Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Development of Nationwide Broadband Data to	)	
Evaluate Reasonable and Timely Deployment of	)	WC Docket No. 07-38
Advanced Services to All Americans, Improvement	)	
of Wireless Broadband Subscribership Data, and	)	
Development of Data on Interconnected Voice over	)	
Internet Protocol (VoIP) Subscribership	)	

COMMENTS AND REPLY COMMENTS OF THE KENTUCKY MUNICIPAL UTILITIES ASSOCIATION, BARBOURVILLE UTILITY COMMISSION, BARDSTOWN MUNICIPAL UTILITIES, FRANKFORT PLANT BOARD, FRANKLIN ELECTRIC PLANT BOARD, GLASGOW ELECTRIC PLANT BOARD, HOPKINSVILLE ELECTRIC SYSTEM, MAYFIELD ELECTRIC AND WATER SYSTEM, MURRAY ELECTRIC SYSTEM, OWENSBORO MUNICIPAL UTILITIES, PADUCAH POWER SYSTEM, PRINCETON ELECTRIC PLANT BOARD, RUSSELLVILLE ELECTRIC PLANT BOARD, AND CITY OF WILLIAMSTOWN, KY

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RUSSELLVILLE ELECTRIC PLANT BOARD,
AND CITY OF WILLIAMSTOWN, KY

The Kentucky Municipal Utilities Association ("KMUA"), Barbourville Utility Commission, Bardstown Municipal Utilities, Frankfort Plant Board, Franklin Electric Plant Board, Glasgow Electric Plant Board, Hopkinsville Electric System, Mayfield Electric and Water System, Murray Electric System, Owensboro Municipal Utilities, Paducah Power System, Princeton Electric Plant Board, Russellville Electric Plant Board, and City of Williamstown, KY (collectively, "Kentucky Municipal Utilities"), submit these reply comments in response to the opening comments with respect to Part IV(B) of the Further Notice of Proposed Rulemaking

("*FNPRM*"), released June 12, 2008, in this proceeding, and opening comments in response to the balance of the *FNPRM*.

INTRODUCTION AND SUMMARY

As we note in Part I, many commenters agreed with our opening comments ("APPA Comments") that (1) the Commission should proceed with a granular broadband data collection and mapping program, (2) such a program must be verifiable and transparent and not controlled by private entities, such as Connected Nation ("CN") or ConnectKentucky ("CK"), and (3) underlying broadband deployment and mapping data should not be shielded by claims of confidentiality. Not surprisingly, CN and its industry allies disagreed, but as we show in Part II, their arguments do not withstand scrutiny.

In Part III, we address the claims made by CN in its July 11, 2008, *ex parte* letter[1] in this docket. Many of those claims are misleading, and some are simply untrue. Neither CN nor CK is nearly as transparent as CN claims, its underlying data is not available to the public and not independently verifiable, CN's board is in fact dominated by incumbent broadband provider interests, and many of CN's claims about the accuracy of CK's broadband mapping and the assistance it has allegedly provided to Kentucky municipal broadband service providers are incorrect.

[1] Letter to Chairman Martin from Brian Medford, CEO of CN, dated July 11, 2008 ("July 11 *ex parte*").

I. A DIVERSITY OF COMMENTERS AGREED THAT THE COMMISSION SHOULD PROCEED WITH A GRANULAR BROADBAND MAPPING PROGRAM, THAT THE PROGRAM MUST BE TRANSPARENT AND VERIFIABLE, AND THAT INDUSTRY'S CONFIDENTIALITY CONCERNS ARE EXAGGERATED.

Most commenters agreed with the *FNPRM*'s proposal to collected broadband availability data at the Census Tract level and to create a national broadband availability map.[2] As Consumers Union noted (at 9), "the Commission, as the expert agency," has unsurpassed "authority and efficiency" in broadband "availability-mapping" that "state-level mapping efforts" cannot match. CWA likewise noted (at 3) that "[w]ithout reliable, standardized national data, it is difficult to craft appropriate [broadband] policy solutions." Similarly, CPUC observed (at 3) that, while "various states in addition to California may be engaged in broadband mapping efforts," a "national broadband mapping program would . . . provide the uniformity necessary for making state-to-state comparisons."

Several commenters also agreed with our position in stressing the need to assure that broadband mapping is transparent and verifiable. BroadbandCensus.com correctly stressed (at 3) "the value of transparency, both as a means to oversee the government, and to provide consumers with recourse vis-à-vis their broadband carriers." NATOA (at 4) pointed to the same flaw as we in the CN/CK model: "it relies upon information voluntarily provided by self-interested providers." And the Kentucky PSC (at 20), much like our comments, persuasively argued that "[t]he accuracy and reliability of any mapping system is a function of the accuracy and reliability of the underlying data," and thus the "data must be readily verifiable and subject to independent scrutiny and analysis." That means the mapping system and the data on which it is based "should be transparent and open for public review and analysis" (*id.* at 3).

[2] *E.g.*, Consumers Union Comments at 2, 8-10, 13-20; CWA Comments at 3; CPUC Comments at 2-3; NATOA Comments at 1-8; Illinois Comments at 3-10; Kentucky PSC Comments at 3; ALA Comments at 2; New Jersey Comments at 4-9.

Otherwise, "the data can easily be misused or misconstrued to the detriment of the public interest being served" (*id.*). The Kentucky PSC went on to state what should be obvious: "Merely labeling an initiative as a public-private partnership does not ensure impartiality." *Id.*

A substantial number of commenters also agreed with us that the *FNPRM*'s tentative interest in protecting underlying broadband availability data from public disclosure was misguided.[3] Commenters noted that much of the data is already available at providers' websites and thus there is no reason not to make it more readily available, and aggregated across the nation, at a single source.[4] Furthermore, keeping the information confidential deprives both the public and other organizations of the information they need to obtain broadband service in the most cost-effective way possible and to seek recourse from providers or the government to overcome obstacles to obtaining that service.[5] And as the Kentucky PSC observed (at 4), public disclosure of the data provides the only effective "checks and balances" to verify the accuracy of the data.

In sum, the opening comments support the positions in our opening comments: The Commission should proceed with broadband deployment information gathering and mapping at the most granular level possible, the Commission's broadband data and mapping program should be transparent and verifiable, and underlying availability, speed and pricing data should not be shielded from public disclosure. *See* APPA Comments at 1-7.

