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November 21, 2014

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VIA ECFS

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th St SW  
Washington, DC 20536

RE: Flint Cable Television Connect America Phase II Challenge Response  
WC Docket No. 14-93, DA 14-1397

Dear Ms. Dortch:

On November 21, 2014 Flint Cable Television (“Flint”) was notified by Commission staff that an error occurred with the submission of the company’s response to a Connect America Phase II challenge via ECFS. Specifically, although Flint’s submission appears in the correct docket in the ECFS search results, attempting to view the actual submission results in an error. Pursuant to instructions from Commission staff, Flint hereby re-submits its timely filing of November 10 in the above-referenced proceeding, along with a copy of the filing confirmation therefor.

If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,



Salvatore Taillefer, Jr.

CC: Rebekah Douglas

## Your submission has been accepted

<b>ECFS Filing Receipt -</b> <b>Confirmation number:</b> <b>20141110156088</b>											
<b>Name</b> <b>Subject</b> 14-93      In the Matter of the Connect America Phase II Challenge Process Subject Matter											
<b>Contact Info</b> <b>Name of Filer:</b> Flint Cable Television <b>Email Address:</b> sta@bloostonlaw.com <b>Attorney/Author Name:</b> Sal Taillefer <b>Lawfirm Name (required if represented by counsel):</b> Blooston, Mordkofsky, Dickens, Duffy, & Prendergast, LLP											
<b>Address</b> <b>Address For:</b> Law Firm <b>Address Line 1:</b> 2120 L Street NW <b>Address Line 2:</b> Suite 300 <b>City:</b> Washington <b>State:</b> DISTRICT OF COLUMBIA <b>Zip:</b> 20037											
<b>Details</b> <b>Type of Filing:</b> OTHER											
<table border="1"> <thead> <tr> <th>File Name</th> <th>Custom Description</th> <th>Size</th> </tr> </thead> <tbody> <tr> <td>Flint 505.signed - REDACTED.pdf</td> <td>FCC Form 505 and Supporting Documents</td> <td>5 MB</td> </tr> <tr> <td>Disclosure-signed.pdf</td> <td>Disclosure Statement</td> <td>506 KB</td> </tr> </tbody> </table>			File Name	Custom Description	Size	Flint 505.signed - REDACTED.pdf	FCC Form 505 and Supporting Documents	5 MB	Disclosure-signed.pdf	Disclosure Statement	506 KB
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<b>Disclaimer</b> Wk.lv#frqilp dwhrq#yhulihv#wkdw#HFIV#kdv#uhfhyhg#lqg#dffhswng# rxu#lqj1#krzhyhu/# rxu#lqj#k#eh#uhmfwhg#e #HFIV#l#l#frqwdlqv#p dfurv/#sdvz rugv/#hgdqj#/#hdg0rqd#irup dwhqj/#l#y#lxv/#ru#dxwcp dwhg#lqnv#r#r#khu#grfxp hqw1# Ildqjv#duh#j hqhud# surfhvvhg#lqg#p dgh#l#y#d#k#e#h#ir#r#q#d#h#y#l#z#l#j#z#l#k#l#r#q#h#e#x#v#l#h#v#v#g#d #r#i#h#f#h#l#w#l#r#x#p#d #x#v#h#k#h#l#q#n#e#h#r#z#r#r#f#k#h#f#n#r#q#k#h#v#d#w#v#r#i# rxu#l#l#q#j#=# <a href="mailto:kws=22dssv1iffijry2hfiy2frp_p_hqw2frqilp_Bfrqilp_dwhrq@534744434893;">kws=22dssv1iffijry2hfiy2frp_p_hqw2frqilp_Bfrqilp_dwhrq@534744434893;</a> Iru#lq #suredhp v#s#d#d#v#h#frqwdl#w#k#h#K#h#s#G#h#v#n#d#w#535074;034<61#											

Connect America Phase II Challenge Process Form  
OMB Control Number 3060-1188  
FCC Form 505

Filing Entity: Flint Cable Television

FRN (if applicable): 0014160998

Name of Person Filing Out Form: Salvatore Taillefer, Jr.

