



April 28, 2016

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

Re: Shell Rock Communication's Challenge of ACAM Model for Certain Census Blocks
Excluded as Served by a Qualified Unsubsidized Competitor
Connect America Fund
WC Docket 10-90

Shell Rock Communications ("Shell Rock") (SAC – 351295) is an Independent Local Exchange Carrier ("ILEC") and a Broadband Internet Service Provider ("ISP") in Iowa. Shell Rock 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. Shell Rock 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

Shell Rock is challenging twenty-nine (5) 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. (Attachment 1 – Challenged Census Blocks). Dumont does not provide broadband or voice services in Shell Rock's service area. (Attachment 2 – Affidavit).



1. The Dumont Telephone Company Census Blocks

Dumont Telephone Company ("Dumont") is an Independent Local Exchange Carriers ("ILEC") and Eligible Telecommunications Carrier ("ETC") whose service areas abuts Shell Rock's service area.

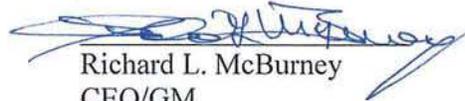
The census blocks claimed by Dumont in its June 2015 Form 477 Report that have been excluded from receiving ACAM model support are 190230701001218 with 4 locations; 190230701001224 with 2 locations; 190230701001225 with 1 location; 190230701001269 with 2 locations; and 190230701001275 with 10 locations. All of these census blocks shares a service area boundary with the service area of Shell Rock with the census blocks overlapping both ILECs' service areas.

There are at least two reasons why Dumont should not be considered qualified unsubsidized competitor in these census blocks. First and foremost, Dumont is an ILEC and ETC that receives High Cost support and the company's 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. Accordingly, Shell Rock requests that the Bureau re-classify the aforementioned census blocks for Dumont as "unserved" so that they may be included in the model support calculations.

Shell Rock Communications, 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 Shell Rock Communications' 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
Shell Rock Communications

Census Blocks Shell Rock Communications is challenging

190230701001218 Dumont Telephone

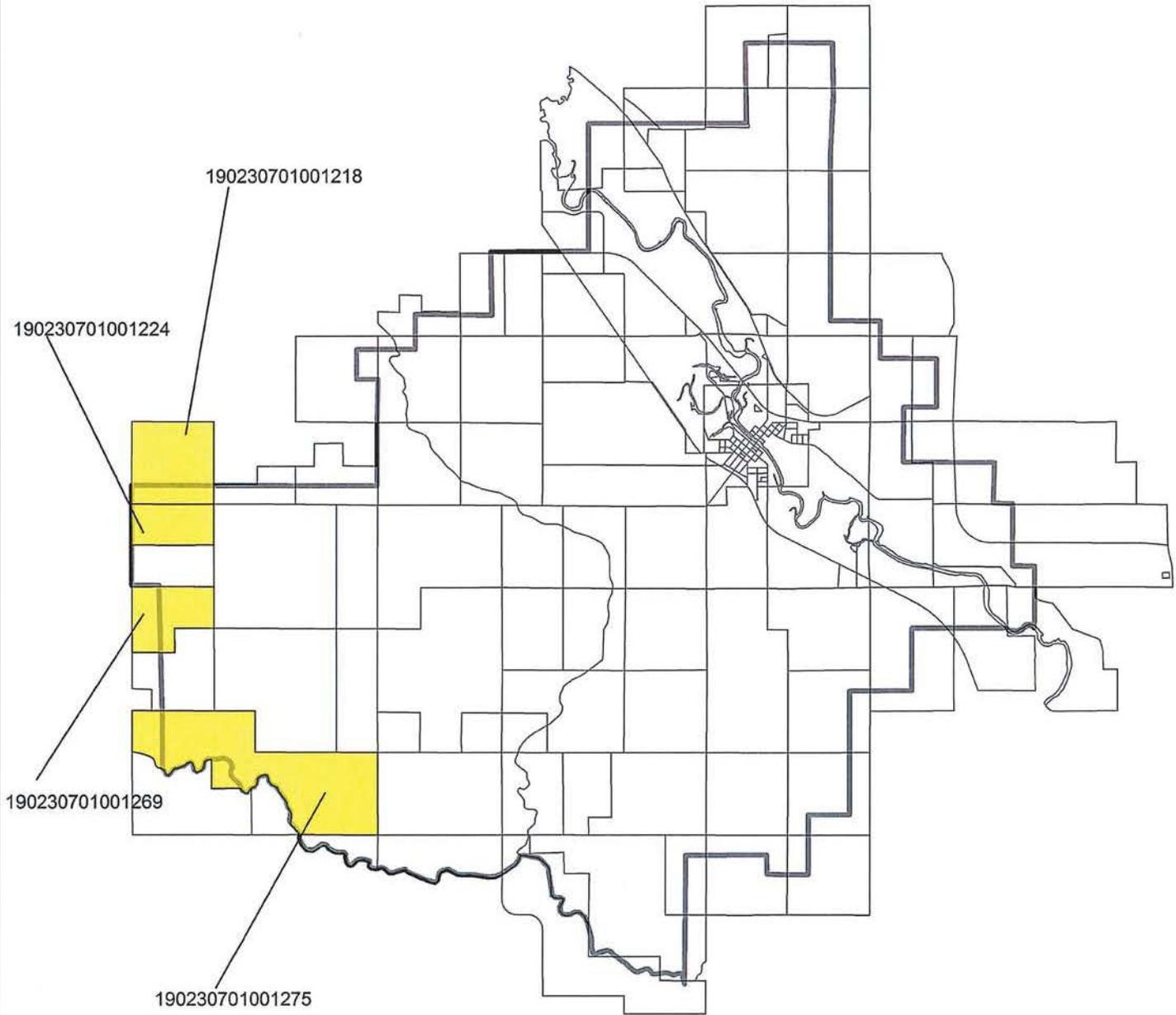
190230701001224 Dumont Telephone

190230701001225 Dumont Telephone

190230701001269 Dumont Telephone

190230701001275 Dumont Telephone

Shell Rock Telephone Company ACAM Challenged Census Blocks



-  Dumont Telephone Broadband 1000/1000
-  Census Blocks
-  Shell Rock Telephone Company Study Area

STATE OF IOWA

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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.

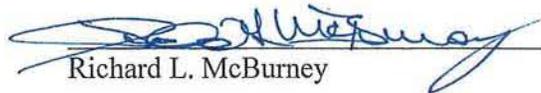
2. I submit this Affidavit in support of the ACAM Model Competition Challenge Letter filed by Butler-Bremer and Shell Rock with the Commission relating to certain census blocks that have been excluded from the ACAM Model support calculations because these location have been presumed served by qualifying 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 25th 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

