**Before the**

**FEDERAL COMMUNICATIONS COMMISSION**

**Washington, D.C. 20554**

In the Matter of ) WC Docket No. 19-188

Frontier Communications Corporation, Transferor )

)

and )

Northwest Fiber, LLC, Transferee )

Application for Consent to Partially Assign and Transfer Control of Domestic and International Authorizations Pursuant to Section 214 of the Communications Act of 1934, As Amended, and Sections 63.04, 63.18 and 63.24 of the Commission’s Rules.

**Comments of Montana Sky Networks, Inc. and MontanaSky West LLC**

Montana Sky Networks, Inc. and MontanaSky West LLC (“Montana Sky”) are competitive local exchange carriers (“CLECs”) headquartered in Kalispell and Libby, MT, operating in small northwest Montana markets. Founded in 1994, Montana Sky has been a longtime pioneer in Montana’s rural and small city CLEC operations.

Montana Sky has worked diligently to deliver high-quality telecommunications services to residents of Libby, MT and surrounding communities; communities served by Frontier Communications Corporation (“Frontier”) for which the instant application for consent to transfer control applies.

With over 25 years of service across northwest Montana, Montana Sky’s commitment to the communities it serves as well as its individual customers is well-known. This commitment has been backed up by private money, employees, and technology resources year after year. And, while it’s obviously not the responsibility of the Federal Communications Commission (the “Commission”) to ensure Montana Sky’s success, it is important that Northwest Fiber, LLC (“Northwest”), who seeks ownership of the Frontier properties in Montana, commits up front to pro-competitive practices so as to avoid the prior and well documented anti-consumer, dysfunctional practices of the company it seeks to acquire.

Frontier provided inadequate service to its customers in Montana; it also provided poor service to Montana Sky. Going forward, this situation must be remedied. Consumers in these markets deserve no less.

Therefore, Montana Sky respectfully proposes three suggestions for the Commission’s consideration as it evaluates this application.

First, Northwest should commit to commercially reasonable practices in its interconnection and resale negotiations with Montana Sky (or any other CLECs in its Montana markets). In a Supplement to the Application, Frontier and Northwest state, “Within the Territory, competitive local exchange carriers (“CLECs”) purchase unbundled network elements from Frontier in Washington, Oregon, and Idaho, but not in Montana. CLECs also purchase and resell Frontier services in all four states; the majority of such activity is in Frontier Northwest’s service areas in Washington, Oregon and Idaho.”[[1]](#footnote-1)

There is good reason why no CLECs have purchased UNE’s from Frontier in Montana; Frontier has long made negotiating for UNE’s or resale virtually impossible. Significant portions of the Frontier markets are served only by copper. Montana Sky has attempted to purchase access to these copper feeds, both within and outside the nearby CAF-II auction block designations, but has been frustrated at every turn by Frontier’s refusal to return calls or set reasonable UNE rates. For example, Montana Sky was informed by the company some years ago, that Frontier (then Citizens) would charge Montana Sky $1049/month for access to copper pair, a completely unreasonable price. Since then, Frontier has responded to Montana Sky requests for interconnection mostly by being unresponsive. Going forward Northwest should commit to the Commission that these pricing and business practices will cease immediately upon transfer of control.[[2]](#footnote-2)

Second, the Commission should require a “dig once” notification process for the upgrades promised by Northwest. According to the Application, the Montana property represents only 4,777 access lines.[[3]](#footnote-3) These access lines are located in low-population communities that are hard to reach and serve. It would be efficient for all concerned if Northwest would give notice to Montana Sky or other interested CLECs when it intends to open a trench to upgrade its networks in these territories. This would benefit the long underserved consumers in these markets by increasing the likelihood of much-needed new infrastructure deployment from multiple providers.

Lastly, Frontier has consistently refused to even discuss with Montana Sky access to Frontier’s fiber lines running through Libby, MT. Access to these backbone and middle mile fiber lines, on commercially reasonable terms, would facilitate Montana Sky’s efforts to bring higher speeds, lower costs, and greater breadth of technologies to its customers in Libby and nearby communities. The Commission should urge Northwest to engage in these discussions, particularly since Montana is such a small and underserved market.

In conclusion, Montana Sky is deeply committed to Montana and the rural and small communities it serves there. Montana Sky looks forward to working with Northwest to upgrade the telecom infrastructure and deliver to these Montanans the opportunities that modern technology infrastructure offers. In order for this to occur, it’s important for the Commission and Northwest to recognize the scale of dysfunction that Montana Sky has endured to this point and to ensure that pro-consumer practices guide us all in the future.

Respectfully submitted,

/s/ Diane Smith

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1. Supplement to the Consolidated Application for the Partial Assignment and Transfer of Control of Domestic and International Section 214 Authorization, p. 5. [↑](#footnote-ref-1)
2. We realize the Commission’s recent Memorandum Opinion and Order in WC 18-141 will alter the availability of UNE’s for CLECs and we are reviewing the impact of that decision. During the 3-year transition period required by this Order and beyond, Northwest must commit to considerably more than Frontier/Citizens ever did to engage in commercially reasonable interconnection negotiations with Montana Sky. [↑](#footnote-ref-2)
3. Supplement, p. 5 [↑](#footnote-ref-3)