



April 28, 2016

Marlene H. Dortch
Secretary
Federal Communication Commission
Washington, DC 20554

Re: Butler-Bremer Mutual Telephone Company's Challenge of ACAM Model for Certain
Census Blocks Excluded as Served by a Qualified Unsubsidized Competitor
Connect America Fund
WC Docket 10-90

Butler-Bremer Mutual Telephone Company ("Butler-Bremer") (SAC – 351115) (FRN – 0004373544) is an Independent Local Exchange Carrier ("ILEC") and a Broadband Internet Service Provider ("ISP") in Iowa. Butler-Bremer has reviewed the Wireline Competition Bureau's (the "Bureau") Alternative Connect America Cost Model ("ACAM") Version 2.2 and Illustrative Results released on April 7, 2016. Butler-Bremer hereby challenges certain census blocks that are currently excluded from receiving support under the voluntary ACAM Model because they've been presumed to serve both voice and broadband by a qualified unsubsidized competitor.

The ACAM Model

The ACAM Model excludes from support calculation those census blocks that are either served with fiber to the Premise ("FTTP") or with cable that meets the Federal Communications Commission's minimum standards. The ACAM Model also excludes from support calculation those census blocks that are presumed to be served by an unsubsidized competitor offering voice and 10/1 Mbps broadband service. In order to be considered an unsubsidized competitor, a service provider must be a facilities-based provider of residential fixed voice service and fixed broadband service. (47 CFR §54.5) Furthermore, the Bureau has noted that competing providers must meet the 2016 urban rate survey for fixed voice and broadband services, and the minimum usage allowance for eligible telecommunications carriers subject to broadband public interest obligations. (See DA 16-378, p. 3, released April 7, 2016). Using Form 477 data, the Bureau assumed that if a broadband provider reported any fixed voice connections in a state, then it offers voice service throughout its broadband service area in a state.

Challenged Census Blocks

Butler-Bremer is challenging twenty-nine (26) census blocks that have been excluded from receiving support because they are presumed to be served by an unsubsidized competitor based on Form 477 data. In five (5) census blocks Dumont Telephone Company ("Dumont") is identified as the unsubsidized competitor. Readlyn Telephone Company ("Readlyn") is identified in eight (8) census blocks as an unsubsidized competitor. CenturyLink is identified as



an unsubsidized wireless in one (1) census block, And in twelve (12) census blocks OmniTel is identified as the unsubsidized wireless competitor. (Attachment 1 – Challenged Census Blocks). None of the above carriers provide broadband or voice services in Butler-Bremer’s service area. (Attachment 2 – Affidavit).

1. The Readlyn, Dumont, and Centurylink Census Blocks

Dumont Telephone Company (“Dumont”), Readlyn Telephone Company (Readlyn”), and CenturyLink are all Independent Local Exchange Carriers (“ILEC”) and Eligible Telecommunications Carriers (“ETC”) whose service areas abuts Butler-Bremer Bremer’s service area.

The census blocks claimed by Readlyn in its June 2015 Form 477 Report that have been excluded from receiving ACAM model support are 190170044001011 with 11 locations; 190170044001043 with 5 locations; 190170044001044 with 2 locations; 190170044002034 with 6 locations; 190170044002040 with 8 locations; 190170044002050 with 6 locations; 190170044002052 with 3 locations; and 190170045003077 with 1 location. All but one of these census blocks shares a service area boundary with the service area of Butler-Bremer with the census blocks overlapping both ILECs’ service areas.

Dumont is claiming in its June 2015 Form 477 Report that it provides broadband service to five (5) census blocks. The census blocks that have been excluded from receiving support based on Dumont’s Form 477 report are 190230701001031 with 1 location; 190230701001188 with 3 locations; 190230701001208 with 1 location; 190230701001218 with 1 location; and 190230701002111 with 8 locations. And CenturyLink is claiming in its June 2015 Form 477 Report that it provides broadband service to one (1) census block. The census block that have been excluded from receiving support based on CenturyLink’s Form 477 report is 190170045001010 with 5 locations.

