

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Petition of USTelecom for Forbearance Pursuant	)	
to 47 U.S.C. §160(c) to Accelerate Investment in	)	WC Docket No. 18-141
Broadband and Next-Generation Networks	)	
	)	

**OPPOSITION OF CALIFORNIA INTERNET, L.P. DBA GEOLINKS**

California Internet, L.P. DBA GeoLinks (“GeoLinks” or the “Company”) provides these comments in opposition of the petition filed by USTelecom – the Broadband Association (“USTelecom”) for forbearance from legacy unbundled network elements (“UNEs”) and Section 251(c)(4) resale obligations (“Petition”).<sup>1</sup>

**I. INTRODUCTION**

GeoLinks is proud to service the largest coverage area of any single fixed wireless Internet service provider in the state the California. As a competitive broadband provider, GeoLinks is constantly seeking opportunities to expand its ever-growing fixed wireless broadband network to reach areas that are unserved by incumbent broadband providers or lack access to fiber connections. To reach its goals, GeoLinks has often relied on UNEs available through either an incumbent Local Exchange Carrier (“ILEC”) or competitive reseller to provide backhaul or middle-mile transport from which to connect its microwave-based last mile network infrastructure. For the reasons stated herein, GeoLinks opposes the Petition and urges the Commission to dismiss it.

**II. DISCUSSION**

As an initial matter, GeoLinks supports the comments that U.S. TelePacific Corp dba TPx Communications (“TPx”) files concurrently on the Petition. Among its arguments, TPx

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<sup>1</sup> *Petition of USTelecom for Forbearance Pursuant to 47 U.S.C. § 160(c) to Accelerate Investment in Broadband and Next-Generation Networks*, WC Docket No. 18-141 (filed May 4, 2018) (“USTelecom Petition”); *See also*, *Public Notice, Pleading Cycle Established For Comments on USTelecom’s Petition for Forbearance from Section 251(c) Unbundling and Resale Requirements and Related Obligations, and Certain Section 271 and 272 Requirements*, WC Docket No. 18-141, DA 18-475 (rel. May 8, 2018) (“Public Notice”).

explains that pursuant to Commission precedent “forbearance from legacy unbundling obligations are subject to a market-by-market review.”<sup>2</sup> GeoLinks agrees that USTelecom has failed to demonstrate the availability of competitive alternatives under this standard and offers additional reasons below as to why this market-by-market analysis is necessary to protect competition. For the reasons set forth in the TPx comments and below, GeoLinks urges the Commission to reject the Petition.

GeoLinks has on numerous occasions encountered situations where ILEC UNEs in an area are either at maximum capacity or where through delays or unreasonable negotiation tactics are completely unavailable. As a result, GeoLinks has had to look elsewhere for interconnection. While alternatives exist in or near most urban and sub-urban areas, they do not usually exist in rural areas. In GeoLinks’ experience, most rural areas that lack fiber infrastructure also generally lack access to high speed broadband, competitive choice for broadband providers, or both. These are the areas that stand to lose should the Commission adopt the proposals set forth in USTelecom’s petition.

To illustrate the competitive dangers that could befall rural areas should USTelecom’s proposals be adopted, the Company provides the following example. GeoLinks recently constructed significant last mile network in the Inland Empire area of California, a predominantly agricultural region that suffered from a lack of fiber infrastructure and minimal broadband availability. After 8 months of unsuccessful discussions and continued refusal on the part of the regional ILEC to allow GeoLinks to interconnect, GeoLinks was able to obtain UNEs from a reseller, a Competitive Local Exchange Carrier (“CLEC”) with competitive access to ILEC UNEs.<sup>3</sup> Utilizing these UNEs, GeoLinks was able to construct last mile network connections throughout the area, offering a competitive choice to consumers and high speed broadband connections to areas that had previously been without. In turn, GeoLinks is now able to offer its services in this area on a wholesale basis to other competitive providers, resulting in more competitive choice for consumers.

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<sup>2</sup> Comments of U.S. TelePacific Corp dba TPx Communications, WC Docket No. 18-141 (filed Aug. 6, 2018) (“TPx Comments”) at Section III.A, referencing Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Phoenix, Arizona Metropolitan Statistical Area, Memorandum Opinion and Order, 25 FCC Rcd. 8622 (2010).

<sup>3</sup> Specifically, GeoLinks purchased UNEs from TPx.

In this instance, if UNEs had not been available from the CLEC, last mile connections to this area would not have been possible without the construction of extensive middle-mile facilities. While fixed wireless infrastructure builds are generally far more cost effective than fiber construction, the need for this additional infrastructure would have made the project cost prohibitive. The result would have been more of the status quo – no competitive choice for consumers.

In the Petition, USTelecom claims that today’s “highly competitive marketplace” justifies removal of certain mandates, as set forth in the Telecommunications Act of 1996 (“1996 Act”).<sup>4</sup> However, notably, USTelecom fails to address how competitive forces may vary from market to market. In fact, the word “rural” is not used once in the entire Petition. As GeoLinks’ example shows, competitive market forces that exist in urban and suburban areas do not necessarily exist in rural and very-rural areas. For these areas, removal of the mandates set forth in the 1996 Act will only serve to restrict competition further or, in some cases, may kill any possibility of it once and for all.

In addition, GeoLinks believes it’s worth noting that USTelecom (members of which include AT&T, Frontier, and Century Link) files this petition claiming robust internodal competition in the midst of several of its ILEC members fulfilling their buildout obligations under the Connect America Fund. The fact that these large carriers required government subsidies in order to construct upgraded network infrastructure to areas otherwise without any high speed broadband service *within their service territories* is undeniable proof that robust intermodal competition does not exist everywhere. As TPx notes, “the fact that incumbent LECs have not deployed fiber throughout their footprint shows how difficult and expensive fiber deployment is.”<sup>5</sup>

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<sup>4</sup> See e.g. Petition at 29.

<sup>5</sup> TPx Comments at 4.

### **III. CONCLUSION**

For the reasons set forth in the comments being concurrently filed by TPx and for the reasons stated herein, GeoLinks urges the Commission to deny the Petition. Broadband competition continues to allude millions of Americans and the proposals set forth in the Petition would only serve to stifle competition in these areas even further.

Respectfully submitted,

**GEOLINKS, LLC**

/s/ Skyler Ditchfield, Chief Executive Officer

/s/ Melissa Slawson, General Counsel/ V.P of Government  
Affairs and Education

August 6, 2018