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January 30, 2015

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

Re: *Petitions of the Electric Plant Board, Chattanooga, Tennessee, and the City of Wilson, North Carolina, Pursuant to Section 706 of the Telecommunications Act of 1996 for Removal of State Barriers to Broadband Investment and Competition, WC Docket Nos. 14-115 and 14-116*

Dear Ms. Dortch:

Pursuant to Section 1.1206 (b)(2) of the Commission's rules, this written *ex parte* presentation is submitted in the above-captioned proceedings on behalf of the Kentucky Municipal Utilities Association ("KMUA") and MuniNet. KMUA and MuniNet support the relief requested by the municipal petitioners in this proceeding.

KMUA is the association of municipal utilities in the Commonwealth of Kentucky. KMUA's member utilities provide the essential services of electric power, telecommunications, broadband, water, wastewater and natural gas to residents and businesses throughout Kentucky. Twenty-nine of KMUA's forty-five members provide, or are currently planning to provide, broadband and other advanced communications services to residents, businesses and governmental, educational and medical institutions in their service areas. That makes Kentucky the leading state in the nation in terms of the number and percentage of municipal utilities providing such services.

MuniNet is a consortium of seven municipal utilities in western Kentucky¹ that provides a publicly-owned regional fiber optic network that interconnects their communities. MuniNet provides broadband services to business and institutional customers.²

¹ MuniNet's utility members are the Murray Electric System, the Mayfield Electric and Water System, the Paducah Power System, the Glasgow Electric Plant Board, the Hopkinsville Electric System, the Princeton Electric Plant Board, and the Russellville Electric Plant Board.

² See generally <http://muninetfiber.com>.

The purpose of this letter is to inform the Commission of the scope and success of municipal broadband deployment in Kentucky. That scope and success were made possible because Kentucky law—unlike the laws of Tennessee and North Carolina (as well as several other states) at issue in these proceedings—does *not* restrict the ability of municipal utilities to provide broadband and telecommunications services to the public. As a result, countless Kentucky residents, businesses and governmental, educational and medical institutions have gained access to high-speed broadband services that private providers either do not provide or did not provide until they were spurred to do so by the competitive impetus of KMUA and MuniNet members' provision of those services.

As noted above, twenty-nine KMUA members and all of MuniNet's seven members provide, or plan to provide, broadband services in their communities. Attached are several letters from KMUA and MuniNet members—Bowling Green Municipal Utilities (BGMU), Hopkinsville Electric System (HES), Owensboro Municipal Utilities (OMU), Glasgow Electric Plant Board (GEPB), the Barbourville Utility Commission (BUC), Murray Electric System (MES), the City of Bardstown (Bardstown), and the Frankfort Plant Board (FPB)—describing the scope, benefits and success of the broadband services they provide.³

Several common themes emerge in the attached letters. *First*, Kentucky municipal utilities providing broadband services typically decided to offer those services in response to an unmet need: They offered broadband service to their communities before the private sector telephone and cable companies did. *Second*, Kentucky municipal utilities typically offer broadband services at higher speeds, and at comparable or lower prices, than their private sector counterparts. *Third*, Kentucky municipal utilities offer broadband services to business, governmental, educational and health care institutions that had no other available options for high-speed broadband services at reasonable prices. *Fourth*, Kentucky municipal utilities' broadband services have promoted economic development in their communities. *Fifth*, some Kentucky municipal utilities have expanded their broadband service offerings to surrounding communities that requested it.

All of these are benefits that Kentucky residents, businesses and institutions would not have enjoyed had Kentucky, like several other states, restricted municipal utilities' ability to provide broadband service. A few highlights of Kentucky municipal utilities' broadband activities follow.

Bowling Green.

Because the private sector exhibited a lack of interest in providing broadband services to businesses and institutions in Bowling Green, beginning in 2001 BGMU installed "a [200-mile] state-of-the-art, commercial-grade fiber optic network...and a network operations center." Network capacity has recently been increased "from 1 Gbps to 10 Gbps Ethernet connections." BGMU "offers its businesses and governmental clients dark fiber lease options, lighted fiber connectivity (V-LAN and other high-speed data services), VOIP telephone service for businesses, and controlled-environment co-location rental for clients' primary or back-up

³ Some of the attached letters (those of BGMU, HES, and OMU) are new; others were attached to KMUA's August 2008 filing in WC Docket No. 07-38, *see* Comments and Reply Comments of KMUA *et al.*, *Development of Nationwide Broadband Data to Evaluate Reasonable and Timely Development of Advanced Services to All Americans*, WC Docket No. 07-38, at Exhibit 4 (filed Aug. 1, 2008).