There are at least two reasons why Readlyn, Dumont, and CenturyLink should not be considered qualified unsubsidized competitors in these census blocks. First and foremost, Readlyn, Dumont, and CenturyLink are ILECs and ETCs that receives High Cost support and the companies’ efforts to provide voice and broadband service at the minimum standards to census blocks in their own service areas is in furtherance of their own ETC obligations. Second, where ILECs share a boundary that separates each the carriers’ service area and a census block extends into both carriers’ service areas, the ILECs should not be viewed as qualifying unsubsidized competitors. Not only are the ILECs receiving subsidized support for providing service in their own service area but ILECs cannot compete in another ILECs’ service because they are prohibited from offering voice services in another ILECs service area.

To the extent that Readlyn’s Form 477 may indicate it is providing broadband service in a census block located well within Butler-Bremer’s service area, Butler-Bremer maintains this is simply an error. Further, since Readlyn is prohibited from offering voice service in another ILECs service area, even where the reported census block does not share a boundary, Readlyn cannot be considered a qualifying unsubsidized competitor. Accordingly, Butler-Bremer requests that the Bureau re-classify the aforementioned census blocks for Readlyn, Dumont, and CenturyLink as “unserved” so that they may be included in the model support calculations.

2. The OmniTel Census Blocks

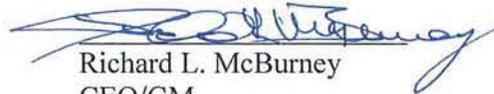
OmniTel is claiming that it provides broadband service to Twelve (12) census blocks. The census blocks that have been excluded from receiving support based on OmniTel's Form 477 report are 190230701002004 with 2 locations; 190230701002021 with 2 locations; 190230701002033 with 5 locations; 190230701002049 with 2 locations; 190230701002050 with 2 locations; 190230701002075 with 1 location; 190230701002076 with 2 locations; 190230701002077 with 8 locations; 190230701002087 with 2 locations; 190230701002090 with 1 location; 190230701002101 with 1 location; 190230703002078 with 2 locations; with 1 location; 190230701001188 with 3 locations; and 190230701001208 with 1 location.

Although OmniTel is a Competitive Local Exchange Carrier and not an ILEC, it should still not be considered qualified unsubsidized competitors in the above census blocks. First, OmniTel is operating as a CLEC in a Windstream ILEC area. Windstream shares a boundary that separates Windstream's service area and Butler-Bremer's service area, and the census blocks that OmniTel is reporting in the June 2015 Form 477 are census block that extend into both carriers' service areas. While OmniTel is competing with Windstream in Windstreams service area, OmniTel is not competing or providing broadband or voice service in Butler-Bremer's service area. (Attachment 2 – Affidavit). In fact, OmniTel's own website supports Butler-Bremer's assertions that OmniTel is not providing service in the Butler-Bremer's service area. According to OmniTel's website it provides voice service in Nora Springs, Rudd, Rockford, Marble Rock, Plymouth, Rockford, Greene, Rock Falls, Stacyville, St. Ansgar, Little Cedar, McIntire, Riceville, and New Haven, and none of these communities are within the service area of Butler-Bremer. (See Attachment 3 – Webpage and Attachment 2 - Affidavit). Accordingly, OmniTel should not be considered a qualifying unsubsidized competitor in Butler-Bremer's service area. As such, Butler-Bremer requests that the Bureau re-classify these census blocks as "unserved" so that they may be included in the model support calculations.

Butler-Bremer Mutual Telephone Company, based on the aforementioned discussion and supporting information attached, requests that the Bureau declare the census blocks identified in this challenge letter to be not served by a qualifying unsubsidized competitor, and requests that the census blocks be included in Butler-Bremer Mutual Telephone Company's support calculations for the voluntary ACAM Model that will be released sometime after this streamlined challenge process has been concluded.

If you have any questions or need additional information, please contact me.

