

April 28, 2016

*Via ECFS*

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

**Re: WC Docket No. 10-90  
Absaraka Cooperative Telephone Company  
Challenge to Competitive Coverage of Dickey Rural Services, Inc. and Inter-  
Community Telephone Company**

Dear Ms. Dortch:

On behalf of Absaraka Cooperative Telephone Company, Olsen Thielen files the attached challenge to the competitive coverage data set forth in the Alternative Connect America Cost Model (A-CAM) version 2.2 released by the Wireline Competition Bureau on April 7, 2016.

Kindly direct any questions regarding this filing to my attention.

Sincerely,

Pamela L. Hintz



Senior Telecommunications Consultant at  
Olsen Thielen

cc: Dickey Rural Services, Inc.  
Inter-Community Telephone Company

Alternative Connect America Cost Model Challenge (A-CAM) Process

OMB Control Number 3060-1188

FCC Form 505

Filing Entity:	Absaraka Cooperative Telephone Co., Inc.
FRN (if applicable):	0003-7419-49
Name of Person Filling Out Form:	Pamela L. Hintz
Mailing Address of Person Filling out Form:	2675 Long Lake Road, St. Paul, MN 55113
Email Address of Person Filling out Form:	<a href="mailto:phintz@otepas.com">phintz@otepas.com</a>
Phone Number of Person Filling out Form:	(651) 621-8535
Name of Person Certifying Data within Form:	Ann Faught
Mailing Address of Person Certifying Data within Form:	2894 146th Ave SE, Absaraka, ND 58002
Email Address of Person Certifying Data within Form:	<a href="mailto:ffarm@wtc-mail.net">ffarm@wtc-mail.net</a>
Phone Number of Person Certifying Data within Form:	(701) 896-3404

## Served to Unserved Challenge

Census Block 15 Digit FIPS Code	State	Provider Name as Listed in National Broadband Map	Insert X if Speed Criteria Not Met	Insert X if Allowance Criteria Not Met	Insert X if Latency Criteria Not Met	Insert X if Price Criteria Not Met	Insert X if Voice Criteria Not Met	Type of Supporting Evidence	Additional Comments
380170402002421	ND	Dickey Rural Services Inc.					X	Analysis of locations shows no competitors	See supporting affidavit filed with FCC Form 505 in Exhibit A
380170402002429	ND	Dickey Rural Services Inc.					X	Analysis of locations shows no competitors	See supporting affidavit filed with FCC Form 505 in Exhibit A
380170402002430	ND	Dickey Rural Services Inc.					X	Analysis of locations shows no competitors	See supporting affidavit filed with FCC Form 505 in Exhibit A
380170402002434	ND	Dickey Rural Services Inc.					X	Analysis of locations shows no competitors	See supporting affidavit filed with FCC Form 505 in Exhibit A
380170402002440	ND	Dickey Rural Services Inc.					X	Analysis of locations shows no competitors	See supporting affidavit filed with FCC Form 505 in Exhibit A
380170402002441	ND	Dickey Rural Services Inc.					X	Analysis of locations shows no competitors	See supporting affidavit filed with FCC Form 505 in Exhibit A
380170402002442	ND	Dickey Rural Services Inc.					X	Analysis of locations shows no competitors	See supporting affidavit filed with FCC Form 505 in Exhibit A
380170402002443	ND	Dickey Rural Services Inc.					X	Analysis of locations shows no competitors	See supporting affidavit filed with FCC Form 505 in Exhibit A
380170402002444	ND	Dickey Rural Services Inc.					X	Analysis of locations shows no competitors	See supporting affidavit filed with FCC Form 505 in Exhibit A
380170402002451	ND	Dickey Rural Services Inc.					X	Analysis of locations shows no competitors	See supporting affidavit filed with FCC Form 505 in Exhibit A
380170402002457	ND	Dickey Rural Services Inc.					X	Analysis of locations shows no competitors	See supporting affidavit filed with FCC Form 505 in Exhibit A
380170402002459	ND	Dickey Rural Services Inc.					X	Analysis of locations shows no competitors	See supporting affidavit filed with FCC Form 505 in Exhibit A
380170402002460	ND	Dickey Rural Services Inc.					X	Analysis of locations shows no competitors	See supporting affidavit filed with FCC Form 505 in Exhibit A
380170402002462	ND	Dickey Rural Services Inc.					X	Analysis of locations shows no competitors	See supporting affidavit filed with FCC Form 505 in Exhibit A
380170402002463	ND	Dickey Rural Services Inc.					X	Analysis of locations shows no competitors	See supporting affidavit filed with FCC Form 505 in Exhibit A
380170402002470	ND	Dickey Rural Services Inc.					X	Analysis of locations shows no competitors	See supporting affidavit filed with FCC Form 505 in Exhibit A
380170402002472	ND	Dickey Rural Services Inc.					X	Analysis of locations shows no competitors	See supporting affidavit filed with FCC Form 505 in Exhibit A
380170402002475	ND	Dickey Rural Services Inc.					X	Analysis of locations shows no competitors	See supporting affidavit filed with FCC Form 505 in Exhibit A
380170402002483	ND	Dickey Rural Services Inc.					X	Analysis of locations shows no competitors	See supporting affidavit filed with FCC Form 505 in Exhibit A
380170402002486	ND	Dickey Rural Services Inc.					X	Analysis of locations shows no competitors	See supporting affidavit filed with FCC Form 505 in Exhibit A
380170403003163	ND	Dickey Rural Services Inc.					X	Analysis of locations shows no competitors	See supporting affidavit filed with FCC Form 505 in Exhibit A
380170403003189	ND	Dickey Rural Services Inc.					X	Analysis of locations shows no competitors	See supporting affidavit filed with FCC Form 505 in Exhibit A
380170403003190	ND	Dickey Rural Services Inc.					X	Analysis of locations shows no competitors	See supporting affidavit filed with FCC Form 505 in Exhibit A

