

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

In the Matter of:)	
)	
Texas Carriers' Petition For Rulemaking to)	WC Docket No. 02-6
Prohibit Use of E-rate Funds To Build Fiber)	WC Docket No. 13-184
Networks In Areas Where Federally)	
Supported Fiber Networks Already Exist)	

**REPLY COMMENTS
OF
TEXAS EDUCATION SERVICE CENTER REGION 11**

For all of the reasons set forth and explained rather well in the numerous comments submitted in opposition to the petition of the Texas Carriers, Education Service Center Region 11 re-iterates its opposition to the Texas Carriers' Petition for Rulemaking. Reduced competition, fewer choices, and increased regulatory complexity do not serve the public interest.

I am submitting this Reply Comment to correct the record regarding an allegation made by Eastex Telephone Cooperative, Inc. and Nortex Communications (jointly, Eastex/Nortex).

Specifically, Eastex/Nortex alleged that ESC Region 11 considered/referred to its winning service provider, Zayo, as part of the "team" before it conducted competitive bidding. (See Eastex/Nortex Comments, p. 4.) To support its claim, Eastex/Nortex submitted a copy of a presentation of the fiber deployment plan that was created by ESC Region 11 in which Zayo was referenced as a part of the ESC Region 11 "team." Eastex/Nortex claimed that the document/presentation was created before the competitive bidding process was conducted. Below are the comments that Eastex/Nortex submitted:

As reflected in the attached Fiber 11 Presentation (see Exhibit A, attached), ESCs present fiber deployment plans to stakeholders with little to no thought provided for the availability of existing fiber facilities. In fact, Zayo is listed as a part of the "team," even **before any competitive bidding process had been conducted.**

Eastex/Nortex is simply incorrect in its allegation. The document to which Eastex/Nortex is referring was prepared 16 months **after** the ESC Region 11 competitive bidding process had

concluded and Zayo had been selected as the winning service provider.

I personally conducted the presentation in question to the school district directors of technology in Region 1 (based in Edinburg, Texas) at the request of the ESC Region 1 Chief Technology Officer. The purpose of the presentation was to show the Region 1 school district directors of technology what could happen if they proceeded with the consortium and if similar bids were submitted.

The first half of the presentation, which was specific to ESC Region 11's fiber project, did reference Zayo as part of the ESC Region 11 "team." (See slide 10.) As stated before, at the time of this presentation, our bid process had long since been completed and Zayo had been selected as the winning vendor. There were four slides specific to ESC Region 11 after slide 10. The second half of the presentation addressed the planned schedule for ESC Region 1. There was no reference to Zayo in this section of that presentation.

The following are the relevant dates for the Region 11 FY 2016 application:

- A. The Request for Proposal and associated FCC Form 470 was posted on **March 11, 2016.**
- B. The Request for Proposal and associated FCC Form 470 specified a due date of **April 13, 2016.**
- C. The Project was awarded to Zayo on May 20, 2016, and the FCC Form 471 for FY 2016 Funding Year was submitted on **July 21, 2016.**
- D. The Funding Commitment Decision Letter (FCDL) was issued by USAC on **May 4, 2017.**
- E. The presentation made to Region 1 directors of technology is dated August 2017 – approximately 16 months after ESC Region 11's competitive bidding process had concluded.

The timeline above shows that the presentation to which Eastex/Nortex is referring was created approximately 16 months after ESC Region 11's competitive bidding process had concluded and three months after the project had been approved by USAC. Therefore, Zayo was a legitimate member of our implementation "team" and was identified in the presentation accurately.

Respectfully,

Rory Peacock
Chief Technology Officer
Education Service Center Region 11