Mailing Address of Person Filing Out Form: 2120 L Street NW, Suite 300

Email Address of Person Filing Out Form: [sta@bloostonlaw.com](mailto:sta@bloostonlaw.com)

Phone Number of Person Filing Out Form: 202-828-5562

Name of Person Certifying Data within Form: James L. Bond

Mailing Address of Person Certifying Data within Form: P.O. Box 669, Reynolds, GA, 31076

Email Address of Person Certifying Data within Form: [jim.bond@pstel.com](mailto:jim.bond@pstel.com)

Phone Number of Person Certifying Data within Form: (478) 847-4111

Response to Challenge

Census Block 15 Digit FIPS Code	State	Name of Entity Making Initial Challenge	FRN of Entity Making Initial Challenge (if provided)	Insert X if Speed Criteria is at Issue	Insert X if Usage Allowance Criteria is at Issue	Insert X if Latency Criteria is at Issue	Insert X if Price Criteria is at Issue	Insert X if Voice Criteria is at Issue	Type of Supporting Evidence	Additional Comments	Control Number 3060-1188
130790702013016	GA	Windstream		X	X	X	X	X	Advertising Brochure, Declaration of Ed Guinn, Maps		
130790702013017	GA	Windstream		X	X	X	X	X	Advertising Brochure, Declaration of Ed Guinn, Maps		
130790702013022	GA	Windstream		X	X	X	X	X	Advertising Brochure, Declaration of Ed Guinn, Maps		
130790702013026	GA	Windstream		X	X	X	X	X	Advertising Brochure, Declaration of Ed Guinn, Maps		
130790702013034	GA	Windstream		X	X	X	X	X	Advertising Brochure, Declaration of Ed Guinn, Maps		
130790702013039	GA	Windstream		X	X	X	X	X	Advertising Brochure, Declaration of Ed Guinn, Maps		
130790702013054	GA	Windstream		X	X	X	X	X	Advertising Brochure, Declaration of Ed Guinn, Maps		
130790702022000	GA	Windstream		X	X	X	X	X	Advertising Brochure, Declaration of Ed Guinn, Maps		
130790702022002	GA	Windstream		X	X	X	X	X	Advertising Brochure, Declaration of Ed Guinn, Maps		
130790702022026	GA	Windstream		X	X	X	X	X	Advertising Brochure, Declaration of Ed Guinn, Maps		
131979201002007	GA	Windstream		X	X	X	X	X	Advertising Brochure, Declaration of Ed Guinn, Maps		
131979201002010	GA	Windstream		X	X	X	X	X	Advertising Brochure, Declaration of Ed Guinn, Maps		
131979201002156	GA	Windstream		X	X	X	X	X	Advertising Brochure, Declaration of Ed Guinn, Maps		
131979201002164	GA	Windstream		X	X	X	X	X	Advertising Brochure, Declaration of Ed Guinn, Maps		
131979201002166	GA	Windstream		X	X	X	X	X	Advertising Brochure, Declaration of Ed Guinn, Maps		
131979201002167	GA	Windstream		X	X	X	X	X	Advertising Brochure, Declaration of Ed Guinn, Maps		
131979201002171	GA	Windstream		X	X	X	X	X	Advertising Brochure, Declaration of Ed Guinn, Maps		
131979201002173	GA	Windstream		X	X	X	X	X	Advertising Brochure, Declaration of Ed Guinn, Maps		
131979201002176	GA	Windstream		X	X	X	X	X	Advertising Brochure, Declaration of Ed Guinn, Maps		
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131979202003005	GA	Windstream		X	X	X	X	X	Advertising Brochure, Declaration of Ed Guinn, Maps		
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131979202003038	GA	Windstream		X	X	X	X	X	Advertising Brochure, Declaration of Ed Guinn, Maps		
131979202003060	GA	Windstream		X	X	X	X	X	Advertising Brochure, Declaration of Ed Guinn, Maps		
131979202003075	GA	Windstream		X	X	X	X	X	Advertising Brochure, Declaration of Ed Guinn, Maps		
132930101001004	GA	Windstream		X	X	X	X	X	Advertising Brochure, Declaration of Ed Guinn, Maps		
132930101001112	GA	Windstream		X	X	X	X	X	Advertising Brochure, Declaration of Ed Guinn, Maps		
132930101002002	GA	Windstream		X	X	X	X	X	Advertising Brochure, Declaration of Ed Guinn, Maps		
132930101002024	GA	Windstream		X	X	X	X	X	Advertising Brochure, Declaration of Ed Guinn, Maps		
131979201002194	GA	Windstream		X	X	X	X	X	Advertising Brochure, Declaration of Ed Guinn, Maps		