network servers.” BGMU’s customers “include many of Bowling Green’s largest commercial and governmental institutions, including the City of Bowling Green, Warren County Fiscal Court, Western Kentucky University, Fruit of the Loom, Houchens Industries, WKU’s Center for Research and Development and most major healthcare providers.” Over the past twelve months, BGMU’s “average and peak commercial broadband traffic has increased 195% and 41%, respectively,” and over the past five years, the number of BGMU’s commercial broadband customers “has increased 106% and the number of commercial telephone customers ... has increased 630%.” BGMU’s success has been made possible because “Kentucky law and regulation allow[] for municipalities to compete in the broadband marketplace.” Bowling Green’s “local Chamber of Commerce can and does promote [BGMU’s broadband] network as an advantage to attract industries to Bowling Green and Warren County (which happens to be Kentucky’s fastest growing economy).”

Hopkinsville.

Because of a lack of affordable broadband internet connectivity in Hopkinsville, HES built a fiber network in 1998-1999. HES initially offered broadband service to businesses, government and the Christian County School System. HES thereafter “built an additional 50 miles of fiber to provide connectivity to all schools in the county.” HES subsequently extended its fiber network further, including to adjoining Trigg and Todd counties, which “suffered from slow, unreliable service or none at all.” HES has also installed a mesh wireless network in Hopkinsville, which HES’s businesses and residential customers can use “at no charge throughout the county.” HES’s mesh network also “provides wireless hotspots in community parks at no cost.” HES’s “fiber and wireless networks combine to bring affordable [broadband Internet] access to thousands of residents and businesses in Christian, Trigg and Todd counties.”

Glasgow.

In 1988, GEPB began building a broadband network to every home and business in Glasgow. The network “carries electric utility telemetry, cable television, LAN/WAN, high-speed Internet access, telephony, and other data services.” GEPB provided “broadband services many years before either telephone company [South Central Rural Telephone Company and Windstream] provided DSL [service].” As a result of GEPB’s foresight, Glasgow “is often lauded as one of the most ‘wired’ communities in North America.”

Barbourville.

In 1998, BUC began offering broadband over its cable system in Barbourville, located in “very rural Eastern Kentucky.” BUC was “the first community in Eastern Kentucky to provide [broadband cable modem] service and only the third community in Kentucky [to do so].” In 2000, the City of Barbourville “was recognized by *Yahoo Internet Life Magazine* as one of the ‘Most Wired Cities in America.’” BUC began offering broadband Internet service “because of Union College’s need for connectivity and the lack of any private company willing to come to Barbourville to provide it.” The ILEC did not even offer DSL service in Barbourville until seven years after BUC began offering broadband Internet access service. “Currently nearly 45% of [BUC’s cable subscribers] take some sort of broadband Internet,” in a county where “less than half of the [residents] have graduated [from] high school.” As a result of BUC’s efforts, Knox County (where Barbourville is located) had “the highest [broadband] adoption rate in Southeast Kentucky,” according to Connect Kentucky’s 2007 figures.

Murray.

In 1998, MES “launched a fully functional broadband system.” As a result, “a majority of [Murray’s] citizens take services for cable television, high-speed internet, telephony, and other high-tech services from MES.”

Bardstown.

Bardstown’s municipal utility began offering cable service in 1985, expanding into surrounding Nelson County in 1987. Bardstown launched cable broadband service in January 2000, over a year ahead of BellSouth’s April 2001 deployment of DSL service.

Frankfort.

FPB has offered cable service in Franklin County since 1952. In 1994, FPB began offering dark fiber services to local and state governments and commercial clients. FPB “is the predominate provider of fiber connectivity to all local governments [in Franklin County] and serves nearly 100 state offices located in Frankfort.” (Frankfort is Kentucky’s state capital.) In 1995, FPB began extending fiber to the Franklin County Public Schools and Frankfort Independent Schools, and the project was completed in 1998. The schools use FPB’s services for voice, data, security and classroom instruction. In early 1998, FPB began work to deploy a full service network—cable, broadband and voice service—to all residents and commercial subscribers in FPB’s utility service area. The project was completed in early 2003. FPB now offers broadband services to over 10,500 customers, representing over 60% of FPB’s basic cable subscribers. Also among FPB’s broadband customers are several medium and large businesses.

Owensboro.

