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April 28, 2016

Via ECFS

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

**Re: WC Docket No. 10-90
Ardmore Telephone Company, Inc.
Challenge to A-CAM V2.2 Competitive Coverage**

Dear Ms. Dortch:

On behalf of Ardmore Telephone Company, Inc. (“Ardmore”), JSI files the attached Ardmore comments to challenge the competitive coverage contained in Alternative Connect America Cost Model (“A-CAM”) version 2.2 pursuant to the streamlined challenge process established by Public Notice.¹

Please direct any questions regarding the filing to the undersigned.

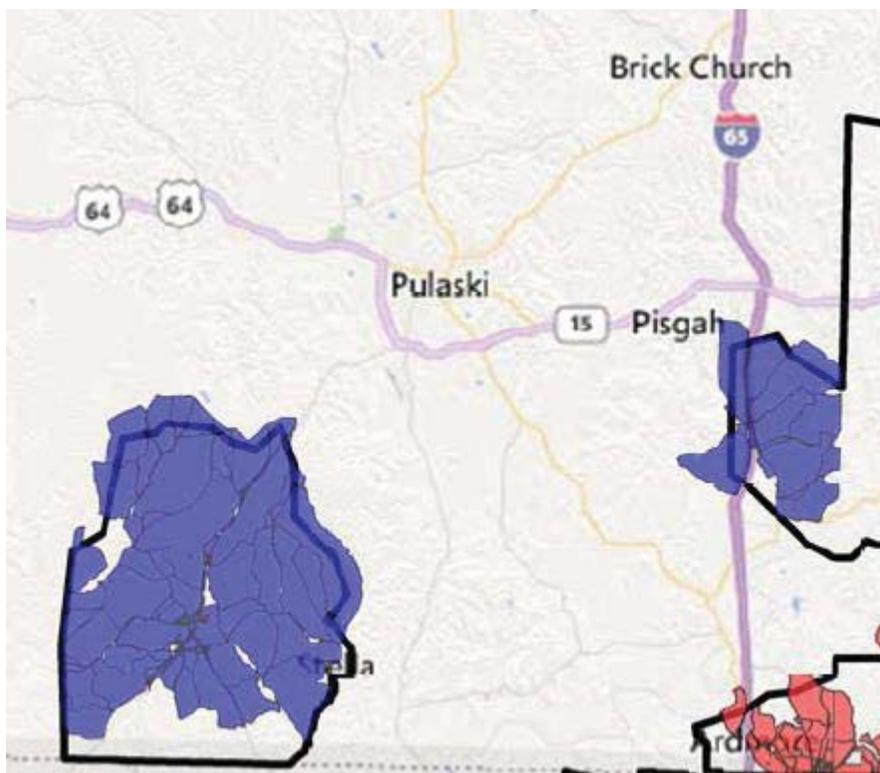
Sincerely,

John Kuykendall
JSI Vice President
301-459-7590
jkuykendall@jsitel.com

Attachment

¹ 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) (“Public Notice”).

10/1 service spanning 115 census blocks, covering 1,195 locations³ which are represented below in the areas shaded blue, which in turn overlap Ardmore Telephone Company, Inc.'s regulated area. Although Athena Broadband has since represented that they have refiled their 477 eliminating 18 census blocks from the level of coverage conveyed in their previously filed 477 (contained in Appendix A), we continue to have grave concern relative to their represented ability to support the remaining 97 census blocks, and based on the evidence presented below, does not provide a 10/1 level of service to the areas identified below.



II. DEMONSTRATION OF ERRONEOUS COMPETITIVE FORM 477 DATA

With regard to unsubsidized competitors identified in census blocks within Ardmore Telephone Company's study area in the latest A-CAM, the Company submits challenges to the following provider based primarily on grounds that despite material efforts made by Ardmore, and a long-standing history of operating in the community, it could not confirm the existence of service, or identify a serving apparatus (towers and radios) necessary to deliver the service represented. Ardmore has contacted a third party engineering firm to conduct drive testing, but due to the brevity of the challenge process, it could not secure the required resources in time to accommodate the prescribed filing deadline.