380170402002421	ND	ICTC Group, Inc. d/b/a Inter-Community Telephone Co.					X	Analysis of locations shows no competitors	See supporting affidavit filed with FCC Form 505 in Exhibit B
380170402002443	ND	ICTC Group, Inc. d/b/a Inter-Community Telephone Co.					X	Analysis of locations shows no competitors	See supporting affidavit filed with FCC Form 505 in Exhibit B
380170402002444	ND	ICTC Group, Inc. d/b/a Inter-Community Telephone Co.					X	Analysis of locations shows no competitors	See supporting affidavit filed with FCC Form 505 in Exhibit B
380170402002486	ND	ICTC Group, Inc. d/b/a Inter-Community Telephone Co.					X	Analysis of locations shows no competitors	See supporting affidavit filed with FCC Form 505 in Exhibit B
380170403003190	ND	ICTC Group, Inc. d/b/a Inter-Community Telephone Co.					X	Analysis of locations shows no competitors	See supporting affidavit filed with FCC Form 505 in Exhibit B

Accuracy and Due Diligence Certification	
<i>All Filers Must Fill Out</i>	
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.	
Certifier's Initials:	AF
Date:	4/27/16

Notice of Challenge Certification	
<i>(Served to Unserved and Unserved to Served Challengers Fill Out One of the Following Blocks - Respondents Do Not Fill Out)</i>	
<b>Service of Notice Successful</b> By initialing below, I certify that notice of this challenge has been served on all interested parties.	
Certifier's Initials:	AF
Date:	4/27/16
<b>Service of Notice Unsuccessful</b> 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.	
Name of Party/Parties that Could Not Be Served:	
Certifier's Initials:	
Date:	

**FCC Form 505 – Exhibit A**

***WC Docket 10-90, Alternative Connect America Cost Model (A-CAM) Challenge***

Dickey Rural Services, Inc. in North Dakota:

Based on the attached affidavit of Robert Johnson, General Manager for Dickey Rural Services, Absaraka Telephone challenges the competitive presence of Dickey Rural Services in the 23 Census Blocks identified on Absaraka's Form 505.



Dickey Rural Telephone Cooperative  
Dickey Rural Services, Inc.

**Filed via ECFS**

April 26, 2016

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, DC 20554  
Attn: Wireline Competition Bureau

Re: Dickey Rural Services, Inc. (FRN: 0006999155)  
Connect America Fund, WC Docket No. 10-90

Dear Ms. Dortch,

Pursuant to the *A-CAM Public Notice*,<sup>1</sup> Dickey Rural Services, Inc. (“DRS” or the “Company”), a fixed wireless provider in North Dakota that provides no voice over its network, hereby demonstrates that the Company cannot be considered an “unsubsidized competitor” for the purposes of the Alternative Connect America Cost Model (“A-CAM”). Accordingly, the competitive coverage contained in v.2.2 of the A-CAM characterizing DRS as an unsubsidized competitor is incorrect. DRS strongly urges the Federal Communications Commission (“FCC” or “Commission”) and the Wireline Competition Bureau (“WCB” or “Bureau”) to immediately correct this error and notify all affected rate-of-return carriers that DRS will not “knock out” A-CAM support in their territories.