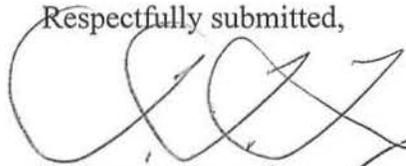
In the early 1990s, there was an absence of support from incumbent private sector carriers to provide necessary broadband services for OMU and City operations. In 1997, OMU therefore deployed a 117-mile fiber optic network throughout the City of Owensboro. To maximize this investment and spur further economic development in Owensboro, OMU began providing commercial and institutional customers with dedicated Internet access, point-to-point, and dark fiber services. Most recently, OMU has begun to offer VoIP telephone services to businesses and governmental and health care institutions, and is in the early stages of deploying a Gigabit Passive Optical Network (GPON) to provide its broadband customers with access to greater bandwidth (Gigabit+), maximize service offerings, and further reduce overall costs for OMU’s customers. As a result of customers’ growing demand for reliable, high-speed Internet access at affordable rates, OMU is aggressively reviewing opportunities to expand its commercial network to provide residential Fiber-To-The-Home (FTTH) in Owensboro.

Ms. Marlene H. Dortch
January 30, 2015
Page 5

KMUA and MuniNet members' experience demonstrates the tremendous benefits municipal broadband can bring to local residents and businesses, benefits that many private providers have been either unwilling or unable to provide in rural and other non-urban areas. The Kentucky municipal broadband experience also demonstrates that these benefits are achievable only if state laws do not prohibit or restrict municipal utilities' ability to provide broadband services.

Please direct any questions to the undersigned.

Respectfully submitted,



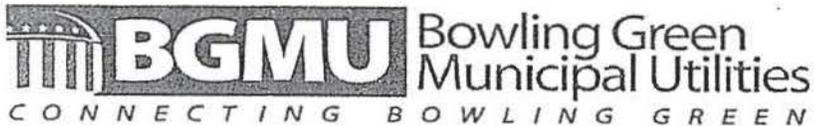
Tillman L. Lay

*Counsel for the Kentucky
Municipal Utilities Association
and MuniNet*

Attachments.

cc: Gigi Sohn (gigi.sohn@fcc.gov)
Claudia Pabo (claudia.pabo@fcc.gov)
Matt Warner (matt.warner@fcc.gov)

Bowling Green Municipal Utilites



801 Center Street • P.O. Box 10300
Bowling Green, KY 42102-7300
Phone: (270) 782-1200
Fax: (270) 782-4590
www.bgmu.com

January 5, 2015

Mrs. Annette DuPont-Ewing
Kentucky Municipal Utilities Association
110 East Todd Street
Frankfort, KY 40601

Dear Annette,

Your member, Bowling Green Municipal Utilities (BGMU), is pleased to provide you an update to our General Services Division's success in growing and expanding its fiber optic network. This update is provided to KMUA to be included as part of its Ex Parte filing with the Federal Communications Commission (FCC) regarding state barriers to municipal broadband participation (WC Docket No's 14-116 and 14-115).

As you know, BGMU's General Services Division was created by the City Commission in 2001 for the express purpose of engaging in activities to benefit the general welfare of the citizens of Bowling Green. BGMU's two other operating divisions (the Electric Division and the Water-Sewer Division) both experienced a significant lack of interest by private companies (Bell South/AT&T and Insight Communications/Time Warner Cable, among others) to provide robust, broadband and telecommunication services to the businesses and industries of Bowling Green and Warren County. To remedy the unmet broadband needs, the Division has installed a state-of-the-art, commercial-grade fiber optic network consisting over 200 miles of fiber optic cable and a network operations center. The Division's network is engineered for functionality and stability, with redundant Internet connectivity with two separate national carriers. With the growth in the Division, the redundant Internet connections to the national carriers were recently increased from 1 Gbps to 10 Gbps Ethernet connections. In addition to commercial-grade Internet connectivity, the Division offers its business and governmental clients dark fiber lease options, lighted fiber connectivity (V-LAN and other high-speed data services), VOIP telephone service for businesses, and controlled-environment co-location rental for clients' primary or back-up network servers.