As the FCC noted in its *USF Reform Order*, in order to be considered an unsubsidized competitor, a provider must offer broadband service that is at least capable of providing 10/1 Mbps service within a rate-of-return carrier's study area.⁴ However, as further addressed below, the identified competitive did not affirmatively or definitively cite the availability of service in any of the areas queried.

According to the A-CAM, Athena Broadband offers fixed wireless service (technology code 70) in census blocks contained in Appendix B in Ardmore Telephone Company, Inc.'s study area. The competitive overlap data in the A-CAM is based on FCC Form 477 data submitted by Athena Broadband (data as of June 30, 2015). As referenced above and as illustrated in Attachment B, through direct and repeated contact with their sales group, Athena Broadband communicated that they either did not offer broadband service in specific addresses provided within Ardmore's regulated area or they offered it via a satellite technology, a service excluded from consideration in determining competitive overlap. While, without specific drive tests, which will soon be initiated, Ardmore cannot categorically prove Athena's inability to provide Broadband to a single location in each census block reported, given the inability for Athena to categorically confirm any measure of service to any of the census blocks identified, the FCC should assign a measure of the burden of proof associated with the competitive overlap question to Athena.

III. CONCLUSION

⁴ *USF Reform Order* at footnote 31.

The FCC's principal goal associated with the ACAM was to provide a mechanism to accelerate the deployment of broadband. Ardmore is committed to this outcome is likely to elect the model if the issues of competitive overlap can be resolved. Given the build out obligations attendant to companies selecting the model, consumers in Ardmore's area can look forward to dramatically faster service, thus achieving the intended basis for the creation of the ACAM.

Elimination of 97 census blocks spanning 1,144 locations associated with a carrier that cannot effectively represent any measure of service availability will simply deny rural consumers in Ardmore's area access to critically important broadband services.

For the reasons stated above, Ardmore Telephone Company, Inc. respectfully requests the census blocks contained in Appendix A (which were removed from Athena's 477 filing when they refiled their 477 at the end of April 2016 - please find Athena's confirmation letter – Attachment C) be recognized as those which must be removed from consideration when determining competitive overlap in conjunction with the calculation of support that should appropriately flow from the A-CAM (Please see Attachment A – declaration from TMS Management). Ardmore Telephone Company, Inc. furthermore, respectfully requests, pursuant to the *Public Notice* and paragraph 71 of the *USF Reform Order*, that the Commission find the evidence submitted herein to be sufficient to correct the erroneous inclusion of census blocks contained in Appendix B when determining competitive overlap in the latest A-CAM such that Ardmore Telephone Company can make an informed decision as to whether or not it wishes to opt for model-based support and to such other relief, as the Company may be justly entitled.

Respectfully submitted,

Karen Jackson-Furman, Chief Financial Officer

TMS, Managing Entity for Ardmore Telephone Company, Inc.

April 28, 2016

Attachments

**Ardmore Telephone Company, Inc.
A-CAM Competitive Challenge**

Appendix A

Notes Census Blocks Eliminated in Athena Broadband April 2016 477 Refiling

Census Block	Provider
470559203001263	Athena Broadband, G.P. 70
470559203001311	Athena Broadband, G.P. 70
470559206002149	Athena Broadband, G.P. 70
470559208001000	Athena Broadband, G.P. 70
470559208001002	Athena Broadband, G.P. 70
470559208001003	Athena Broadband, G.P. 70
470559208001005	Athena Broadband, G.P. 70
470559208001006	Athena Broadband, G.P. 70
470559208001009	Athena Broadband, G.P. 70
470559208001013	Athena Broadband, G.P. 70
470559208001021	Athena Broadband, G.P. 70
470559208001022	Athena Broadband, G.P. 70
470559208001023	Athena Broadband, G.P. 70
470559208001024	Athena Broadband, G.P. 70
470559208001026	Athena Broadband, G.P. 70
470559208001028	Athena Broadband, G.P. 70
470559208001030	Athena Broadband, G.P. 70
470559208001031	Athena Broadband, G.P. 70