According to Section 54.5 of the FCC’s rules, an “unsubsidized competitor” is “a facilities-based provider of residential fixed voice and broadband service that does not receive high-cost support.”<sup>2</sup> Further, the Bureau has stated that in addition to using Form 477 broadband deployment data, the A-CAM uses “the most recent Form 477 voice subscription data to identify which cable or fixed wireless broadband competitors also offer voice service; only these competitors are included in the [broadband] coverage table.”<sup>3</sup> As explained below, DRS’ revised

<sup>1</sup> See Wireline Competition Bureau Releases Alternative Connect America Cost Model Version 2.2 and Illustrative Results and Commences Challenge Process to Competitive Coverage, WC Docket No. 10-90, Public Notice (rel. Apr. 7, 2016) (“*A-CAM Public Notice*”).

<sup>2</sup> 47 C.F.R. § 54.5 (emphasis supplied).

<sup>3</sup> Wireline Competition Bureau Releases Alternative Connect America Cost Model Version 1.1 and Illustrative Results For Potential Use in Rate-of Return Areas, WC Docket No. 10-90, Public Notice (rel. Aug. 31, 2015).

June 2015 Form 477 data shows no voice subscription data for the fixed wireless company. Accordingly, DRS should not be characterized as an unsubsidized competitor.

After the FCC released v.2.0 of the A-CAM,<sup>4</sup> DRS became aware that the A-CAM was erroneously treating it as an unsubsidized competitor, apparently due to confusion over the fact that the broadband services it provides was being reported in one Form 477 filing along with the incumbent local exchange ("ILEC") voice services provided by its affiliate, Dickey Rural Telephone Cooperative ("Dickey Rural"). On December 4, 2015, DRS and Dickey Rural revised the Form 477 filings containing December 2014 and June 2015 data. As demonstrated in the attached confirmations for the revised June 2015 data, DRS submitted fixed broadband deployment and subscription data with no voice subscription data indicated (see Attachment A).<sup>5</sup> Subsequently, Dickey Rural promptly notified the FCC of these revisions.<sup>6</sup>

However, when Version 2.2 was released, DRS continued to be characterized as an unsubsidized competitor. DRS once again now brings this matter to the FCC's attention in light the challenge process to competitive coverage that concludes on April 28, 2016. The failure of the A-CAM to exclude DRS as an unsubsidized competitor constitute a significant impact in the A-CAM for those Incumbent Local Exchange Carriers ("ILECs") listed below that are in close proximity to DRS' affiliated ILEC, Dickey Rural. Upon analysis of the A-CAM version 2.2 results, these rate-of-return neighbors discovered that DRS' fixed wireless service is still considered an "unsubsidized competitor" within its neighbors' service territories and therefore the Company is inadvertently "knocking out" a significant number of census blocks from receiving A-CAM support due the fact that the FCC continues to associate *Dickey Rural's* wireline voice service with the competitive fixed wireless service provided by DRS, which is a mischaracterization. DRS provides no voice service anywhere on its entire network. The only voice service provided by any DRS affiliates is that provided by Dickey Rural on its ILEC network as demonstrated by the reporting on its Form 477 of ILEC voice.

DRS remains concerned that these changes are still not accurately incorporated into the nearly-final version of the A-CAM. DRS respectfully requests that the FCC remove its broadband-only fixed wireless service as a competitor in the A-CAM, based on the Company's *accurate* Form 477 data, as the Commission intended to exclude only those areas in which an unsubsidized competitor offers *both* voice and broadband services. Without these corrections, the forthcoming final version of the A-CAM will not reflect the facts pertaining to the census blocks served by DRS and the North Dakota ILECs with the correct broadband technology and service

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<sup>4</sup> See Wireline Competition Bureau Releases Alternative Connect America Cost Model Version 2.0 and Illustrative Results For Potential Use in Rate-of Return Areas, WC Docket No. 10-90, Public Notice (rel. Oct. 8, 2015).

<sup>5</sup> See Attachment A. On the other hand, Dickey Rural's filing shows fixed broadband deployment and subscription data and fixed voice. The Form 477 requires ILEC voice to be separately reported from non-ILEC voice so if DRS had any voice subscribers, they would have been separately reported under DRS. See FCC Form 477 Instructions at p. 14, *Note on ILEC / Non-ILEC Filings* (rel. Mar. 23, 2016).