The Division's customers include many of Bowling Green's largest commercial and governmental institutions, including the City of Bowling Green, Warren County Fiscal Court, Western Kentucky University, Fruit of the Loom, Houchens Industries, WKU's Center for Research and Development and most of the major healthcare providers. Our customers experienced, as we did, the lack of responsive, reliable broadband telecommunications services offered by the incumbent private cable and telephone companies. In fact, the poor service reputation of our competitors is our best referral source; we don't have to do a lot of advertising as most of our customers come running to us. In the past twelve months, our average and peak

commercial broadband traffic has increased 195% and 41%, respectively. In the past five years, our number of commercial broadband customers has increased 106% and the number of commercial telephone customers we support has increased 630%! This growth is not because BGMU has undercut the prices of private providers. In many cases BGMU is a little bit more expensive than our competitors. But, because we pay attention to our customer's needs and we offer a stable, reliable connection, rarely do we lose a customer to a competitor.

The primary reason BGMU has been able to attend to the broadband and telecommunication needs of our business community – giving them connectivity services on par with much larger communities – is that Kentucky law and regulation allows for municipal entities to compete in the broadband marketplace. There are no artificial, politically-motivated barriers erected to protect incumbent private carriers. Because of this, our local Chamber of Commerce can and does promote our network as an advantage to attract industries to Bowling Green and Warren County (which happens to be Kentucky's fastest growing economy).

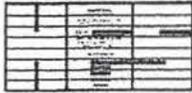
We appreciate the opportunity to update you with the Division's success in growing and expanding its fiber-optic network. If you have any questions regarding the content of this letter, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Iverson', followed by a horizontal line extending to the right.

Mark Iverson
General Manager

Hopkinsville Electric System



www.hop-electric.com

Hopkinsville Electric System EnergyNet Internet Services

*Providing Hopkinsville businesses and residents
with affordable electricity and Internet service*



www.hesenergy.net

Austin Carroll
General Manager
acarroll@hop-electric.com

December 16, 2014

Annette Dupont-Ewing
Kentucky Municipal Utilities Assoc.
110 A. East Todd Street
Frankfort, KY 40601

Hopkinsville Electric System (HES) is proud to offer local, reliable electrical and telecommunications services to businesses and residents in our area.

HES built a fiber network in Hopkinsville in 1998 to improve communications to our electric substations. In 1999, HES determined that affordable internet connectivity did not exist in Hopkinsville. The average cost for a T-1 (1.5 meg) internet connection was \$3,000 per month. HES was able to provide the same service for \$350 per month. Therefore, HES offered connectivity to businesses, government and the Christian County School Systems. When the school system could not get adequate connectivity for rural schools, HES built an additional 50 miles of fiber to provide connectivity to all the schools in the county.

In recent years, HES has expanded its fiber network. First, we built additional fiber to larger cities to reduce our own cost of internet by eliminating the transport charges from large telecom providers. By reducing our costs, HES is able to increase the bandwidth available to our customers without price increases. Second, we expanded to offer high-speed fiber services in the adjoining counties of Trigg and Todd. Previously, those areas suffered from slow, unreliable services or none at all.

In addition to the fiber network, HES installed a mesh wireless network in Hopkinsville. The wireless network provides affordable internet to residential and small business customers. HES customers can use wireless, at no charge, throughout our community. HES also provides wireless hotspots in community parks at no cost.

The HES fiber and wireless networks combine to bring affordable access to thousands of residents and businesses in Christian, Trigg and Todd counties. Economic development requires access to reliable, affordable communication services. I am confident HES has made major impact in our region by attracting new businesses and helping existing businesses compete in the global economy.

Sincerely,

A handwritten signature in cursive script, appearing to read "Austin B. Carroll".

Austin B. Carroll

Owensboro Municipal Utilities

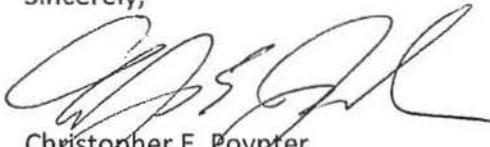
Annette C. Dupont-Ewing
January 22, 2015
Page 2

Owensboro is a progressive community with millions of dollars of public, private, public/private partnership dollars being spent on riverfront development, hotels, convention center, regional medical facility, a new bypass, and countless other projects. Owensboro is a City on the move and simply cannot wait and hope for national companies to recognize the importance of making similar investment in our community. The current DSL technology is decades old and Data Over Cable Service Interface Specification (DOCSIS) 3.0 is a fairly recent addition.

Customers are demanding reliable, high speed internet access at affordable rates, therefore OMU is aggressively reviewing opportunities to expand our commercial network to provide residential Fiber-To-The-Home (FTTH). Doing so will allow the utility to create additional choices for consumers, which is clearly in the best interests of our citizens.

We appreciate this opportunity to provide KMUA with an update and will be happy to assist with any further efforts to promote broadband availability and adoption. Should you have any further questions, please do not hesitate to contact me.