OMB Control Number 3060-1188

<p><b>Accuracy and Due Diligence Certification</b></p> <p><i>All Filers Must Fill Out</i></p> <p>By initialing below, I certify that all statements contained in the attached form are true and accurate to the best of my knowledge, and that I have undertaken due diligence to obtain knowledge regarding these claims.</p> <p>Certifier's Initials:  Date: 10-Nov-14</p>
---

<p><b>Notice of Challenge Certification</b></p> <p><i>(Served to Unserved and Unserved to Served Challengers Fill Out One of the Following Blocks - Respondents Do Not Fill Out)</i></p> <p><b>Service of Notice Successful</b></p> <p>By initialing below, I certify that notice of this challenge has been served on all interested parties.</p> <p>Certifier's Initials: _____ Date: _____</p> <p><b>Service of Notice Unsuccessful</b></p> <p>By initialing below I certify that, following a good faith effort, I was unable to serve notice of this challenge on all interested parties due to lack of information regarding the address of such parties.</p> <p>Name of Party/Parties that Could Not Be Served: _____ Certifier's Initials: _____ Date: _____</p>
--

The certifications on this page are subject to the penalties for false statements under 18 U.S.C. 1001.

Attachment 1

Declaration of Ed Guinn

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Connect America Fund Phase II Challenge Process Subject Matter	)	WC Docket No. 14-93
	)	
Replies Sought in Connect America Phase II Challenge Process	)	DA 14-1397
	)	

**Declaration of Austin E. Guinn**

I, Austin E. Guinn, declare as follows:

1. I am the Regulatory and External Affairs Manager of Flint Cable Television (“the Company”). My responsibilities include oversight of most of the Company’s regulatory affairs and compliance issues, as well as managing external communications and marketing.
2. I personally directed and oversaw the preparation of the information provided in the Company’s response, as described herein. I therefore have personal knowledge of the facts and information presented.
3. The Company does not receive universal service support.
4. Through discussions with the Company’s engineering department, I have verified that the Company offers both voice and broadband service within the census blocks identified on the FCC Form 505 and depicted on the census blocks maps attached hereto, and that the Company offers at least one broadband service tier of at least 4 Mbps downstream and 1 Mbps upstream with a network latency of less than 100 ms in these blocks.
5. As demonstrated by the attached service offering brochure, the Company’s actively offers its services, the price for this tier of service is comparable to urban rates, and none of the Company’s offerings have usage limitations.

6. Pursuant to my discussions with the Company's engineering department, the Company has at least one current customer in those census blocks indicated as such on the Form 505 in the Additional Comments column. The Company has collected invoices from its billing system to verify but, due to CPNI concerns voiced by the Bureau in the Connect America Phase II Challenge Process Guide, the Company has chosen not to file copies of the invoices themselves.

7. Although it has no voice or broadband customers in those census blocks indicated as such on the Form 505, the Company is willing and able to provide voice and broadband service in those blocks upon request. The blocks without customers are sparsely populated; for example, according to TigerWeb map data, [REDACTED] had a decennial housing count of 11 (less than 5 housing units per square mile), and [REDACTED] had a decennial housing count of 1 and a decennial population of 0. The Commission recognized in the initial challenge phase of this proceeding that low population density can affect subscription rates. For this reason, the Company has respectfully requested, in a separate document, a waiver of the customer requirement for these blocks on those grounds.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.



Austin E. Guinn

Dated: November 10, 2014

---

<sup>1</sup> <http://tigerweb.geo.census.gov/tigerweb/>

Attachment 2  
Advertising Brochure

CALL US TODAY! 1-855-593-FAST • CALL US TODAY! 1-855-593-FAST • CALL US TODAY! 1-855-593-FAST • CALL US TODAY!

