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April 17, 2015

Via ECFS.

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street SW
Room TW-A325
Washington, DC 20554

Re: Rural Broadband Services Corporation, Inc., Application for Review,
Rural Broadband Experiments, WC Docs. 14-259, 10-90. *Ex Parte* Notice

Dear Ms. Dortch:

On April 15, 2015, Roy Choates of Rural Broadband Services Corporation, Inc. (“RBSC”), Derrick Owens of WTA – Advocates for Rural Broadband, and myself on behalf of RBSC met with Daniel Alvarez, Legal Advisor to Chairman Wheeler; Jonathan Chambers, Chief, Office of Strategic Planning; Carol Matthey, Deputy Chief, Wireline Competition Bureau and Alexander Minard, Deputy Chief, Telecommunications Access Policy Division,. The purpose of the meeting was to discuss RBSC’s Application for Review of the Order of the Wireline Competition Bureau denying RBSC’s request for a waiver of the requirement in the Rural Broadband Experiments Order that provisionally selected bidders provide three years of audited financial statements.

The RBSC representatives summarized the assertions in the Application for Review that the Order exceeded the Bureau’s delegated authority, because a fair reading of the Order is that it adopted a no-waivers policy contrary to the Commission’s rules. Even if the Bureau did have authority, the Order represented an unacknowledged change in position from the posting on the Commission’s website encouraging carriers such as RBSC with less than three years operations to request a waiver and stating that such waivers would be considered on a case by case basis. There is nothing apparent in the Order to indicate that the Bureau considered the financial information of RBSC or any of the other petitioners. Further, the Order is inconsistent with the objectives of the Communications Act; the Commission’s various broadband orders, including especially the purpose of the Rural Broadband Experiments (RBE) Order; and its stated policy to give priority to improving service on Tribal lands.

The RBSC President & CEO began his remarks by stating that the purpose of filing the Application for Review was to request that the Commission examine closely RBSC’s proposal, committing the time and resources necessary to make a more detailed evaluation, which because of the project’s importance to at least 200,000 residents of northeastern Oklahoma living on Tribal lands, should result in the FCC reinstating RBSC into the RBE program because it is in the best public interest.

RBSC met with the FCC's Office of Strategic Planning on multiple occasions prior to filing its application in an attempt to learn about the RBE program. RBSC provided detailed information pertaining to it being a start-up company proposing to serve Tribal lands and the anticipated difficulties related to obtaining Letters of Credit for a project on Tribal lands. RBSC was advised to follow the official response to Frequently Asked Questions that would be provided on the FCC website. RBSC followed those instructions as detailed in the Application for Review.

RBSC's president & CEO then used the attached diagram to explain its proposal to serve Tribal lands in 5 counties of northeastern Oklahoma where broadband service is currently non-existent or inadequate. RBSC identified the following key benefits of its proposal:

- Advanced telecommunications capacity to 2,829 census blocks and over 200,000 people living on Tribal lands in northeastern Oklahoma. Continued utilization of this model by RBSC and other providers could significantly benefit another 2.5 million people living on Tribal lands that remain unserved or underserved today.
- High speed broadband services at speeds that are 100 times faster than the RBE requirement and at a cost \$42 million below the 10 year cost-model support offered to the Price Cap carrier for provision of a lesser service in the same area.
- Gigabit broadband services to anchor institutions, including public schools and library systems in accordance with the federal ConnectEd program. The "Home Work Gap" is very real in these 5 counties. Advanced telecommunications capability is lacking. Students are unable to utilize laptops at home to connect to the Internet. Up to 50% of the schools in each of these counties are rated "D" or "F."

The RBSC president then summarized the local support that had been gathered in the five rural northeastern Oklahoma counties impacted. The Mayor and City Council of Tahlequah were first approached with the project and agreed to provide space in the city's technology park to support RBSC's operations. Since all five counties are designated Tribal lands, the Primary Chief of the Cherokee Nation was approached and he agreed to provide a letter of support for RBSC's initial Letter of Interest in the RBE program, which was filed with the FCC in March 2014. In addition, the Chief of the United Keetoowah Band of Cherokee Indians in Oklahoma ("UKB") provided a letter of support for RBSC addressed to Chairman Wheeler (dated February 9, 2015) after learning of the WCB denial of RBSC's waiver request.

The UKB Chief also stepped forward and signed an Agreement with RBSC taking on significant responsibility for the timely completion of the network and providing the ongoing assurance that services proposed by RBSC in its FCC RBE application will be delivered as proposed to commercial and residential customers on Tribal lands. This agreement provides training and jobs for the Cherokee, and the opportunity for the UKB to take complete control of the network after ten years.

Support of the RBSC project was also obtained at the State level. The Corporation Commission of the State of Oklahoma approved RBSC's Eligible Telecommunication Carrier (ETC) application prior to the FCC March 5th deadline, and that document was provided to the FCC as part of the Form 5620 post-selection process.

RBSC also noted that members of the Oklahoma Congressional delegation have written to Chairman Wheeler expressing their support for grant of RBSC's Application for Review and that the community leaders in the five county area are very much in favor of the project moving forward . These leaders include the Chief of the UKB, who believes strongly in the promise of broadband to transform the lives of over 200,000 residents in northeastern Oklahoma living on Tribal lands. They see the RBSC proposal as a tremendous opportunity to demonstrate through the FCC Rural Broadband Experiments program the power of regulation focused on public interest goals.

Please address any questions on this matter to me.

Sincerely yours

David Cosson
Counsel to Rural Broadband Services Corporation, Inc.

Attachment

cc:

Daniel Alvarez
Jonathan Chambers
Carol Matthey
Alexander Minard