Sincerely,



Christopher E. Poynter
Telecommunications Superintendent

Glasgow Electric Plant Board



Bringing Glasgow the Future... *Faster!*

100 Mallory Dr. - P.O. Box 1809 - Glasgow, KY 42142-1809
(270) 651-8341 - Fax (270) 651-7572 - epb@glasgow-ky.com

July 17, 2008

Annette C. Dupont-Ewing
Executive Director
Municipal Electric Power Association of Kentucky and
Municipal Water and Wastewater Association of Kentucky
110 A. East Todd Street
Frankfort, KY 40601

Dear Annette:

This letter is written in response to Brian Mefford's July 11, 2008, letter to FCC Chairman Kevin J. Martin and to clarify the facts relative to Connect Kentucky's influence over, and mapping of, the municipally owned broadband network in Glasgow and Barren County, Kentucky. Connect Kentucky had nothing whatsoever to do with our network and, as evidenced by their failure to note it on any of their maps, still have nothing to do with it.

The City of Glasgow, through its wholly owned utility - Glasgow Electric Plant Board, decided to build a broadband network to every home and business in the city back in 1987. The network construction began in 1988 and it continues today. The network carries electric utility telemetry, cable television, LAN/WAN, high speed internet access, telephony, and other data services. It even synchronizes the traffic signals throughout the city of 15,000 people. This network was conceived, designed, and financed by the people of Glasgow. It did not require a single tax dollar. It was built without access to a ubiquitous map of broadband in the state. It did not require the advice of "experts" from the likes of Connect Kentucky. Further, Glasgow has nothing special going for it and any city in any state could do precisely the same thing. It does require a little leadership and vision, but those qualities do not flow from Connect Kentucky or Connected Nation.

One of the most troubling claims by Connect Kentucky is that the mapping data, paid for, according to them, mostly with public money put up by the taxpayers of the Commonwealth of Kentucky, is accurate, "verified and continuously updated." Using the links to this, supposedly, thoroughly scrubbed data provided in Brian Mefford's letter, one finds that the City of Glasgow seems to only get broadband from DSL providers like South Central Rural Telephone Company and Windstream (both are members of one of the groups which Connect Kentucky lists as a member), even though Glasgow

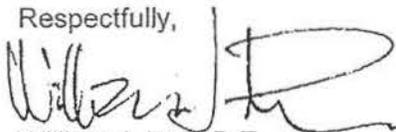
www.glasgowepb.net

Annette C. Dupont-Ewing
Executive Director
July 17, 2008
Page Two

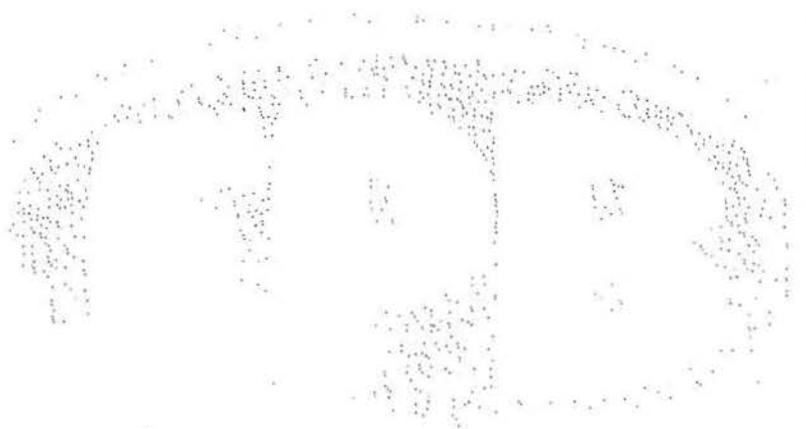
Electric Plant Board was providing faster broadband services many years before either telephone company provided DSL. It is not at all clear what the people of Kentucky got for the millions they paid Connect Kentucky for mapping. One can search Google.com with the terms "broadband" "kentucky" "Glasgow" and get more than two hundred thousand results, many of which are about our broadband project in Glasgow, yet Connect Kentucky has never even heard of us and we are not listed on their mapping which we helped to fund through our taxes. We find this curious.

In summary, Glasgow, Kentucky is often lauded as one of the most "wired" communities in North America and Connect Kentucky had precisely nothing to do with it. In fact, it was done long before the idea of creating Connect Kentucky and funding it at the public trough was even hatched. Glasgow's project has been replicated many times now all across the United States, but none of those projects owe their success to Connect Kentucky.