### Starter Packages

Includes 10MB webs space, 5 email addresses, and free 24/7 tech support

**Pro Pak:**  
**\$34.95**  
 3 mbps down  
 512 kbps up

**Entertainer Pak:**  
**\$39.95**  
 6 mbps down  
 1 mbps up

**Entertainer Plus Pak:**  
 12 mbps down-1 mbps up  
**\$44.95**

### SuperCharged Packages

The best of the best. Perfect for gaming and video streaming your favorite movies on demand from top video download providers. SuperCharged Packages are not available for Buena Vista

**20/5:** **\$49.95**  
 20 mbps down  
 5 mbps up

**20/10:** **\$54.95**  
 20 mbps down  
 10 mbps up

**30/5:** **\$59.95**  
 30 mbps down  
 5 mbps up

**30/10:** **\$64.95**  
 30 mbps down  
 10 mbps up

### Broadband/Phone Internet Modem:

Single Port Ethernet Modem  
 Purchase - **\$59.95** Lease - **\$4.95 per mo**  
 4 Port Wireless Modem - Lease **\$5.95 per mo**

\*Down and Up refer to Download and Upload Speeds. Monthly Prices indicated are subject to change without notice. Prices exclude taxes. Available only to customers in Flint River Communications service areas. Lease/purchased equipment may be necessary to obtain some of the services indicated. Call or visit [www.flintrvr.com](http://www.flintrvr.com) for additional details.



Save by bundling your services! Flint River Communications has Phone, Internet and Cable Packages to fit your lifestyle and your budget. Call Today for More information.

**CALL 1-855-593-FAST (3278)**

**flintrvr.com**  
 Follow us:



8 North Winston Street - Reynolds, GA 31076

*\*This institution is an equal opportunity provider and employer.*



to the World! Connecting You to the World! Connecting You to the World! Connecting You to the World!

**flintrvr.com**

COVERING BUTLER, REYNOLDS, ROBERTA, LIZELLA,  
 BUENA VISTA, SOUTHERN CRAWFORD COUNTY,  
 YATESVILLE, AND CULLODEN



Attachment 3

Annotated Census Block Maps

(REDACTED)

Attachment 4  
Request for Waiver

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Connect America Fund Phase II Challenge	)	WC Docket No. 14-93
Process Subject Matter	)	
	)	
Replies Sought in Connect America Phase II	)	DA 14-1397
Challenge Process	)	
	)	

**REQUEST FOR LIMITED WAIVER OF  
CONNECT AMERICA FUND PHASE II EVIDENTIARY REQUIREMENT**

Flint Cable Television (“the Company”), by its attorney and pursuant to Section 1.3 of the Commission's Rules,<sup>1</sup> requests a limited waiver of the Wireline Competition Bureau’s (“Bureau”) evidentiary requirement that parties challenging or responding to challenges must produce evidence of current or former customers in a census block in order to establish that the block is “served” for the purpose of determining whether it is available for Connect America Fund (“CAF”) Phase II support.

In the Company’s case, some of the challenged census blocks in which the Company makes service available do not have, and have not had, customers because the population density of the block is so low as to make service opportunities rare. Since the Company is presently capable of providing service to anyone requesting it in these blocks, making them available for CAF Phase II support would undermine the Commission’s determination that CAF funding should not be used to overbuild existing unsubsidized infrastructure. Accordingly, the Company seeks a waiver of the customer requirement because these blocks are nevertheless “served.”

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<sup>1</sup> 47 C.F.R. 1.3.

## **Factual Background**

The Company is an unsubsidized rural voice and broadband provider that serves rural Georgia. Windstream has challenged the existence of voice and broadband service offerings by the Company in certain census blocks as part of the Connect America Phase II Challenge Process initiated by the Commission. As demonstrated in the Company's response to Windstream's challenge, the Company has deployed physical network plant assets capable of providing voice and broadband service meeting the Commission's requirements throughout these blocks, and has a current customer in most. However, although all of the blocks in question have access to service, some blocks do not have current or former customers. This is because these blocks have low population density; indeed, according to decennial census data, some blocks only have one housing unit. As a result, these blocks have no subscribers even though service is available.

## **Good Cause Exists for Waiver of the Customer Requirement**

Section 1.3 of the Rules permits the Commission's rules to be waived for good cause shown. The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest.<sup>2</sup> In addition, the Commission may take into account considerations of hardship, equity, and the effective implementation of public policy on an individual basis.<sup>3</sup>

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<sup>2</sup> *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

<sup>3</sup> *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1027 (1972).