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[3] *E.g.*, BroadbandCensus.com Comments at 6-10; Consumers Union Comments at 3, 8; NATOA Comments at 2, 7-9; Illinois Comments at 2, 10-11; Kentucky PSC at 4; ALA Comments at 2; New Jersey Comments at 13.
[4] *See* Consumers Union Comments at 3 & 8; New Jersey Comments at 13; NATOA Comments at 2.
[5] *See, e.g.*, ALA Comments at 2; BroadbandCensus.com Comments at 3; NATOA Comments at 7; Illinois Comments at 11.

II. CONNECTED NATION'S AND INDUSTRY'S EFFORTS TO LIMIT COMMISSION BROADBAND DATA COLLECTION AND TO LIMIT PUBLIC DISCLOSURE ARE MISGUIDED.

In both its July 14 *ex parte*[6] and its opening comments, CN was critical of the *FNPRM*'s proposed broadband mapping program, asserting that it would be inferior to the CN/CK mapping program, could undermine state support for programs like CN/CK, would impose additional burdens on broadband service providers, and lacks the confidentiality protections afforded by CN/CK's non-governmental, non-profit status.[7] CN proposes instead that the Commission serve only as a passive "clearinghouse" for data supplied to it by public-private partnerships like itself.[8]

As if on cue, industry largely took the same position as CN.[9] And some industry commenters went further, claiming that broadband service is already widely available and questioning whether there really is much of a need for broadband data gathering and mapping at all, except perhaps for areas where "the small minority of people lacking access to broadband" are.[10]

But CN's and industry's assertions do not withstand scrutiny.

A. The Claim That the CN/CK Data-Gathering and Mapping Model Is Superior to Any the Commission Could Devise Is Nothing But Self-Aggrandizing Say-So.

CN (at 3, 9-15, 23-31) expends considerable energy claiming that its broadband mapping program is superior to anything the Commission could devise and thus that the Commission

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[6] Attachment to July 14, 2008, letter to Marlene Dortch from Raquel Noriega ("July 14 CN *ex parte*").
[7] CN Comments at 24-40; July 14 CN *ex parte* at 2-8.
[8] CN Comments at 31-38.
[9] *See, e.g.*, CTIA Comments at 2-7; Verizon Comments at 5-12; Qwest Comments at 5; AT&T Comments at 2-12; Frontier Comments at 1-3; Sprint Comments at 2-5; Independent Telephone & Telecommunications Alliance Comments at 3-6; NCTA Comments at 3-7; U.S. Chamber of Commence Comments at 1-3.
As noted in Part III below, executives of several industry commenters – CTIA, Verizon, AT&T and NCTA, to name but a few – are board members of CN, so this synchronization in position should not be surprising.
[10] Verizon Comments at 2. *Accord* NCTA Comments at 2 ("broadband is nearly ubiquitous," and "the market is working to meet the needs of consumers").

should stay out of the matter, except to serve as a passive clearinghouse for state-level data supplied to it by organizations like CN/CK. Aside from their obviously self-serving and self-promoting nature, these claims suffer from serious factual and logical flaws.

At the most basic level, CN's assertions rest on a factual claim – that its mapping is superior to and more readily updated and updatable than anything the Commission could do – that is unproven, and unprovable by any objective, independent authority, because of the structural flaw pointed out in our opening comments: The underlying data, and CN/CK's synthesization of it, is inherently unverified and unverifiable. APPA Comments at 4-6. CN actually confirms this complete lack of transparency when it later tries to turn this vice into a virtue by touting the inherent confidentiality of CN's "legal construct": data is supplied by providers to a Section 501(c)(3) non-profit like itself, rather than the government. CN Comments at 9 & 12-13. The only "verification" and "accuracy" is the say-so of CN itself, because its "legal construct" renders it unanswerable to a government agency as a broadband provider regulatee would be, and to the checks and balances, due process and open records obligations of a government agency.

There are also questions about the accuracies of CN's claims about CK. As noted in Part III below, there are several individual instances of inaccuracies in CK's map. More generally, CN's claims about broadband adoption and availability in Kentucky (CN Comments at 6-7) appear inconsistent with NTIA and FCC data. According to NTIA, in 2007 Kentucky ranked 45th out of the 50 states and the District of Columbia in households with broadband access, with 40% of Kentucky households having such access.[11] That is an appreciably lower level of

[11] NTIA, "Networked Nation: Broadband in American 2007," at App. B, Table B-3 (Jan. 2008), *available at* http://www.ntia.doc.gov/reports/2008/NetworkedNationBroadbandinAmerica2007.pdf.

broadband availability, either in terms of homes passed (60%) or subscribership (44%), than CN reports (CN Comments at 6).

Likewise, CN's claims about the pace of broadband growth in Kentucky relative to other states "[s]ince 2005, when [CK] launched its mapping and demand-stimulation program" (CN Comments at 5-6) seem exaggerated. According to the FCC's most recent report on high-speed Internet access, Kentucky actually *dropped* from 27th to 29th among the states in terms of number of high-speed lines between June 2006 and 2007.[12] While the drop in Kentucky's ranking may or may not itself be significant, it is certainly at odds with the picture CN tries to convey in its comments.

Moreover, as Consumers Union points out (at 6-7 n.4), many of CN's claims about the percentage growth rate in broadband adoption in Kentucky are an artifact of the mathematical truism that "improvement by a subject with a low-performing metric almost always results in greater percentage gains when compared to improvement by a subject with a higher performing metric." In fact, Montana, which has no state mapping program at all, based on the CN/CK model or otherwise, showed a significantly greater percentage growth in broadband penetration than Kentucky in the same time period. *Id.*

We do not intend by these arguments to demean CK or its efforts. What we do mean to point out, however, is that (1) CN's representations about broadband growth in Kentucky are not verifiably accurate, and (2) there is nothing remotely suggesting even a correlation, much less any causation, between CK's efforts and broadband development in Kentucky. Again, that does not necessarily mean that CK's programs have no value or that Kentucky has not made strides in broadband deployment and penetration, but it does mean that CN's representations about CK's

[12] *See* Industry Analysis and Technology Division, Wireline Competition Bureau, "High-Speed Services of Internet Access: Status as of June 30, 2007," at Table 10 (FCC March 2008), *available at* http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-280906A1.pdf.

role in securing any such benefit in CN's comments here are both exaggerated and not based on any verifiable facts.