Ardmore Telephone Company, Inc.
A-CAM Competitive Challenge

Appendix B

Notes Competitive Overlap by Athena Broadband from June 2015 477 Filing

Census Block	Provider
470559203001245	Athena Broadband, G.P. 70
470559203001247	Athena Broadband, G.P. 70
470559203001254	Athena Broadband, G.P. 70
470559203001256	Athena Broadband, G.P. 70
470559203001257	Athena Broadband, G.P. 70
470559203001262	Athena Broadband, G.P. 70
470559203001263	Athena Broadband, G.P. 70
470559203001311	Athena Broadband, G.P. 70
470559204001008	Athena Broadband, G.P. 70
470559206001000	Athena Broadband, G.P. 70
470559206001002	Athena Broadband, G.P. 70
470559206001003	Athena Broadband, G.P. 70
470559206001004	Athena Broadband, G.P. 70
470559206001005	Athena Broadband, G.P. 70
470559206001006	Athena Broadband, G.P. 70
470559206001007	Athena Broadband, G.P. 70
470559206001010	Athena Broadband, G.P. 70
470559206001012	Athena Broadband, G.P. 70
470559206001013	Athena Broadband, G.P. 70
470559206001014	Athena Broadband, G.P. 70
470559206001019	Athena Broadband, G.P. 70
470559206001024	Athena Broadband, G.P. 70
470559206001030	Athena Broadband, G.P. 70
470559206001031	Athena Broadband, G.P. 70
470559206001032	Athena Broadband, G.P. 70
470559206001034	Athena Broadband, G.P. 70
470559206001042	Athena Broadband, G.P. 70
470559206001043	Athena Broadband, G.P. 70
470559206001044	Athena Broadband, G.P. 70
470559206001045	Athena Broadband, G.P. 70
470559206001046	Athena Broadband, G.P. 70
470559206001047	Athena Broadband, G.P. 70
470559206001053	Athena Broadband, G.P. 70
470559206001057	Athena Broadband, G.P. 70
470559206001063	Athena Broadband, G.P. 70
470559206001064	Athena Broadband, G.P. 70
470559206001066	Athena Broadband, G.P. 70
470559206001067	Athena Broadband, G.P. 70
470559206001068	Athena Broadband, G.P. 70
470559206001071	Athena Broadband, G.P. 70
470559206001075	Athena Broadband, G.P. 70
470559206001078	Athena Broadband, G.P. 70
470559206001079	Athena Broadband, G.P. 70
470559206001080	Athena Broadband, G.P. 70
470559206001084	Athena Broadband, G.P. 70
470559206001104	Athena Broadband, G.P. 70

470559206002103	Athena Broadband, G.P. 70
470559206002104	Athena Broadband, G.P. 70
470559206002127	Athena Broadband, G.P. 70
470559206002149	Athena Broadband, G.P. 70
470559208001000	Athena Broadband, G.P. 70
470559208001002	Athena Broadband, G.P. 70
470559208001003	Athena Broadband, G.P. 70
470559208001005	Athena Broadband, G.P. 70
470559208001006	Athena Broadband, G.P. 70
470559208001009	Athena Broadband, G.P. 70
470559208001013	Athena Broadband, G.P. 70
470559208001021	Athena Broadband, G.P. 70
470559208001022	Athena Broadband, G.P. 70
470559208001023	Athena Broadband, G.P. 70
470559208001024	Athena Broadband, G.P. 70
470559208001026	Athena Broadband, G.P. 70
470559208001028	Athena Broadband, G.P. 70
470559208001030	Athena Broadband, G.P. 70
470559208001031	Athena Broadband, G.P. 70

Total Census Blocks	
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Attachment A

DECLARATION

I, Karen Jackson-Furman, declare and state the following:

1. I am employed by TMS as Chief Financial Officer which is the managing group for Ardmore Telephone Company, Inc.
2. I hereby submit the email confirmation from Athena Broadband which was sent to our consultant at John Staurulakis, Inc. stating they had refiled their Form 477 in the last week of April 2016 and had eliminated their ability to offer 10/1 to the following census blocks located in the Ardmore Telephone Company regulated area. We respectfully request that the census blocks listed in Attachment A be recognized as those which must be removed from consideration when determining competitive overlap in conjunction with calculation of appropriate support dollars associated with the A-CAM support mechanism.
3. I certify under penalty of perjury that the foregoing is true and correct. Executed on April 28, 2016.



