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Congress of the United States
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COMMITTEE ON JUDICIARY
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CREATIVE RIGHTS CAUCUS

WCB
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September 15, 2015

The Honorable Tom Wheeler
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Chairman Wheeler,

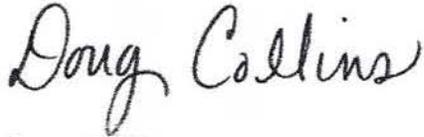
I am writing today in regards to Windstream's compliance with the Connect America Fund requirements. Like you, I believe in the goal of expanded broadband infrastructure for those in rural communities. On August 5, 2015, you announced that Windstream accepted \$175 million of Phase II Connect America Funds (CAF-II). Many of my constituents in Northeast Georgia are closely watching the use of CAF-II funds to spur investment in and expansion of rural broadband in their communities. They expect, as do I, that companies who accept CAF-II will fulfill the requirements that are attached to the acceptance of these funds. In the past months, I've heard numerous concerning reports from my constituents who rely on Windstream to provide broadband services that lead me to question if Windstream is fully meeting its obligations under CAF-II.

It is my understanding that under the CAF-II program, the FCC requires deployed broadband networks to deliver speeds of at least 10/1 Mbps. It is also my understanding that in order to be eligible for CAF-II funds, service providers will be required to build out broadband services to 40 percent of funded locations by the end of 2017, 60 percent by end of 2018, and 100 percent by the end of 2020, and such buildout must meet the speed requirements referred to above. Is there a deadline by which Windstream must be in full compliance of the speed requirements, specifically in the counties that comprise the Ninth Congressional District of Georgia?

It is also my understanding that Windstream has told the FCC on multiple occasions prior to their decision to accept CAF-II funds that they had concerns about their ability to meet the speed requirement. I am very concerned that Windstream inappropriately accepted the CAF-II funds with full knowledge they would not be able or perhaps willing to fulfill the speed requirements. I respectfully request that you provide information on the FCC oversight mechanisms in place to ensure Windstream is consistently meeting the obligations under the CAF-II program. To your knowledge, are any of the funds that Windstream receives under CAF-II, or any program administered by the FCC, federal dollars? Additionally, has the FCC audited Windstream's performance at any point in which they were recipients of CAF or USF funds administered by the FCC?

Due to the pressing concern this issue poses to my constituents, I ask for a response no later than September 30, 2015. Thank you for your attention to these issues. I appreciate your service to this nation and your responsiveness to Congress.

Sincerely,

A handwritten signature in cursive script that reads "Doug Collins". The signature is written in black ink and is positioned below the word "Sincerely,".

Doug Collins
Member of Congress
Ninth Congressional District of Georgia



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

November 12, 2015

The Honorable Doug Collins
U.S. House of Representatives
513 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Collins:

Thank you for your inquiry regarding Windstream's compliance with the Connect America Fund Phase II requirements.

I apologize we were not able to meet your two week reply deadline. I agree that expanding broadband infrastructure is essential in rural communities. Services offered in such communities must be reasonably comparable in both quality and price to the services offered in urban communities. We must ensure that all Americans, no matter where they live, have access to robust broadband networks that deliver the benefits of high-speed connectivity.

As you correctly noted in your letter, on August 5, 2015, the Commission authorized Windstream to receive approximately \$175 million annually in Connect America Fund Phase II support for 17 of the states Windstream serves. In Georgia, Windstream will receive approximately \$25 million annually to provide broadband service to almost 65,000 homes and businesses throughout the state over the next six years. As a requirement of receiving this funding, Windstream committed to providing speeds of at least 10 Mbps downstream and 1 Mbps upstream to all of these locations by the end of the six-year term of support.

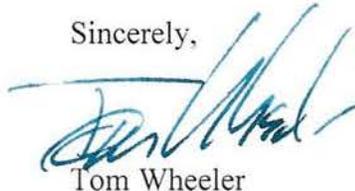
I take Windstream's commitment to the residents of Georgia seriously. To that end, the Commission established rigorous buildout and reporting requirements for all recipients of Connect America Phase II funding, including Windstream. As you mentioned, support recipients must build to 40 percent of their required locations by the end of 2017 and increase their build out by 20 percent each year until 2020, when all locations must be served, including those in Georgia's Ninth Congressional District where the carrier accepted Connect America Phase II model-based support.

All support recipients are required, on an annual basis beginning in 2016, to report to the Commission on their progress in meeting their broadband deployment obligations. I believe that carrier compliance and enforcement of the program's rules are critical to maintaining the integrity of the Universal Service Fund (USF) and ensuring we are responsible stewards of public funding. The Commission has a responsibility to ensure compliance and to identify and deter any future program abuse. Indeed, the Universal Service Administrative Company – the entity designated by the Commission as the administrator of USF funds – conducts audits to ensure carriers' compliance with program rules.

In the event that a support recipient fails to satisfy the obligations it has committed to in exchange for receiving support – for instance, by not building to the required number of locations or by not providing service that meets the Commission’s requirements – it will be subject to support reductions that scale with the extent of the recipient’s non-compliance. We believe that this clear, straightforward approach will create incentives for the recipient to come into compliance as soon as possible, as well as protect the interests of consumers nationwide who deserve and expect access to robust broadband networks.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Wheeler", is written over the word "Sincerely,".

Tom Wheeler