Equally misguided are CN's criticisms of any Commission mapping program being inherently more "static" and "inaccurate" than CN/CK's (CN Comments 25-31). In Part III, we note that CK's own map contains several inaccuracies that have remained uncorrected despite updated information available to it. Further, as Consumers Union notes (at 9-12), most state-level mapping programs are quite "static" themselves, suffering from file size, limited functions and lack of interactivity. These are data formatting and dissemination issues, the solution to which does not uniquely belong to CN/CK.

In fact, other than its "legal construct" to preserve provider confidentiality, CN points to nothing inherent in CN, as opposed to the Commission, that would make it superior to the Commission. For all practical purposes, CN claims that its advantage boils down to the fact that, collectively, each state (or its designee like CN) has more resources to devote to broadband mapping than the Commission. While that may be true, it does not lead to the conclusion CN seeks to draw. First, that shortcoming suggests no reason why a state, rather than a "legal construct" like CK, could not play the role of working with the Commission. Second, the resource problem could just as easily – and more transparently and verifiably – be resolved through contracts with private contractors that, unlike the CN/CK model, have built-in and enforceable accountability, oversight and public disclosure requirements. *See* APPA Comments at 6.

B. CN's Worry That A Commission Mapping Program Might Undermine CN/CK's Program Is Irrelevant and, In Any Event, Overstated.

Perhaps the most curious argument against an independent Commission mapping program that CN offers is that such an FCC program "might displace" programs like CK and

"could make funding for [such] programs difficult."[13] This argument suggests that CN either has remarkably little faith in the value of its model or has no confidence that the states that fund it will continue to see such value. It is difficult to see, however, how this self-preservation concern is one that should be of interest to the Commission.

Moreover, assuming that CN/CK's mapping and broadband stimulation programs genuinely do have value, an independent Commission mapping program should pose no threat to them. To the contrary, as the California PUC points out (at 12), a federal mapping program could supplement, rather than replace, state and public-private partnership mapping programs, with the federal program "provid[ing] base data upon which the states could add layers of data of particular interest to state policymakers." A federal mapping program would also "provide the uniformity necessary for making state-to-state comparisons" (*id.* at 3) and, we might add, enable federal and state broadband policymakers to make better informed decisions based on consistent and comparable data.[14]

Contrary to CN's assertion, the Commission's adoption of its own broadband mapping program would in no way prevent CN/CK from continuing to do what they are doing now. A Commission broadband data-gathering and mapping program would, however, provide the added, and vital, benefit of serving as an independent, and more open and verifiable, check on the accuracy of the inherently less-transparent mapping work of entities such as CN/CK. As for CN's concern that, if a federal mapping programming were implemented, states might be less inclined to fund CN/CK, that would only occur if states did not see that CN/CK provided

[13] CN Comments at 36. Some industry members, especially those holding memberships on CN's board, shared this concern. *See* Verizon Comments at 5 & 10-11; AT&T Comments at 1 & 6; NCTA Comments at 5-6.
[14] Strangely, CTIA (at 2) argues *against* "[s]tandarization of mapping information," apparently believing that federal and state policymakers, as well as broadband providers and the public, will be better off if they have only apples-and-oranges data that makes meaningful comparison and analysis impossible.

sufficient added value. But if that were true, that would be quite revealing in itself about CN/CK's alleged virtues.

C. Having A Single Grant-Receiving Entity Carry Out Both the Mapping Process and The Demand Stimulation Process Creates A Conflict of Interest.

CN also claims (at 23-24) that its performance of both mapping and broadband demand stimulation activities provides unique synergies that would be unavailable in a Commission mapping program. Even if that were true, however, CN overlooks that having a single private entity relying on government grants perform both mapping and demand stimulation activities also creates a troubling conflict of interest: To ensure it will continue to receive grants, the private entity has a powerful interest in having its mapping data show that its demand stimulation activities are effective. If the mapping data showed otherwise, the government might well decide that the entity's grants for demand stimulation activities were not a worthwhile expenditure. This is yet another inherent structural shortcoming of the CN/CK model that CN does not, and cannot, address or cure.

D. Industry's Complaint About The Burden of Providing Broadband Data Ring Hollow.

As one might expect, many industry members complain that furnishing the underlying data for a Commission mapping program would be burdensome.[15] And CN sees its model as a solution for this problem. CN Comments at 35.

The flaw in these claims is that they prove too much. The threshold policy question is whether, in order to make informed and sound broadband policy decisions, the Commission and other governmental policymaking bodies need accurate and complete data about the status of

[15] *E.g.*, Verizon Comments at 4 & 13-14; AT&T Comments at 1 & 4; CTIA Comments at 5-6; NCTA Comments at 6; ACA Comments at 1-6; Windstream Comments at 2; Hughes Network Systems Comments at 6; Frontier Comments at 3; Sprint Nextel Comments at 2-3.

broadband deployment and subscribership across the nation. If such data are needed (and we fully agree with the *FNPRM*'s tentative conclusion that it is), then some burden on providers is unavoidable. It is no answer to say, as CN (at 35) and some others do, that the burden could be lessened if the Commission were to rely instead on information supplied by private entities such as CN/CK, the underlying data of which and the synthesization of which by that entity are shielded from independent review, verification or enforceable sanction for inaccuracy. Unreliable and unverifiable information frustrates the entire purpose of the broadband mapping process, and could only lead to poor broadband policy decisions.

This is not to say that minimizing data collecting burdens on providers, especially small ones, is not a legitimate concern. But the solution is to tailor the broadband data reporting requirements that the Commission imposes accordingly, not to privatize the entire process, as occurs under the CN/CK model.

E. Data on Broadband Availability, Speeds and Price Should Be Made Public and Not Kept Confidential.

As noted above, numerous commenters argue that data generated by the Commission on broadband geographic availability, speeds and price should not be confidential, but be publicly available. CN and industry argued otherwise, but their arguments do not ring true.