[Signature]

From: Ryan Morgan [<mailto:ryan@athenabroadband.com>]

Sent: Thursday, April 28, 2016 9:48 AM

To: Dave Lewis <dlewis@jsitel.com>

Cc: Marty Klueh <mklueh@jsitel.com>

Subject: Re: Ardmore Census Blocks with Athena Broadband Overlap

Dave,

The invalid block codes have been changed in our filing and re submitted.

Thanks

Attachment B

DECLARATION

I, Natalie Morgan, declare and state the following:

1. I am employed by West Kentucky Telephone Cooperative, Inc, a telephone cooperative in Kentucky as: Customer Service Manager

2. On April 21st through April 28, 2016 my staff and I contacted the sales group for Athena Broadband to inquire as to broadband service availability for different addresses in the Ardmore Telephone Company, Inc. regulated area. Enclosed are the results of the outreach. The summarization of the outreach include:
 - Broadband could not be provided at a given location in the Ardmore regulated area
 - Broadband could be provided but it was noted that a satellite would need to be installed on the exterior of the residence
 - Athena Broadband noted that we must use their coverage map by inputting an exact address to determine coverage but noted the locations in white could not be supported. Upon inputting two locations, both appeared in white which Athena conveyed meant "no broadband coverage"
 -

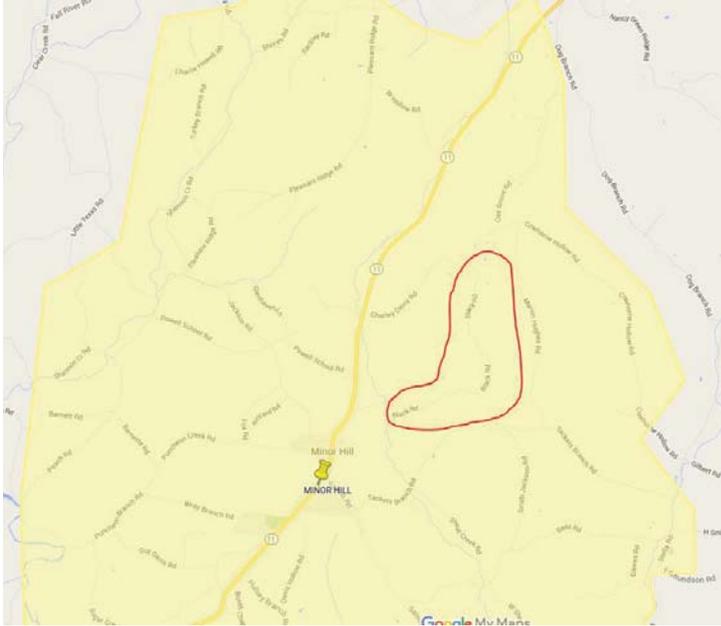
3. I certify under penalty of perjury that the foregoing is true and correct. Executed on April 28th 2016.


[Signature]

Athena Communications: 9316804668

Call #1-Service Address: 2620 Black Rd Prospect, TN 38477

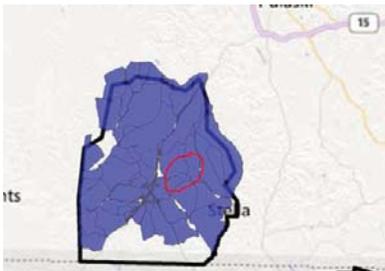
Our boundary map in Yellow:



Google Map of 2620 Black Rd



Competitive Analysis Map



Call#1

Call Details-Athena Communications

Janie Rozell:

Outbound Line Called from: 256-423-1016

Date/Time: 4/22/2016 12:16

Company Representative that you spoke to at Athena: Marisol

Do they serve this address? No

What services are available to you at this address? (Broadband Speeds etc.) None

Any other details regarding the call:

Call#2

2490 Tackets Branch Rd, Prospect TN, 38477

Ardmore Boundary Map



Google Map



Competitive analysis Map



Athena Communications: 9316804668 =Gina Ray Called Athena Broadband out of Shelbyville, TN

Service Address: 2490 Tacketts Branch Rd, Good Spring, TN 38460

Information to gather:

Outbound Line Called from: My cell ## 256-998-0452

Date/Time: 4/21/16 @ 11.46am

Company Representative that you spoke to at Athena: Marisol

Do they serve this address? Telephone and Broadband not available only Satellite

What services are available to you at this address? (Broadband Speeds etc.)