<sup>6</sup> Dickey Rural notified the FCC of these changes in a letter filed January 25, 2016; See *Dickey Rural Telephone Cooperative*, WC Docket No. 10-90 (filed Jan. 25, 2015).

area. Without these corrections, the Commission's universal service goals for the North Dakota ILECs' study areas will be impeded as the amount of support available will not be sufficient to advance broadband technology in the area.

DRS hereby submits a declaration (see Attachment B), attesting to the fact that it does not provide voice service anywhere on its network, including the census blocks of the neighboring ILECs listed below and that the only voice provided by any affiliates is the voice service provided by Dickey Rural, which is limited to Dickey Rural's study area, which do not overlap with the study areas of the neighboring ILECs.<sup>7</sup>

Sincerely,



Robert Johnson  
General Manager  
Dickey Rural Services  
PO Box 69  
Ellendale, ND 58436

cc: Dakota Central Telecommunications Cooperative & Dakota Central Telecom I, Inc.  
Polar Communications Mutual Aid Corporation  
Inter-Community Telephone Company  
Moore & Liberty Telephone Company  
Griggs County Telephone Company  
Red River Rural Telephone Company  
Absaraka Cooperative Telephone Company

Enclosure

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<sup>7</sup> A list of all affected census blocks will be provided upon request.



Dickey Rural Telephone Cooperative  
Dickey Rural Services, Inc.

**DECLARATION OF BOB JOHNSON**

I, Robert Johnson, state as follows:

1. I am General Manager of Dickey Rural Services ("DRS" or the "Company"). I have personal and direct knowledge of the representations made by DRS in its April 26, 2016 Comments to the Federal Communications Commission, Docket No. 10-90, regarding the Company's service area and its competitive overlap with neighboring incumbent local exchange carriers ("ILECs"). Based upon my personal and direct knowledge, I verify the truth and accuracy of the information contained herein.
2. DRS does not provide voice service anywhere on its network, including the census blocks of the following ILECs in North Dakota: Dakota Central Telecommunications Cooperative, Dakota Central Telecom I, Polar Communications Mutual Aid Corporation, Inter-Community Telephone Company, and Moore & Liberty Telephone Company, Griggs County Telephone Company, Absaraka Cooperative Telephone Company, and Red River Rural Telephone Company ("Neighboring ILECs"). Accordingly, DRS does not qualify as an "unsubsidized competitor" in any of the service areas of the Neighboring ILECs.
3. DRS's affiliate, Dickey Rural Telephone Cooperative ("Dickey Rural") is an ILEC that offers voice and broadband within its study area; however, Dickey Rural does not offer voice or broadband service in any areas served by the Neighboring ILECs.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 26, 2016

A handwritten signature in black ink, appearing to read 'Robert Johnson', written over a horizontal line.

Robert Johnson  
General Manager  
Dickey Rural Services  
PO Box 69  
Ellendale, ND 58436

**FCC Form 505 – Exhibit B**

***WC Docket 10-90, Alternative Connect America Cost Model (A-CAM) Challenge***

Inter-Community Telephone in North Dakota:

Based on the attached affidavit of Mark Johnson, General Manager for Inter-Community Telephone Company, Absaraka Telephone challenges the competitive presence of Inter-Community Telephone Company in the five census blocks identified on Absaraka's Form 505.

## DECLARATION OF INTER-COMMUNITY TELEPHONE COMPANY

I, Mark Johnson, state as follows:

1. I am General Manager of Inter-Community Telephone Company (the "Company"). I have personal and direct knowledge of the Company's service area and its competitive overlap with neighboring incumbent local exchange carriers ("ILECs"). Based upon my personal and direct knowledge, I verify the truth and accuracy of the information contained herein.
2. The Company does not offer voice and/or broadband service within the study area of Absaraka Cooperative Telephone Company. The 5 census blocks identified as overlapping with Absaraka in version 2.2 of the Alternative Connect America Cost Model ("A-CAM"), in fact, are census blocks along the borders of Company's and Absaraka's respective study areas. Within these "border" census blocks, the Company and Absaraka provide service to distinct, non-overlapping portions of the census blocks.
3. Within its study area(s), the Company receives support from the federal universal service fund, including HCL, ICLS, and CAF ICC.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 27, 2016



Mark Johnson  
General Manager  
Inter-Community Telephone Company