By claiming that information about where a provider's broadband services are available, and at what speeds and at what prices, should not be available to the public, industry is essentially arguing that a market performs better with imperfect information. That is, to say the least, a peculiar notion. As NATOA points out (at 7), one of the fundamental assumptions underlying the proposition that competition maximizes consumer welfare is that "perfect information is required for perfect competition." Imperfect information, in contrast, results in market distortions and inefficient consumer decisions.

NCTA candidly admits (at 6), for example, that if information about broadband availability and the like were made public, "it undoubtedly would be used by competitors in developing their own strategies to compete with other broadband providers." The obvious question is: What is wrong with that? Wouldn't consumers benefit from the increased competition? Or is ignorance preferable?

We do not mean to suggest that certain types of information are not truly proprietary and should remain confidential. A firm's marketing plans, the precise location and specifications of some of its facilities, can and would receive protection under FOIA and similar state laws. But where a provider's service is available, and at what speeds and at what prices, is not truly proprietary at all. It is in fact available to the consumer or competitor who wishes to take the considerable time and expense to piece together the relevant information. All government collecting of that data and making it publicly available would do is to reduce those considerable transaction costs. And reducing transaction costs would be a very good thing, not a bad thing.

By privatizing data collection, the CN/CK model would lock in those transaction costs and make them permanent. It would also deprive policymakers like the Commission of the sunshine and verification that only public review and input on the data can provide.

F. CN's Proposal To Reduce The FCC To A Clearinghouse For CK-Type Data Is Dangerous.

CN (as well as some of its industry allies) proposes that rather than developing its own more granular broadband data gathering and mapping system, the Commission should instead serve only as some sort of passive "clearinghouse" for information furnished to it by "state and local public-private partnerships" like CN/CK.[16]

[16] CN Comments at 31. *Accord* Windstream Comments at 4; U.S. Chamber of Commerce Comments at 2-3; Verizon Comment at 5-11; AT&T Comments at 6-7; Frontier Comments at 1-4; NCTA Comments at 5-6.

This would merely expand to a nationwide level the inherent structural defects of the CN/CK model that the record has revealed.[17] It would mean that all broadband data would be non-transparently-generated and not independently verifiable. And it also would mean that there would be no meaningful checks and balances at all. (Given CN's expressed concern that an independent Commission mapping program poses a risk that states might defund CN/CK, CN's "clearinghouse" proposal would also have the remarkably convenient opposite effect of expanding and entrenching the funding of CN/CK.)

Privatized, unverifiable data is an unsound foundation on which to build federal broadband policy. Developing sound broadband policy is simply too important to our nation's future growth and success to privatize it.

III. CONNECTED NATION'S JULY 11 *EX PARTE* IS INACCURATE AND MISLEADING IN SEVERAL RESPECTS.

On July 11, CN submitted its lengthy July 11 *ex parte* seeking to rebut the contentions of the Kentucky Municipal Utilities' July 1 *ex parte* submission in this docket. In its July 11 *ex parte*, CN claims that our July 1 *ex parte*'s "critiques" of CN/CK are "wholly inaccurate." But as we now show, it is CN, not we, whose claims are not fully accurate.

A. Neither CN/CK, Nor the Data It Collects, Are Transparent, Accurate or Verifiable.

1. The Operation, Influences and Funding of CN/CK Are Opaque, Not Transparent.

At the outset, we note that CN/CK ignores the lack of transparency inherent in its structure as a private non-profit rather than a government agency or a regulatee subject to direct regulatory oversight. That it is a non-profit Section 501(c)(3) corporation does not change those facts.

[17] *See* APPA Comments at 1-7; Consumers Union Comments at 6-7 & n.4; Kentucky PSC Comments at 2-4; NATOA Comments at 4.

Moreover, Section 501(c)(3) corporations, and CN/CK in particular, are not nearly as "transparent" as CN suggests. In the case of both CN and CK, their websites (www.connectkentucky.org and www.connectednation.org, respectively) reveal little or no information at all about either organization's funding sources, nor do they disclose the composition and ties of their board of directors.

CK's website, however, does reveal its "partners," *see* http://www.connectkentucky.org/partners/, by posting logos of each at its website. In addition to several Kentucky state educational institutions and departments, among those partners are AT&T, KCTA (the Kentucky state version of NCTA), the Kentucky Telephone Association (the state version of USTA), the Kentucky Wireless Association (the state version of CTIA), and Windstream. It should be noted that AT&T, NCTA, CTIA and Windstream all filed comments supportive of CN/CK in this proceeding.

Although unrevealed by CN or CK at their websites, there is also another significant connection between CK's listed "partners" and the governance of CN itself. A search of the Kentucky Secretary of State's website reveals that Connected Nation, Inc., is a Kentucky corporation. More importantly, that website lists the members of CN's board of directors. *See* http://apps.sos.ky.gov/business/obdb/showentity.aspx?id=0510856+ct=09+cs= 99998 (last visited July 31, 2008). (A hard copy of the Kentucky Secretary of State website's listing of CN's board of directors and additional information is attached as Exhibit 1 hereto.)

CN has fifteen board members. Of those fifteen, three are CN officers. Among the remaining twelve are the following, along with their ties to industry:

James W. Cicconi	AT&T, Senior Executive Vice President – External and Legislative Affairs
Steve Largent	CTIA, President and CEO

Joseph Waz	Comcast, Vice President, External Affairs and Public Policy Counsel
Thomas Tauke	Verizon, Executive Vice President – Public Affairs, Policy and Communications
Walter B. McCormick	USTA, President and CEO
Kyle E. McSlarrow	NCTA, President and CEO
Larry Cohen	CWA, President
Grant Seiffert	TIA, President

It is interesting to note that several of these organizations with high-ranking executives on CN's board – AT&T, CTIA, Verizon, NCTA and CWA – filed comments in this proceeding strongly endorsing the privatized CN/CK data collection and mapping model, and endorsing CN/CK itself. It is also interesting to note that, together with the three CN board members who are CN officers, those eight industry members represent eleven of CN's fifteen board members. (Indeed, these eight industry board members by themselves constitute a majority of CN's board.)