\$69.99 = 10mg per month

\$99.99 = 15mg per month

\$140.00 = 25mg per month

Activation fee is \$99

Price includes taxes and surcharges

Any other details regarding the call: They will be installing a modem/router on the inside and satellite on the outside.

They do not recommend for online gaming or working from home.

Call#3-

1246 Minatra Rd, Pulaski TN, 38478

Ardmore Boundary Map



Ardmore Boundary Map



Google Maps



Competitive Analysis Maps



Call#3 Info:

Service Address: 1246 Minatra Rd, Pulaski TN, 38478

Outbound Line Called from:256-423-1014

Date/Time:4/22/16 1:21

Company Representative that you spoke to at Athena: Ryan

Do they serve this address? See below

What services are available to you at this address? (Broadband Speeds etc.)

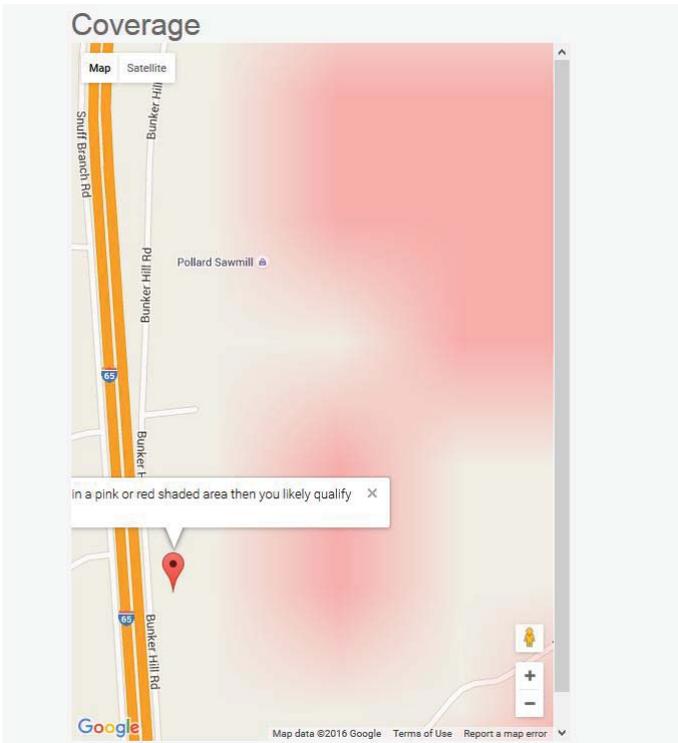
Any other details regarding the call: He was suspicious/ he ask if I was calling for Ardmore Telephone Co. because someone else had called him this morning from Ardmore Telehone Co. I told him I was calling to see if service was available at this address. He asked which house on Minatra Rd & is there a pond nearby & I said no. He said he could not provide service unless we were on a hill because there service does not penetrate hills & trees. He then recommended Monster Broadband at 1-800-315-6444.

Email Submission#1-2075 Bunker Hill Rd, Pulaski TN 38478



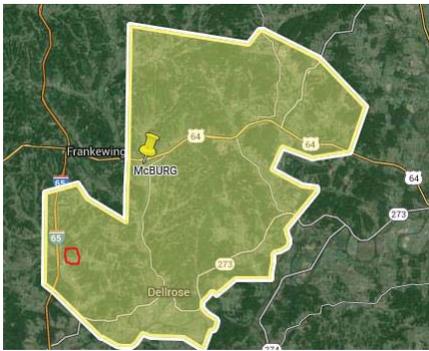
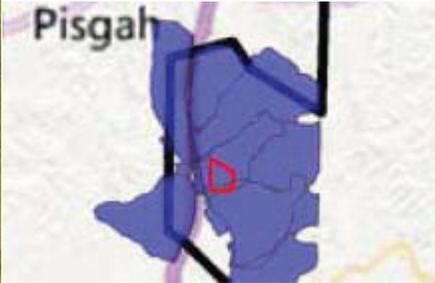
Google Maps: 2075 Bunker Hill Rd

Athena Broadband Coverage Map for 2075 Bunker Hill Rd, no response to my inquiry at this time. According to their coverage map, service would not be available at this address.