The Bureau waived the customer requirement several times in the initial round of the Connect America Phase II Challenge Process.<sup>4</sup> In so doing, the Bureau explicitly recognized that the public interest would be served in waiving the requirement in circumstances such as these, where, “low population density ... explains[s] the lack of a current or former customer.”<sup>5</sup>

In the *USF/ICC Transformation Order* of 2011, the Commission determined that funding should not be directed to areas where unsubsidized competitors offer service.<sup>6</sup> The rationale for this finding was a policy determination that CAF support should only be directed to areas where market forces have not provided sufficient incentives to deploy broadband already. In the Commission’s own words, “[w]e cannot and will not condone new investment subsidized by universal service funds to occur in areas that are already served by marketplace forces...”<sup>7</sup> Further, subsidizing the deployment of facilities in areas where unsubsidized providers have already done so undermines competition and chills investment.

Good cause exists for the requested waiver because, as in the case of previous waivers, the lack of a customer or former customer is explained by the circumstances, and is not indicative of a lack of service. The census blocks in question are rural areas with low population density per census block, and as a result the number of potential

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<sup>4</sup> Public Notice, *Replies Sought in Connect America Phase II Challenge Process* WC Docket No. 10-90 and 14-93, DA 14-1397 (released September 26, 2014) at pages 3-4.

<sup>5</sup> *Id.* at pages 3-4.

<sup>6</sup> *In re Connect Am. Fund, Universal Service Reform – Mobility Fund et al.*, 26 FCC Rcd 17663, 17729 (F.C.C. 2011).

<sup>7</sup> *In re Connect Am. Fund, Universal Service Reform - Mobility Fund et al.*, 29 FCC Rcd 7051, 7073 (F.C.C. 2014).

customers is similarly low. Indeed, according to TigerWeb<sup>8</sup> census data, the blocks in question had decennial housing counts as follows:

Census Block No.	Decennial Housing Units
[REDACTED]	3
[REDACTED]	0
[REDACTED]	5
[REDACTED]	11
[REDACTED]	1
[REDACTED]	5
[REDACTED]	1

The Commission’s stated goal with CAF is to extend service to areas that do not have it. In the case where a census block currently has few potential customers, the fact that a customer has not chosen to subscribe to an available service offering should not be considered indicative of a lack of service.

**Conclusion**

Good cause, as well as considerations equity and the effective implementation of the Commission's universal service policies, warrant grant of the Company’s requested waiver of the customer requirement. The requested waiver is consistent with Commission and Bureau precedent, and is supported by the facts of the situation.

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<sup>8</sup> <http://tigerweb.geo.census.gov/tigerweb/>

Respectfully submitted,

**Flint Cable Television**

By:   
Benjamin H. Dickens, Jr.  
Salvatore Taillefer, Jr.

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Duffy & Prendergast, LLP  
2120 L Street, NW, Suite 300  
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Its Attorneys

Dated: November 10, 2014

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**November 10, 2014**

ARTHUR BLOOSTON  
1914 – 1999

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sta@bloostonlaw.com  
202-828-5562

*VIA E-MAIL and ECFS*

Gilbert Smith  
Telecommunications Access Policy Division  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

RE: Flint Cable Television Form 505 Confidentiality Disclosure  
WC Dockets No. 14-93, DA 14-1397

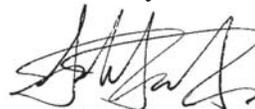
To Whom It May Concern:

Flint Cable Television ("Flint") has filed separately its FCC Form 505 and supporting documentation in response to a Connect America Phase II challenge submitted by Windstream. Flint seeks confidential treatment pursuant to the Protective Order in WC Docket No. 10-90 for certain information submitted in connection with its Form 505 filing.

Specifically, Flint's Form 505 and supporting documents identify the census blocks in which Flint has no current or former customers. Additionally, Flint's supporting documents include census block maps that identify these areas. As this is competitively sensitive information, Flint has redacted these portions of its ECFS filing. Non-redacted versions have been submitted via email to [Form505@fcc.gov](mailto:Form505@fcc.gov), pursuant to the outlined Commission procedure.

If you have any questions regarding this matter, please do not hesitate to contact the undersigned.

Sincerely,



Salvatore Taillefer, Jr.