CN/CK's sources of funding are also opaque. CN claims (July 11 *ex parte* at 4-5) that CN receives "the vast majority of its funding from public resources" and that "80% of [CK's] budget stems from public funds and 20% is donated by the private sector." But there is no publicly verifiable, transparent way either to confirm these claims or to determine what entities contributed how much, in both funds and in-kind services, to either CN or CK.[18]

[18] CN asserts (July 11 *ex parte* at 7) that because CK is a § 501(c)(3) non-profit corporation, there are mechanisms to ensure accountability as to how it uses its funds. But this assertion promises more than those mechanisms can bear. In a search for IRS non-profit filings, one would find neither CK nor CN. That's because the CN/CK entity's original name is the Center for Technology Enterprise, Inc. ("CITE"). CITE, however, has filed IRS Form 990s only for 2005 and 2006. There has since been a corporate reorganization, and CITE is now known as CN, with CK being a subsidiary of CN. CN, however, has sought and received an extension for filing its 2007 Form 990, and thus it is not yet available. *See* July 23, 2008, memorandum from R. Eric Mills, CN, to A. McKeeman and R. Desai, attached as Exhibit 2. (By the way, we wish to note that CN personnel were cordial and cooperative in responding to our requests.) In any event, IRS Form 990s do not provide the needed transparency: They do not reveal data on the identity of, and amount contributed by, individual donors.

CN's claim (July 11 *ex parte* at 5) that "there are no 'membership' fees" to CK is, while perhaps technically correct, also misleading. Instead of members, CK has corporate partners. The benefits of becoming a "partner" appear to be membership on CK's board and display of the partner's logo at the CK website. To become a partner, private entities, as well as municipal utilities and their associations, have to pay. In the case of MEPAK (KMUA's predecessor), the price was $20,000, as reflected on page 2 of the MEPAK board meeting minutes of MEPAK for April 23, 2004, October 22, 2004, and February 25, 2005, copies of which are attached hereto as Exhibit 3. We note that MEPAK's April 23, 2004, minutes report that a CK representative informed the MEPAK board that CK was recruiting board members who would be required to contribute $10,000 per year to CK for three years. The October 22, 2004, and February 25, 2005, MEPAK minutes indicate that the price for MEPAK membership on CK's board had increased to $20,000. (MEPAK ultimately declined CK board membership.)

Thus, from the sparse available information about CN and CK, the only conclusions that can be drawn are that CN's board is dominated by incumbent private sector broadband provider interests, those same interests support the CN/CK privatization model and see little need for an independent Commission broadband data-gathering and mapping program, and CN/CK is funded in part, but in unknown amounts, by those same industry interests.

The point is not to suggest that CN/CK has done anything improper. Rather, it is to contest CN/CK's assertion that it is transparent. It clearly is not. For purposes of ensuring a transparent and verifiable broadband data collection and mapping program on which sound broadband policy should be based, that would likely be true of any private entity, Section 501(c)(3) non-profit or not, that would perform those tasks, unless the entity were made subject to strict oversight, control and public transparency requirements by the Commission.

2. CK's Data Are Not Transparent.

CN also claims (July 11 *ex parte* at 2) that its data are transparent and verifiable. But that is simply not true. One need go no further than CN's own opening comments in this proceeding, which tout one of the supposed advantages of the CN/CK model as being its "legal construct" (CN Comments at 13) that enables broadband providers to shield their underlying broadband data from the government and the public, *id.* at 12-13 & 35. In other words, CN's representation in its July 11 *ex parte* that neither CN nor CK "shield[s] data" is flatly contradicted by its own subsequent opening comments in this proceeding.

Perhaps intentionally, CN/CK seeks in the July 11 *ex parte* to change the subject to whether its own output – the maps – is publicly available. But that misses the point. If, as is clearly the case, the underlying input data on which CN/CK's mapping output is based is shielded and thus unverifiable, then by definition any output based on that input data is non-transparent and unverifiable.

B. There Are Inaccuracies and Flaws in ConnectKentucky's Broadband Mapping.

While, for the reasons noted above, it is impossible to verify independently the accuracy of CK's broadband maps, there are, contrary to CK's claims, at least some identifiable flaws in those maps.

The Glasgow Electric Plant Board ("GEPB"), for instance, reports that it has been providing broadband services to its residents for well over a decade – long before the South Central Rural Telephone Company ("SCRTC") and Windstream ever provided lower-capacity DSL in the area. Yet to this day, CK's map shows only SCRTC and Windstream as providing broadband in Glasgow, not listing GEPB's much more longstanding, and more robust,

broadband offering at all. *See* July 17, 2008, letter to Annette DuPont-Ewing from William J. Ray, included in Exhibit 4 hereto.

The same story is true in the case of the Murray Electric System ("MES"). MES has been providing broadband service to Murray residents since 1998. CK's map, however, does not show MES as a broadband service provider in the area. Instead, it shows only AT&T and NextWave Communications. *See* July 23, 2008, letter to Annette DuPont-Ewing from Tony Thompson, included in Exhibit 4 hereto.

The City of Bardstown, Kentucky, operates a cable broadband system in Bardstown and neighboring parts of Nelson County. The City first launched broadband Internet access service in January 2000, over a year ahead of BellSouth's (now AT&T) first deployment of DSL service in April 2001. In 2007, Bardstown notified CK of an error in CK's map, which depicted incumbent cable operator (Insight) broadband coverage in an area that had no private sector cable service at all. *See* July 30, 2008, letter to Annette DuPont-Ewing from Mayor J. Richard Heaton and attachments, including in Exhibit 4 hereto.

Again, it is not our purpose to suggest that CK's, or any Commission, mapping process must be error-free. That's not possible. The evidence does suggest, however, that CN/CK's claims about the accuracy of its maps are overstated, and that there are structural and transparency problems in the CK/CN model that provide inadequate safeguards and checks to maximize accuracy and verification.

C. CN's Assertions About CK's Working with Municipal Utilities To Expand Their Networks Are Misleading.

CN claims that CK has "worked directly with at least ten municipal utilities/providers on expanding their networks." July 11 *ex parte* at 6. These claims are, to say the least, greatly exaggerated.

Attached as Exhibit 4 are letters from eleven KMUA members responding to the claims made in CN's July 11 *ex parte*. We urge the Commission to read them all carefully. Here, we provide a few key points.

