

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

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In the Matter of	)	
	)	
Connect America Fund	)	WC Docket No. 10-90
	)	
	)	

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**COMMENTS OF CABLEVISION SYSTEMS CORPORATION ON RATE-OF-RETURN  
STUDY AREAS 100 PERCENT OVERLAPPED BY UNSUBSIDIZED COMPETITORS**

Cablevision Systems Corporation (“Cablevision”) submits these comments in response to the Wireline Competition Bureau’s Public Notice adopting the methodology to determine rate-of-return carrier study areas subject to 100 percent overlap by unsubsidized competitors.<sup>1/</sup>

Cablevision has consistently supported the well-founded proposition adopted in the Commission’s Universal Service and Intercarrier Compensation Transformation Order that neither the Universal Service Fund (“USF”) nor the Connect America Fund (“CAF”) should be used to subsidize voice or broadband services in areas where equivalent services are already made available by unsubsidized competitors.<sup>2/</sup>

In response to this latest Notice, Cablevision supports the Bureau’s implementation of a well-reasoned methodology to identify rate-of-return carriers with study areas 100 percent overlapped by unsubsidized competitors and to freeze and phase down support for those study areas. Cablevision also affirms that in the study areas identified by the Bureau as overlapped by

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<sup>1/</sup> *Wireline Competition Bureau Publishes Preliminary Determination of Rate-of-Return Study Areas 100 Percent Overlapped by Unsubsidized Competitors*, WC Docket No. 10-90, DA 15-868 (rel. July 29, 2015) (“Notice”).

<sup>2/</sup> *Connect America Fund*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663, ¶¶ 103, 1061 (2011).

Cablevision, the Cablevision services meet or exceed the minimum service standards identified by the Bureau.

**I. THE BUREAU’S METHODOLOGY FOR DETERMINING OVERLAP IS WELL-REASONED.**

After verifying study area boundary data, the Bureau used Form 477 broadband deployment data to determine which study areas are 100 percent overlapped by unsubsidized providers. The use of Form 477 data is appropriate as it is collected semi-annually from all providers in a well-recognized process that requires filers to certify the accuracy of their data. In addition, Form 477 data will be regularly updated and available going forward for future overlap analyses.

The Bureau’s assumption that providers meeting the speed criteria also meet the non-speed criteria for latency and data usage allowances is a reasonable one, and the fact that these assumptions can be challenged in the current comment process gives greater assurance that no errors will result.

**II. CABLEVISION AFFIRMS THAT IT OFFERS QUALIFYING VOICE AND BROADBAND SERVICE TO ALL BLOCKS REPORTED ON FORM 477 AS OVERLAPPING WITH RATE-OF-RETURN CARRIERS IDENTIFIED IN THE BUREAU’S NOTICE.**

In its reporting of broadband deployment on Form 477, Cablevision is careful to report only census blocks where it operates voice and broadband-capable physical assets in or adjacent to the census block. Cablevision holds itself out as offering service in each such census block and, except in extraordinary circumstances,<sup>3/</sup> is willing and able to provide service to a

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<sup>3/</sup> In unusual circumstances, particularly in rural areas, the customer’s location may be so distant from Cablevision’s plant on a public right of way as to make provision of service to the customer economically infeasible, except where the customer is willing to pay the extraordinary costs in accordance with applicable law and applicable franchise requirements.

requesting customer within a reasonable period of time without extraordinary commitment of resources.

Cablevision affirms that within each of the census blocks where Cablevision reports broadband deployment on Form 477, including census blocks overlapping the study areas identified in the Bureau's Notice, Cablevision provides fixed broadband service at actual downstream speed of at least 10 Mbps and actual upload speed of at least 1 Mbps; with latency suitable for real-time application including Voice over Internet Protocol ("VoIP");<sup>4/</sup> with usage capacity reasonably comparable to offerings in urban areas.<sup>5/</sup> In addition, Cablevision affirms that it offers its fixed voice VoIP service at rates below the 2015 reasonable comparability benchmark of \$47.48 per month and offers its broadband service with speeds of at least 10/1 Mbps at rates below the broadband reasonable comparability benchmark of \$77.81 per month.

### **CONCLUSION**

Cablevision appreciates the opportunity to comment on the Bureau's handling of the 100 percent rate-of-return study area overlap issue. Cablevision agrees with the Bureau's determination to use Form 477 data to identify overlaps with unsubsidized competitors and affirms that the Form 477 data correctly identifies areas within the study areas identified in the Notice where Cablevision offers voice and broadband services meeting or exceeding Connect America Fund standards.

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<sup>4/</sup> Cablevision does, in fact, offer VoIP service at all locations that it offers broadband services.

<sup>5/</sup> Cablevision has no usage capacity limits on its broadband services.

Respectfully Submitted,

*/s/ Peter Corea*

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