Education. Just as every organization and individual depends heavily on the Internet to communicate, provide service and conduct other transactions, so do schools. Moreover, for the three schools with an in-service date of September 30 or later, they face starting a new school year without Internet access in any classrooms.



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We respectfully request the FCC to direct Affiniti to continue providing broadband transport service pursuant to the parties' agreement until such time that the affected schools are connected to the Zito service.

Respectfully submitted,

A handwritten signature in cursive script that reads 'Thomas L. McClain'.

Thomas L. McClain, M.Ed.
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