Bowling Green Municipal Utilities ("BGMU") reports that it can think of no "meeting, conversation or activity ConnectKentucky may have performed that would have [had] any bearing on [BGMU's broadband network's] growth and success."[19] GEPB, Owensboro Municipal Utilities, the Barbourville Utility Commission, the Murray Electric System, the Hopkinsville Electric System, Henderson Municipal Power & Light, and the City of Bardstown report the same.[20]

The facts from Berea Municipal Utilities ("BMU"), the City of Williamstown, and the Frankfort Plant Board ("FPB") differ somewhat from the others, but not in the way CN's July 11 *ex parte* suggests.

In the case of BMU, it did in fact contract with a CK representatives for a pilot wireless project, but the "project was flawed from the outset and has since been abandoned." Among the contributors to the project's failure was the poorly-performing equipment CK's representative installed. *See* July 30, 2008, letter to Annette DuPont-Ewing from Donald Blackburn, included in Exhibit 4.

In the case of Williamstown, the city met with a CK representative in connection with a proposed wireless broadband project. CK representatives provided a list of the equipment that would be needed, but the equipment and the resulting system designed by someone CK

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[19] July 24, 2008, letter to Chairman Kevin Martin from Mark Iverson, included in Exhibit 4 hereto.

[20] *See* July 17, 2008, letter to Annette DuPont-Ewing from William Ray; July 24, 2008, letter to Annette DuPont-Ewing from Richard Chapman; July 28, 2008, letter to Annette DuPont-Ewing from Chris Brewer; July 23, 2008, letter to Annette DuPont-Ewing from Tony Thompson; July 18, 2008, letter to the FCC from Austin Carroll; July 22, 2008, letter to Annette DuPont-Ewing from Gary Quick; July 30, 2008, letter to Annette DuPont-Ewing from J. Richard Heaton; July 31, 2008, letter to Chairman Kevin Martin from Warner Caines, all included in Exhibit 4.

recommended to the city was lacking in certain basic respects, "and had it not been for the help of third parties, this project would have failed or at the very least worked after several setbacks and problems, possibly costing the City thousands of dollars." *See* July 31, 2008, letter to Annette DuPont-Ewing from Roy Osborne, included in Exhibit 4.

In the case of FPB, it approved the upgrade of its pre-existing municipal cable and telecommunications network to a full service broadband network ("FSN") in 1997 and completed the upgrade in 2003. Since the inception of FPB's FSN project in 1996 through July 31, 2008, CK "neither participated in this process nor were they contacted by anyone affiliated with FPB." CK provided no "assistance with the expansion of FPB's network." FPB personnel have met with CK representatives occasionally over the past three years, and at the request of CK representatives, FPB agreed to allow engineers recommended by CK to do survey work for possible wireless broadband service in a portion of northern Franklin County, but those engineers came to the same conclusion that FPB had already reached a year earlier: Due to terrain and other factors, it was not financially feasible for FPB to pursue a wireless project in the area. *See* July 31, 2008, letter to Chairman Kevin Martin from Warner Caines, included in Exhibit 4.

In short, CN's claim that CK "has worked directly with at least ten municipal utilities providers on expanding their networks" (July 11 *ex parte* at 6) is, at best, an exaggeration.

CONCLUSION

The Kentucky Municipal Utilities strongly support the *FNPRM*'s proposal that the Commission develop a granular nationwide broadband reporting and mapping program. Such a program should not, however, be privatized under the CN/CK model, nor should the Commission become a mere clearinghouse for data and mapping generated by entities such as CN/CK. We also urge the Commission not to restrict the public availability of data concerning broadband geographic availability, speeds and prices.

Respectfully submitted,

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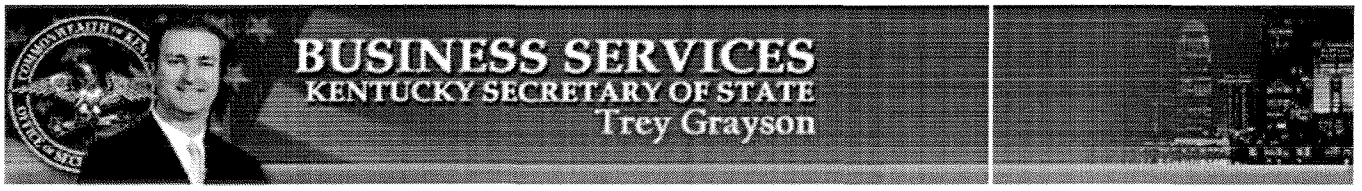
August 1, 2008

EXHIBIT 1



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File Amended Annual Report | Print Amended Annual Report | Statement of Change of Reg. Agent/Office (PDF) | Statement of Change of Principal Office (PDF)

Printable Version of this page

Organization Number	0510856
Name	CONNECTED NATION, INC.
Profit or Non-Profit	N - Non-profit
Company Type	KCO - Kentucky Corporation
Status	A - Active
Standing	G - Good
State	KY
File Date	2/19/2001
Organization Date	2/19/2001
Last Annual Report	5/23/2008
Principal Office	1020 College Street P.O. Box 3448 BOWLING GREEN, KY 42102-3448
Registered Agent	BRIAN R. MEFFORD 1020 COLLEGE STREET P.O. BOX 3448 BOWLING GREEN, KY 42102-3448

Current Officers

Chairman	Brian Russell Mefford
CEO	Brian Russell Mefford
Secretary	Ronald Eric Mills
Treasurer	Bernice Ann Bogle
Director	Brian Russell Mefford
Director	Mark K McElroy

Director	Ronald Eric Mills
Director	James W. Cicconi
Director	Steve Largent
Director	Joseph W. Waz
Director	John E. Davies
Director	Doug Robinson
Director	Wendy Lazarus
Director	Larry Cohen
Director	Thomas J. Tauke
Director	Harry Herington
Director	Walter B. McCormick
Director	Kyle E. McSlarrow
Director	Grant Seiffert
COO	Mark K. McElroy

Incorporators and Initial Directors

Incorporator	CHARLES E. ENGLISH, JR.
Director	ANN MEAD
Director	DAN CHERRY
Director	DON VITALE
Director	BOB JEFFERSON

Assumed Names	**Status**
ECOMMUNITY STRATEGIES	Active
CENTER FOR TECHNOLOGY ENTERPRISE	Active
CONNECT KENTUCKY	Inactive
CITE	Active

Previous Names

CENTER FOR TECHNOLOGY ENTERPRISE, INC.