Ardmore Boundary Map-
2075 Bunker Hill Rd

Competitive Analysis Map-
2075 Bunker Hill Rd



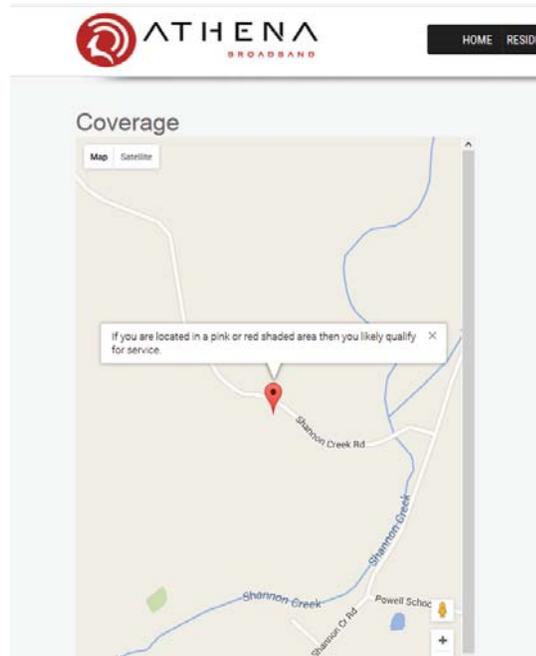
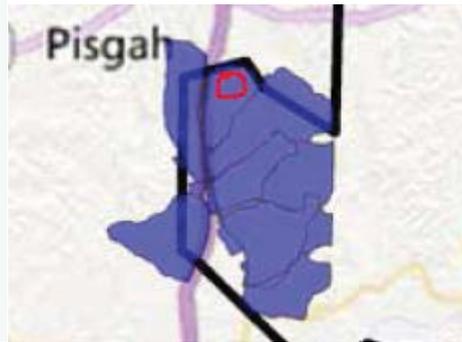
Email Submission#2- 920 Shannon Creek Rd, Good Spring TN, 38460

Notes: Not available for this address.

Coverage
To find out if you are in our coverage area, please fill in the information below.

First Name:
Last Name:
Street Address:
City:
Country:
State:
ZipCode:
Phone Number:
E-Mail Address:
Where did you hear about us:
Preferred method to contact by:
Best Time to Contact:
Comment / Question:

I'm not a robot 



Google Maps



Ardmore Boundary Map

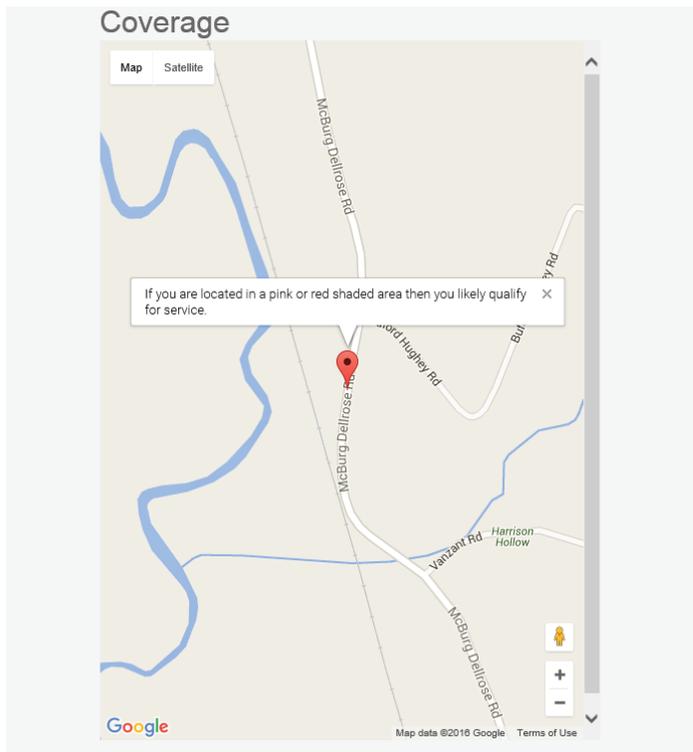


4/27/2016

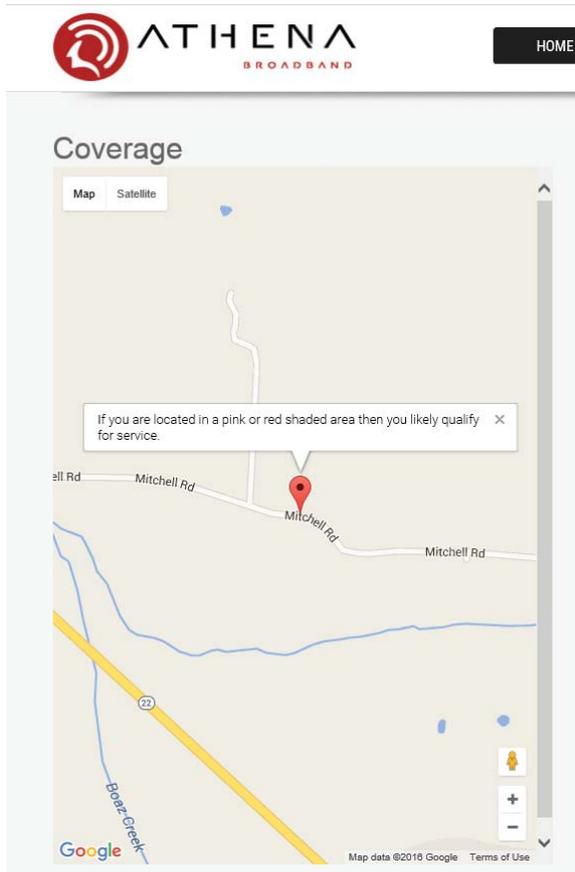
Natalie Morgan called Athena Communications at 9316804668 from 2708040698 at 4:15 PM CST. Spoke to Yohan with Athena Communications about relocating to the Minor Hill area. He indicated that there were areas that Athena would cover. The speeds offered would be determined based on the coverage area. Yohan directed me to their website www.athenabroadband.com to enter the exact address to check for coverage once I was settled into my new home.

4/27/2016

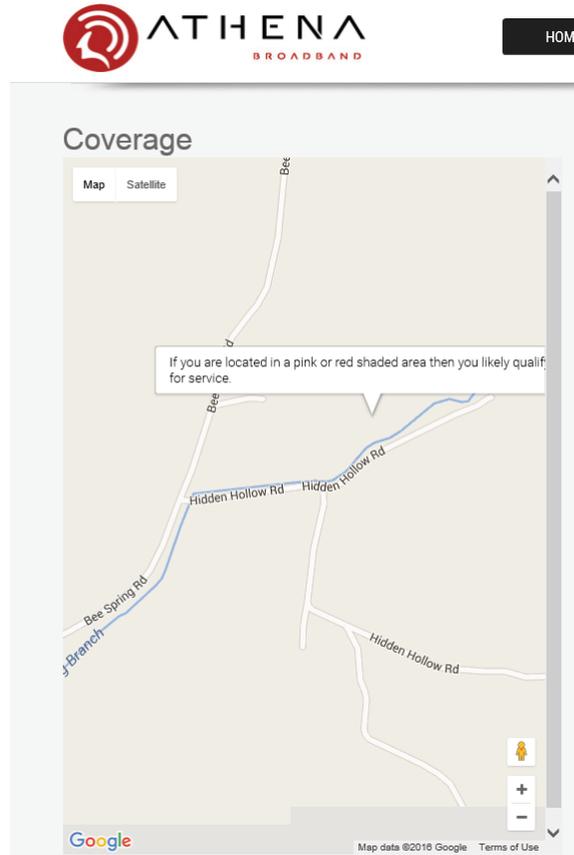
Submitted an online inquiry per Yohan with Athena Communications for Dell Rose area. The mapping on Athena Broadband website indicated that there is no coverage area in this area.



4/27/2016-Requested on athenabroadband.com for coverage for the McKenzie TN area. The mapping below indicated no coverage in McKenzie TN 38201.



