

November 7, 2016

VIA ECFSMarlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554**Re: Challenge to CenturyLink's Connect America Fund Phase I (Round 2)
Notice of Incremental Support Election, WC Docket No. 10-90**

Dear Secretary Dortch:

Pursuant to the Wireline Competition Bureau's Public Notice, DA 16-1072, WaveDivision Holdings, LLC ("Wave") on behalf of its subsidiaries and through the undersigned counsel hereby challenges and provides notice to CenturyLink that 23 census blocks for which CenturyLink seeks incremental Phase I, Round 2 support are already served by Wave.¹

This notice shall serve to demonstrate that Wave already serves the 23 census blocks identified on **Attachment A** with broadband Internet access service of speeds that exceed 3 Mbps downstream and 768 kbps upstream. Wave also reported these census blocks as served in the company's most recent FCC Form 477 filing, in which it reported that Wave provides broadband services at speeds exceeding 3 Mbps downstream and 768 kbps upstream as of June 2016.² Thus, the information provided in the FCC Form 477 demonstrates that Wave already provides qualifying broadband service to the census blocks identified herein. Specifically, Wave has physical facilities and offers or provides service to at least one current or former customer in each of those census blocks. For that reason, CenturyLink's request for supplemental incremental CAF Phase I support in such areas should be denied.

With this letter, Wave has provided notice to CenturyLink of its existing service to the census blocks in question as well notice that this existing service has been reported to the Commission through Wave's FCC Form 477 filing. Commission rules require CenturyLink to

¹ Wireline Competition Bureau Announces Deadline for Existing Providers to Notify CenturyLink that They Serve Census Blocks that CenturyLink Communications Corp. Proposes to Serve with Connect America Phase I Incremental Support, Public Notice, WC Docket No. 10-90, DA 16-1072 (rel. Sept. 23, 2016) ("CenturyLink Public Notice").

² Note that a Wave official certified to the accuracy of this FCC Form 477 submission when it was filed.

certify that, “to the best of the carrier’s knowledge, the locations are, in fact, unserved by fixed Internet access” with the requisite speeds.³ In light of this letter, and in light of Wave’s FCC Form 477 filing, CenturyLink can no longer so certify, as Wave has demonstrated that the census blocks in question are served by an unsubsidized competitor and therefore should not be eligible for funding.

In order to accomplish its goal of “ensur[ing] that Phase I support is not spent in areas that already receive service through another provider,”⁴ the Commission specifically contemplated the situation here and created a process by which a competitive provider, like Wave, could challenge an incumbent carrier’s proposal to claim support for census blocks already served by the competitor. With this submission Wave has provided the requisite notice and challenged CenturyLink’s attempt to secure incremental support in certain areas identified herein. For these reasons the Wireline Competition Bureau must reject any certification by CenturyLink claiming that the census blocks at issue are unserved and deny CenturyLink’s request for incremental support in these areas.

Please contact me if you have any questions regarding this filing.

Respectfully submitted,

/s/ K.C. Halm

K.C. Halm
Adam Shoemaker
Counsel for WaveDivision Holdings, LLC

Encl.

cc: Jeffrey S. Lanning

³ 47 C.F.R. § 54.312(c)(5)(ii).

⁴ CAF Reconsideration Order ¶ 1; *see also id.* ¶ 6 (“This minor change strengthens our ongoing ability to oversee use of this public funding and is consistent with our commitment to accountability and oversight, ensuring that universal service funding is used as efficiently as possible.”).

ATTACHMENT A

List of Proposed Census Blocks Already Served

1. 410050243042000
2. 410419501002013
3. 410419518002053
4. 410710305021320
5. 410710305021338
6. 530090014002018
7. 530090014002020
8. 530350913012006
9. 530350920001011
10. 530350920002007
11. 530350920003002
12. 530350921002007
13. 530350921002025
14. 530419701001025
15. 530419714002088
16. 530419717002000
17. 530419719002028
18. 530419719003021
19. 530419720003044
20. 530419720003099
21. 530459603002054
22. 530459604001012
23. 530459604001014

CERTIFICATE OF SERVICE

I, Adam Shoemaker, hereby certify that a true and correct copy of the foregoing Notice of WaveDivision Holdings, LLC was served on this 7th day of November, 2016, by electronic mail, to CenturyLink's representatives, as follows:

Jeffrey S. Lanning
Vice President – Federal Regulatory Affairs
1099 New York Avenue NW
Suite 250
Washington, DC 20001
202-429-3113
Jeffrey.s.lanning@centurylink.com

/s/ Adam Shoemaker
Adam Shoemaker