Images Available Online

Documents filed with the Office of the Secretary of State on September 15, 2004 or thereafter are available as scanned images or PDF documents. Documents filed prior to September 15, 2004 will become available as the images are created.

5/23/2008	2 pages	PDF		Annual Report Amendment
2/4/2008	2 pages	PDF		Annual Report
7/19/2007	1 page	tiff	PDF	Certificate of Withdrawal of Assumed Name
7/16/2007	1 page	PDF		Annual Report Amendment

6/27/2007	3 pages	tiff	PDF	Articles of Merger
2/8/2007	1 page	tiff	PDF	Certificate of Assumed Name
1/2/2007	1 page	PDF		Annual Report
6/20/2006	1 page	tiff	PDF	Name Renewal
5/1/2006	8 pages	tiff	PDF	Amended and Restated Articles
3/17/2006	1 page	PDF		Annual Report
11/8/2005	1 page	tiff	PDF	Statement of Change
5/10/2005	1 page	PDF		Annual Report
7/13/2004	1 page	tiff	PDF	Certificate of Assumed Name
7/13/2004	1 page	tiff	PDF	Certificate of Assumed Name

Certificates Available

Nonprofit Domestic Certificate of Existence

Certificate of Registered Agent (Domestic and Foreign)

Click on a certificate title to purchase it. Certificates are $10.00, payable by credit card or prepaid account. They are stored and returned as PDF documents. You must have Adobe PDF Reader to print the document.

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EXHIBIT 2

CONNECTED NATION

WWW.CONNECTEDNATION.ORG

444 NORTH CAPITOL ST
SUITE 224
WASHINGTON, DC 20001

1-877-846-7710

MEMORANDUM

To: Alanna McKeeman and Rita Desai, Spiegel & McDiarmid

From: R. Eric Mills, General Counsel

Date: July 23, 2008

Subject: Open Records Request

Please find enclosed a copy of the tax documents that you requested on July 23, 2008. The 2006 Form 990 Information Return is in the name of the Center for Technology Enterprise, Inc., as this was the legal name of the corporation also known as ConnectKentucky at that time. Please note for privacy purposes, personal addresses have been omitted from the return. The Form 1023 Application for Exemption was filed in the name of Center for Information Technology Enterprise back in 2001.

In 2007, the non-profit corporation formerly known as the Center for Technology Enterprise underwent a restructuring to better accommodate national expansion and is now known as Connected Nation. The IRS has approved this name change as you will find on the enclosed documentation. ConnectKentucky is a single-member LLC subsidiary of the parent Connected Nation, Inc. eCommunity Strategies is an assumed name of this subsidiary in Kentucky. Please take note that the 2007 tax documents have not yet been completed nor filed, pursuant to an automatically approved request for extension of time from the IRS, so they are not yet available.

Finally, the Connected Nation Development Corporation, Inc., with an assumed named in Kentucky of the ConnectKentucky Development Corporation, was just recently incorporated in April of 2008. As such, no Form 990 Information Return has yet been filed, nor has an application for exemption yet been filed.

Thank you for your interest in our organization.

EXHIBIT 3

Board of Directors of the Municipal Electric Power Association of Kentucky

Quarterly Meeting, April 23, 2004
Mammoth Cave National Park
Park City, Kentucky

Minutes for Board Meeting

Members Present
Tony Thompson, President, Murray
Ron Herd, Secretary/Treasurer, Corbin
Doug Beckham, IOU Representative, Williamstown
Jeff Garner, Generating Utility Representative, Henderson
Chris Brewer, Barbourville
Warner Caines, Frankfort
Dave Clark, Paducah
Bob Hunzinger, Owensboro
Larry Miller, Bowling Green
Teresa Newman, Bowling Green
Billy Ray, Glasgow
Richard Shaw, Hopkinsville
Larry Wilcutt, Russellville
Randell Young, Barbourville

Others Present
Jeff Herbert, Herbert, Herbert and Pack
Libby Marshall, Executive Director
Tom Trauger, Spiegel & McDiarmid
Brown Thornton, R.W. Beck

The MEPAK Board of Directors met on April 23, 2004 at Mammoth Cave National Park for the regularly scheduled quarterly meeting. President Tony Thompson welcomed members and guests.

The minutes of the February meeting were approved with two corrections requested by Doug Beckham: that Williamstown Utility Company be changed to Williamstown City Utility and that Doug Beckham be correctly noted as the IOU representative to the board rather than the KU representative. The motion was made by Billy Ray and seconded by Doug Beckham.

The financial report was reviewed by Ron Herd and approved on a motion by Doug Beckham.

The board discussed the maintenance plan for the MEPAK office in Frankfort. The board directed that priority be given to replacing the roof and gutters and directed Libby Marshall to continue to request estimates for these improvements.

John Higgins, Vice President and Director, Consulting Group, of the Center for Information Technology and Enterprise, (CITE) made a presentation to the board on CITE's work on technology infrastructure development. Mr. Higgins explained that CITE is a public-private partnership that is supported by *connectkentucky* funds and grants from private and public sponsors represented on the board of CITE.

Mr. Higgins is responsible for the Rural Broadband Initiative which has three phases: create a strategic plan, develop telecommunications infrastructure and stimulate demand. CITE has three ongoing projects with the Monticello Electric Plant Board in Wayne County, in Hardin County and in Mason, Fleming and Greenup Counties. CITE assists local communities in obtaining Rural Utilities Services loans and other funding and in developing the plan for providing service to the area.

The Rural Broadband Initiative is in the early stages of recruiting board members who will serve with a contribution of $10,000 per year for three years beginning July 1, 2004. Discussion followed about the size of the contribution necessary to participate with CITE and Mr. Higgins said that he would pursue discussions at CITE about offering opportunities for participation at lower contribution levels.

CITE has been given a state grant to improve business performance through the use of technology, allowing CITE to offer training at a reduced cost in the use of technology to improve business performance. He offered examples of training that might be applicable to municipal electric systems, such as tracking training hours and courses for all employees working toward particular certifications required for their position.