Sincerely,



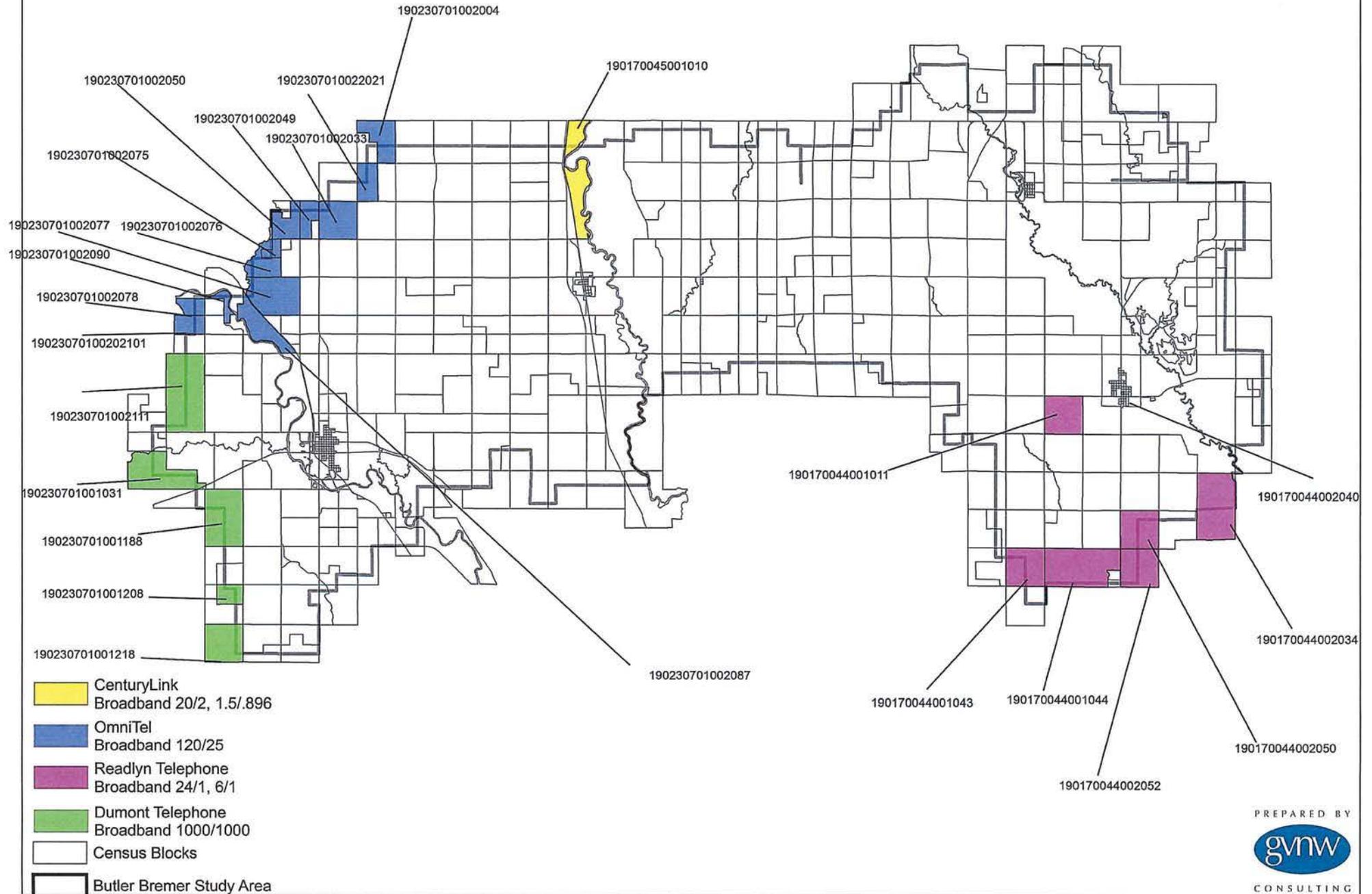
Richard L. McBurney
CEO/GM

Butler-Bremer Mutual Telephone Company

Census Blocks Butler-Bremer is Challenging**Attachment 1**

190170044001011	Readlyn Telephone	ROR
190170044001043	Readlyn Telephone	ROR
190170044001044	Readlyn Telephone	ROR
190170044002034	Readlyn Telephone	ROR
190170044002040	Readlyn Telephone	ROR
190170044002050	Readlyn Telephone	ROR
190170044002052	Readlyn Telephone	ROR
190170045003077	Readlyn Telephone	ROR
190170045001010	CenturyLink	ROR
190230701001031	Dumont Telephone	ROR
190230701001188	Dumont Telephone	ROR
190230701001208	Dumont Telephone	ROR
190230701001218	Dumont Telephone	ROR
190230701002111	Dumont Telephone	ROR
190230701002004	OmniTel	
190230701002021	OmniTel	
190230701002033	OmniTel	
190230701002049	OmniTel	
190230701002050	OmniTel	
190230701002075	OmniTel	
190230701002076	OmniTel	
190230701002077	OmniTel	
190230701002087	OmniTel	
190230701002090	OmniTel	
190230701002101	OmniTel	
190230703002078	OmniTel	