Respectfully,



William J. Ray, P.E.
Superintendent



Barbourville Utility Commission



*Barbourville
Utility Commission*

Serving Barbourville Since 1938

July 28, 2008

Annette C. Dupont-Ewing
Executive Director
Kentucky Municipal Utilities Association
110 A. East Todd Street
Frankfort, KY 40601

Dear Annette:

I am writing this letter in response to Brian Mefford's July 11, 2008, letter to FCC Chairman Kevin J. Martin.

The Barbourville Utility Commission is a Municipally owned utility serving the City of Barbourville as well as Knox County since 1938. We currently provide Electric, Water, Wastewater; Cable Television and Broadband Internet to this very rural Eastern Kentucky County.

We have been providing Internet service to Knox County since 1996 when we became the very first local ISP in Southeast Kentucky. In 1998, the Barbourville Utility Commission began offering High-Speed Internet service via cable modems. We were the first community in Eastern Kentucky to provide this service and only the third community in Kentucky. In 2000, the City of Barbourville was recognized by Yahoo Internet Life Magazine as one of the "Most Wired Cities in America".

The reason that the Barbourville Utility Commission began offering Internet service was because of Union College's need for connectivity and the lack of any private company willing to come to Barbourville and provide it. The local phone company was not at all interested in providing the college or the community with Internet. However after the Utility Commission had invested substantial amounts of capital and manpower the phone company finally decided to provide DSL, although it was just seven years after we started.

P. O. Box 1600
202 Daniel Boone Drive
Barbourville, KY 40906
(606) 546-3187
Fax (606) 546-4848

I have personally attended several of the Connect Kentucky community meeting and from my experience; they were a complete waste of time. The CK representative never presented any ideas or plans on how to either generate more subscribers or how to expand our service to areas not currently served.

Currently nearly 45% of the subscribers to the Barbourville Utility Commission's cable television service take some sort of broadband Internet. This is a county were less than half of the residence have graduated high school. If you look at CK's Broadband Adoption Map and look at Knox County in particular, you will see that Knox County has the highest adoption rate of any county in Southeast Kentucky. I believe that this is due to the Barbourville Utility Commission's work in providing very affordable Internet service long before any other provider and before Connect Kentucky.

As you can see, Connect Kentucky has had absolutely nothing to do with the success of Broadband in Barbourville and Knox County.

If you have any questions or need any additional information, please don't hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chris Brewer', with a long horizontal flourish extending to the right.

Chris Brewer, P.E.
Assistant Superintendent

Murray Electric System



ELECTRIC POWER & TELECOMMUNICATIONS

MURRAY ELECTRIC SYSTEM

P. O. Box 1095 • 401 Olive Street • Murray, Kentucky 42071
Phone: (270) 762-1704 • Fax: (270) 753-6494

Tony Thompson
General Manager

tthompson@murray-ky.net

July 23, 2008

Annette C. Dupont-Ewing, Executive Director
Municipal Electric Power Association of Kentucky
110 A. East Todd St.
Frankfort, KY 40601

Dear Annette:

In response to Brian Mefford's letter to July 11, 2008, letter to FCC Chairman Martin, I would like to offer Murray's insight into Connect Kentucky's impact on broadband deployment and the veracity of any "accurate maps" that might reside on the CK website.

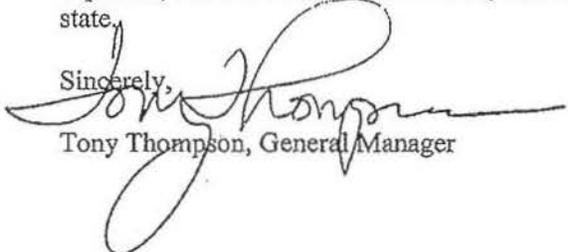
The City of Murray, similar to our sister cities of Glasgow, Barbourville, Frankfort, Bardstown, and others launched a fully functional broadband system through its wholly owned utility, Murray Electric System, in 1998. Through this system, a majority of our citizens take services for cable television, high speed internet, telephony, and other high tech services from MES.

I vaguely recall that at some point in our project, we received a visit from a representative of Connect Kentucky. I similarly remember a seminar being hosted at Murray State University, that touted the beginnings of the Connect Kentucky initiative. At that point, I remember waving it off as a political strategy of Bellsouth, offering nothing to our project.

