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August 28, 2019

**SUBMITTED ELECTRONICALLY VIA ECFS**

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

Re: Notice of Ex Parte in the Matter of Petition for Rulemaking to Amend and Modernize  
Part 54 of the Commission's Rules, RM-11841  
CC Docket No. 02-6 and WC Docket No. 13-184

Dear Ms. Dortch:

On behalf of Texas Education Service Centers (ESC) Regions 10, 11 and 15 (collectively, the ESCs), and following up on ex parte letters filed on January 12 and 13, this letter provides additional information with respect to the Petition for Rulemaking filed by Central Texas Telephone Cooperative, Inc., Peoples Telephone Cooperative, Inc., and Totelcom Communications, LLC (the Petitioners).<sup>1</sup> Specifically, this letter further provides additional details about the ESCs' individual projects and about the Texas Lone Star Network.

As an initial matter, the fact that some fiber exists in an area is not a guarantee that it can serve the population of that area effectively and efficiently. As the country's population grew, our nation built interstate highways to accommodate our economic growth and transportation needs. In many cases, those interstate highways "overbuilt" state roads because our nation's infrastructure had to expand as demand grows. The same is true for our broadband infrastructure. Residents in rural areas should not be required to use existing two-lane roads simply because they are already there. They should have access to the interstate highways of the Internet.

As noted by other commenters, additional Commission rules are not necessary to ensure that E-rate funding is being utilized in the best manner. Petitioners nevertheless request that the Commission require the use of their underlying facilities anytime there is an E-rate bid that involves any installation of facilities. But this is already occurring where all parties have found it to be the most efficient use of resources. In Region 15, a majority (52 percent) of its special construction project will utilize existing fiber. Conterra, the winning and most cost-effective

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<sup>1</sup> Petition for Rulemaking of Central Texas Telephone Cooperative, Inc., Peoples Telephone Cooperative, Inc. and Totelcom Communications, LLC, RM-11841, CC Docket No. 02-6, WC Docket No. 13-184 (filed May 22, 2019).

vendor, has contracted with three incumbent providers, including petitioner Central Texas Telephone Cooperative, to provide facilities or services for more than half of the Region 15 network. Similarly, the vast majority (approximately 80 percent) of the Region 10 project will utilize existing fiber installed by Zayo.

Finally, while the Petitioners have alleged that they were too small to bid on a region-wide project, the petitioners are members of the Texas Lone Star Network, a group of 41 incumbent local exchange carriers in Texas that, according to its own website, join together to bid on region-wide and state-wide projects.<sup>2</sup> The Petitioners could have used the Texas Lone Star Network to submit a bid in response to the ESCs' requests for proposals publicly issued during the past few years, if they so desired, and indeed at least one of them has participated in a multiple-vendor response to a consortium's RFP.<sup>3</sup> It is our understanding that the Texas Lone Star Network bid on a statewide broadband procurement recently as well. As such, it appears that the petitioners had and continue to have a mechanism in place to facilitate bids on regionwide and statewide projects.

As contributors to the Universal Service Fund and as taxpayers, representatives of the Education Service Center appreciate the Commission's desire to make the most efficient use of the Universal Service programs. The projects supported by the E-rate program are helping to achieve that goal.

Please let us know if you have any questions.

Respectfully submitted,



Gina Spade  
*Counsel to Texas ESC Region 10*

cc: Nirali Patel, Office of Chairman Pai  
Joseph Calascione, Office of Commissioner Carr  
Arielle Roth, Office of Commissioner O'Rielly  
Travis Litman, Office of Commissioner Rosenworcel  
Randy Clarke, Office of Commissioner Starks  
D'wana Terry, Wireline Competition Bureau  
Gabby Gross, Wireline Competition Bureau  
Stephanie Minnock, Wireline Competition Bureau

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<sup>2</sup> See <http://www.tlsn.us/about>.

<sup>3</sup> See AASA Comments on Petition for Rulemaking of Central Texas Telephone Cooperative, Inc., Peoples Telephone Cooperative, Inc. and Totelcom Communications, at 2.