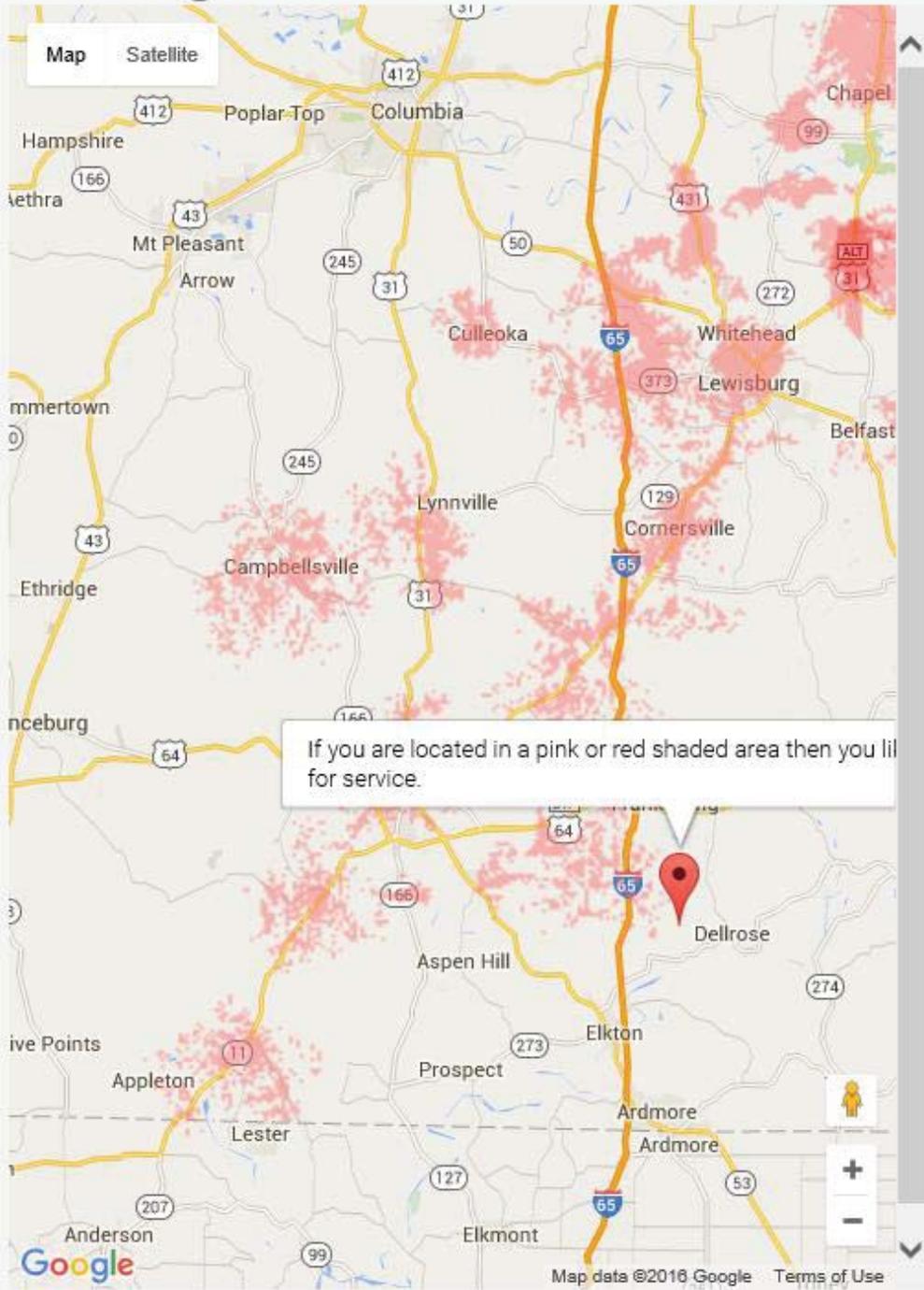
4/27/2016-Requested on www.athenabroadband.com coverage for the McKenzie TN area. The mapping below indicated no coverage in Pulaski TN 38478.



3/27/2016 Pulled coverage map for Athena Broadband. If a subscriber is located in a pink or red shaded area they might be considered for service if their tower can reach those areas.



Coverage



Attachment C

PO Box 653 | Shelbyville, TN 37160 | 931.680.4668



Letter of Confirmation

Date: 4/28/2016

To Whom It May Concern:

Athena Broadband has updated and refiled 18 incorrect entries on our census block data with our 477 filing. This was re submitted on 4/28/2016.

A handwritten signature in black ink that reads "Josh Lynch". The signature is written in a cursive, flowing style.

Josh Lynch
Partner
Athena Broadband