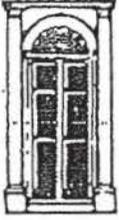
Recently the claims of Connect Kentucky in being a "visionary" organization, mostly responsible for pushing broadband into the far reaches of the state have caught my attention. Interestingly, when I visited the CK website, Murray Electric System was nowhere to be found as being a provider of broadband services to our community. Instead I found AT&T, and NewWave communications, a relative newcomer to Kentucky cable service as being the providers of such services to Calloway County.

Murray Electric System and its customers have built its system without any help or input from Connect Kentucky. We would have been happy to have received some of their funding, or expertise, but was never offered either, and continue to be overlooked by them in our end of the state.

Sincerely,


Tony Thompson, General Manager

City of Bardstown



OLD KENTUCKY HOME
DOORWAY

City of BardstOWN

J. RICHARD HEATON, MAYOR
220 N. 5TH ST.
BARDSTOWN, KENTUCKY 40004
TEL. NO. 877/348-5947
FAX. NO. 502/348-2433



ART TREASURES IN
ST. JOSEPH CATHEDRAL

July 30, 2008

Annette C. Dupont-Ewing, Executive Director
Kentucky Municipal Utilities Association,
Municipal Electric Power Association of Kentucky and
Municipal Water and Wastewater Association of Kentucky
110 A. East Todd Street
Frankfort, KY 40601

Dear Annette,

I am writing to respond the Brian Mefford's letter dated July 11, 2008 to FCC Chairman Martin regarding Connected Nation particularly as it relates to our experiences with ConnectKentucky.

As a municipal cable operator since 1985, with expansions into Nelson County since 1987, the City of BardstOWN today operates a modern cable plant with 2-way cable modem service. We first launched cable modem service in January of 2000 over a year ahead of BellSouth's April 2001 deployment of DSL service.

I recall our staff participating in the mapping and e-Community Leadership Team process, in part to give the process a chance and particularly to find out if any grant funds were available for further deployment of our existing broadband infrastructure. We inquired several times about the availability of grant funds, but we never got a straightforward answer from our Connect Kentucky contacts. Please find attached an example of such an unanswered request in the form of an e-mail exchange between one of our engineers and Connect Kentucky staff.

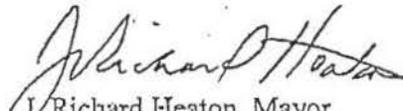
Also attached is another message in which we were disappointed to hear that the Connect Kentucky initiative was not ready or designed to address infrastructure issues. We found this curious as most of the issues related to the lack of broadband availability are directly related to a lack of the supporting infrastructure. In one last attachment, a screen shot from yesterday, it was pointed out to me that on the forum set up for Nelson County's e-Leadership Team, the only posts ever made were apparently those by someone at Connect Kentucky after an initial team meeting. Given the depth and breadth of the local Nelson Countians listed on Connect Kentucky's website, http://www.connectkentucky.org/NR/rdonlyres/456D78FE-7505-4169-8BCC-D338ECA3A2C8/0/3_NELSON_COUNTY_LEADERSHIP_TEAM.pdf, this Nelson County forum certainly does not appear to be a demonstration of an active, vibrant e-Community. That is certainly not the case and perhaps one should draw their own conclusion when considering Connect Kentucky's claims of the level of local participation. Perhaps Mr. Mefford would give Chairman Martin a login to these same forums so he could judge for himself.

Annette C. Dupont-Ewing
July 30, 2008
Page Two

We began to realize that Connect Kentucky really did not have anything new or significant to offer our community that we either had not already considered or was already under development or deployment. That begs the question: What did Connect Kentucky really do for Nelson County? At this point, our answer would have to be very little. They certainly did not play a role in our deployment of broadband over our cable system.

We remain ready and willing to participate in any initiative that will allow us, as a municipal broadband provider, to participate in a meaningful way in expanding broadband coverage within our community.

Sincerely,



J. Richard Heaton, Mayor
City of Bardstown, KY

Jm/JRH

Attachments

Frankfort Plant Board

Warner J. Caines
General Manager



Frankfort Plant Board

Water
Cable
Electric
Security
Local Phone
Digital Cable
Long Distance
Community TV
Ethernet/Internet
Cable Modem/ISP
Cable Advertising

July 31, 2008

Chairman Kevin J. Martin
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: WC Docket 07-38 (Broadband Data Collection)

Dear Chairman Martin:

This letter is in response to the Notice of Ex Parte Communication dated July 11, 2008, from Connected Nation in regard to above-referenced proceedings. The purpose of this letter is to respond directly to the claim of Connected Nation, on Page 6 of the July 11th letter, stating Connected Nation has worked with the Frankfort Plant Board (FPB) in expanding its network.