Bulter-Bremer Communications ACAM Challenged Census Blocks



STATE OF IOWA §
 §
COUNTY OF BREMER

AFFIDAVIT OF RICHARD L. MCBURNEY

BEFORE ME, the undersigned notary public, personally appeared Richard L. McBurney, who, being duly sworn upon his oath, stated as follows:

1. My name is Richard L. McBurney. I am over 21 years of age, of sound mind, have never been convicted of a felony, and am fully competent to make this Affidavit. I am CEO/President of Butler-Bremer Mutual Telephone Company and Shell Rock Communications (“Butler-Bremer” and “Shell Rock”), and each are Independent Local Exchange Carriers (“ILEC”). In my capacity as CEO/President of these Companies, I am responsible for all operational and financial aspects of the Companies. I have personal knowledge of the matters set forth in this Affidavit. The following statements of fact are true and correct.

2. I submit this Affidavit in support of the ACAM Model Competition Challenge Letter filed by Butler-Bremer and Shell Rock with the Commission relating to certain census blocks that have been excluded from the ACAM Model support calculations because these location have been presumed served by qualifying unsubsidized competitors.

3. For several years I have known Readlyn Telephone Company (“Readlyn”), Dumont Telephone Company (“Dumont”), and CenturyLink to be a neighboring ILECs that shares a service area boundary with either Butler-Bremer and/or Shell Rock. As an ILEC, Readlyn, Dumont, and CenturyLink have never competed with Butler-Bremer or Shell Rock in their service area by offering voice or broadband service to consumers.

4. I know that OmniTel is a Competitive Local Exchange Carrier and that they provide broadband and voice service in a neighboring Windstream ILEC service area. OmniTel does not provide broadband or voice service in Butler-Bremer’s service area.

5. According to OmniTel’s website it provides voice service in Nora Springs, Rudd, Rockford, Marble Rock, Plymouth, Rockford, Greene, Rock Falls, Stacyville, St. Ansgar, Little Cedar, McIntire, Riceville, and New Haven. None of these communities are within the service area of Butler-Bremer.

Further affidavit saith naught.


Richard L. McBurney

SWORN TO AND SUBSCRIBED BEFORE ME by the said Richard L. McBurney on this 29th day of April, 2016, to certify which, witness my hand and seal of office.

Andrea L Hansen
Notary Public, State of Iowa

Andrea L Hansen
(Printed or stamped name of notary)

My commission expires: 12/26/2018





SECURITY

Telephone | Long Distance | Frequently Asked Questions

BUNDLES

TECHNOLOGY CENTER

OmniTel's Traditional Telephone Service

About Us

Nobody knows phone service quite like OmniTel. As a local phone company with 100 years of experience, we've learned a few lessons from our customers over the years – about providing the best quality service with a personal touch and helping customers get the services they need at an affordable price. In addition to reliable phone service at a great price, OmniTel offers a wide range of calling features like Caller ID and Call Waiting. We even offer features that can screen out telemarketers or allow you to forward your home phone calls to your wireless phone!

Unlimited Calling

OmniTel defines "local calls" a bit differently than other telephone companies. With OmniTel, "local" means "within our network," and our network has 14 communities that are all considered local. For example, when a traditional OmniTel telephone customer in Nora Springs calls another traditional OmniTel telephone customer in St. Ansgar, the call is considered a "local" call, and there are no long distance toll charges.

That's right, there are no long distance toll charges for all calls within the following OmniTel Unlimited Local Calling Communities: Nora Springs, Rudd, Rockford, Marble Rock, Plymouth, Rockford, Greene, Rock Falls, Stacyville, St Ansgar, Little Cedar, McIntire, Riceville and New Haven.