FPB has offered cable services to Franklin County since 1952. In 1994, FPB began offering dark fiber services to local and state governments and commercial clients. Today, FPB is the predominate provider of fiber connectivity to all local governments and serves nearly 100 state offices located in Frankfort with these services.

In 1995, FPB began installing fiber for both public school systems in our community, Franklin County Public Schools and Frankfort Independent Schools. This project was completed in 1998. The schools utilize this fiber for all voice, data, security and classroom instruction.

In 1996, FPB began planning for the future of telecommunications for residential and commercial subscribers by hiring a consultant to assist in designing a network that would not only continue to offer cable services but also leverage that network by offering broadband services, high capacity data services and local and long distance telephone services to the subscribers in our service area. After extensive research, planning, and customer surveys, followed by town hall discussions concerning the viability of the project, FPB's Board of Directors approved the "Full Service Network" (FSN) project in October 1997. FPB began work in early 1998 with neighborhoods being turned on as the new infrastructure was completed. FPB finished the upgrade in early 2003.

Today FPB offers broadband services to over 10,500 customers via a cable modem. This correlates to serving over 60% of our basic cable customers with broadband service, well above the national average.

Equal Opportunity/Affirmative Action Employer

Page 2
Chairman Kevin Martin
July 31, 2008

We count several medium and large businesses as our customers through our high capacity Ethernet service. FPB also offers over 11,000 voice lines in our service area.

Since the inception of our FSN Project in 1996 through July 31, 2008, I can say unequivocally, the success of our network is specifically attributed to the hard work and dedication of our consultants, contractors, FPB employees and, most especially, our subscribers. Connect Kentucky neither participated in this process nor were they contacted by anyone affiliated with FPB.

Mr. Mefford's claim in the July 11th letter that Connect Kentucky assisted with the expansion of our network is without merit. He met personally with me in my office sometime in 2005 to discuss problems with FPB's mapping information not reaching those that actually performed mapping services for Connect Kentucky. As promised, the issue was remedied.

Also at the meeting was discussion of Connect Kentucky lending engineering assistance to FPB by a third party wireless company. The intent was to survey a portion of northern Franklin County for wireless broadband potential. I told Mr. Mefford that we had evaluated the potential for wireless service in that area; but, due to the rugged terrain and lack of available tower space, FPB could not affordably build out the project. It should be noted Mr. Mefford and his family resided in this area for several years so his knowledge of this area and the probability of success in wireless infrastructure success should have been familiar to him. I agreed to allow the engineers from Vivato to come in; and a few weeks later, the survey was completed. Those engineers came to the same conclusion as we had a year earlier. Due to the topography of the area and lack of substantial towers, the project could not be economically constructed. It should also be noted that Vivato went out of business a few months after their visit to Frankfort.

Connect Kentucky moved some of their offices from Bowling Green to Frankfort in late 2005. FPB is delighted that Connect Kentucky picked a municipal cable/telecom operator for their broadband, local phone, cable and security services. I suspect FPB was chosen for its good service and economical rates.

In 2005, staff members were invited to participate in community meetings in Anderson County. Even though FPB does not offer service in this county, the staff attended the first meeting. Months later, invitations to attend similar meetings in Franklin County were extended to FPB. My staff attended a few meetings but no longer attends these

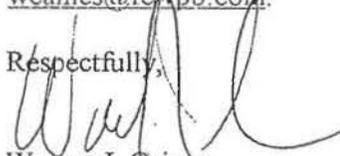
Page 3
Chairman Kevin Martin
July 31, 2008

community meetings in either county due to a lack of participation by other community members but also because of the perception by FPB regarding the relevance of the meetings to this community.

To my best recollection, this is the extent of the relationship between the Frankfort Plant Board and Connect Kentucky with respect to Mr. Mefford's claim of assistance in the expansion of our network. I'm sure our Board of Directors and customers would be pleased that this assistance was offered at no charge to FPB by Connect Kentucky.

In closing, we're proud of our network and the services we supply to Kentucky's Capital City. Our success in deploying broadband services to this community speaks for itself. I appreciate the opportunity to comment on the claim made by Mr. Mefford on behalf of Connected Nation in the July 11th letter. If additional information is needed, or if I can clarify points made herein, please do not hesitate to contact me at 502-352-4377 or at wcaines@fepfb.com.

Respectfully,



Warner J. Gaines
General Manager