Billy Ray presented his ideas on creating a purchasing alliance to augment savings to MEPAK members in purchasing for their systems. He identified three challenges to the municipal utilities in finding the best price for products and services: small size, lack of product standardization, and loyalty to products and suppliers. He has learned that suppliers do not want to reveal the price being charged to different systems. He offered that a beginning point might be to share information on price paid for all products purchased by each system. This could be shared using the MEPAK website. Over time, systems might grow toward standardization once managers see a predominance of use, satisfaction and favorable pricing on particular products.

Warner Caines offered the possibility of one system purchasing for others, enabling the systems to take advantage of quantity. Libby Marshall said that she had contacted Bob Kirk, former purchasing director with Owensboro Municipal Utilities and now retired, who has expressed an interest in discussing involvement in the purchasing alliance.

Jeff Garner asked about whether the requirements of a public bid are met if a system purchases based on another system's bid. Tony Thompson asked if anyone had been

challenged on purchasing. Doug Beckham said that Williamstown had been challenged. Jeff Herbert responded that bidding is to protect the citizen and not the purchaser.

Bill Ray offered to develop an itemization of information needed from each system so that standardized information is being compared. Dave Clark suggested that it would be important to gather all of the purchasing directors together for their ideas to ensure their support in its success. Bob Hunzinger said the OMU makes an annual bid that could result in significant savings to systems if purchasing were to be combined at this time.

On a motion by Bill Ray and seconded by Dave Clark, the board directed Libby Marshall to solicit a proposal from Bob Kirk to develop a purchasing inventory to be designed by MEPAK members.

Several items on the agenda were postponed due to the absence of John Humphries. Libby Marshall is to check about whether SPCC plans developed by TVPPA can be shared with associate members and costs that may be involved.

Teresa Newman gave the report for the Telecommunications Committee that met at the MEPAK office on April 13, 2004. She said that Motorola presented a report on wireless technology. OMU reported that 2,000 wireless customers are now being served and OMU has recently made an agreement with the local RECC. Tony Thompson requested managers to give support for the telecommunications meetings.

The board continued discussion of maintenance to the MEPAK office and other budget proposals in the tentative budget presented for FY 2004-05. On a motion by Larry Wilcutt and seconded by Doug Beckham, the board authorized the executive committee to spend up to $30,000 to get necessary repairs to the MEPAK office roof and gutters.

Libby Marshall discussed a budget proposal to launch a year long campaign to elevate the public identity of municipal power systems with the audience being both the public and policy makers. She raised concerns about the leanings of the current administration toward privately owned utilities and the vulnerability of municipal systems in the telecommunications area as a result of the recent U.S. Supreme Court decision letting stand state laws that limit municipal service in telephone. She referenced the political plan included in the MEPAK board material and said that the campaign would be one phase of a series of recommendations to expand MEPAK political influence. She said that she would ask for proposals from various public relations firms, individuals, if the board approved.

In the course of this discussion, Dave Clark raised the idea of hiring a highly connected, inside lobbyist for limited issues when MEPAK members need such services. Libby Marshall said that she would pursue proposals from such lobbying firms, but noted that the firms with the largest PACs had been hired by BellSouth.

Jeff Herbert reviewed earlier discussions within MEPAK about managers and board members making political contributions to candidates for legislative office. He offered the opinion that MEPAK members need to become more active in this way. Libby Marshall said

that she is unable to contribute directly to candidates for legislative office because she is a registered lobbyist and must distance herself from this endeavor. She suggested that a manager be put in charge of this work in each election cycle who would work with managers to support candidates who had shown loyalty to municipal system issues.

The board gave approval to the tentative budget for FY 2004-05 with the understanding that changes will be presented at the July meeting, on a motion by Billy Ray and seconded by Jeff Garner.

Tony Thompson noted that the current officers' terms expire this year. He said that the practice of the slate of officers is for everyone to advance. He nominated Doug Beckham to fill the position of Secretary/Treasurer. Ron Herd will move to Vice President and Larry Musick will move to President.

Doug Beckham reported that Williamstown is ready to get into Internet services and is issuing the necessary bids. Warner Caines said that Frankfort supplied wireless to the Capitol Annex for laptop use during the legislative session and expects to expand wireless availability.

The next meeting of the MEPAK Board of Directors will be July 22 and 23, 2004 at the Marriott Griffin Gate Resort in Lexington.

With no further business, the meeting was adjourned.

Minutes
MEPAK Board Meeting
October 22, 2004

Members Present:
Larry Musick, President
Ron Herd, Vice President
Jim Asbury, Madisonville
Jeff Garner, Henderson
John Humphries, Princeton
Sarah Botkin, Berea
Chris Brewer, Barbourville
Warner Caines, Frankfort
Austin Carroll, Hopkinsville
Gray Cassity, Benton
Dave Clark, Paducah
Bob Hunzinger, Owensboro
Jeff Mills, Bardstown
David Moss, Fulton
William Ray, Glasgow
David Richardson, Murray
Bobby Simpson, Bardstown
Brian Skelton, Bowling Green
Tony Thompson, Murray
Larry Wilcutt, Russellville

Others Present:
Tom Trauger, Spiegel & McDiarmid
Brown Thornton, R. W. Beck
Libby Marshall, Executive Director

The October quarterly meeting of the MEPAK Board of Directors was held on October 22, 2004 at Kentucky Dam Village State Resort Park. The meeting was called to order by President Larry Musick. He introduced Brian Skelton, new manager for Bowling Green Municipal Utilities, and David Richardson, Murray Electric System, chairman of the Telecommunications Committee.

The minutes from the July 22, 2004 annual meeting were approved on a motion by Tony Thompson and seconded by John Humphries. The financial report was given by Libby Marshall in the absence of Doug Beckham, Secretary/Treasurer. She reported a balance as of October 18, 2004 of $238,869.74. In response to a question about the improvements to the MEPAK office building, she reported that the roof and copper guttering had been installed with a significant improvement to the appearance of the building, but touch up painting is still needed. She also reported that there is the appearance of a slight bow in the building where the concrete driveway may be exerting

pressure on the building. The roofer will investigate this as soon as possible. She also reported that the upstairs apartment/office has not yet been rented.

David Richardson was asked to give the report of the Telecommunications Committee from the meeting on September 29 at Bowling Green Municipal Utilities. He updated the board on the departure of Phillip Coleman to teach at Western Kentucky University. Phillip was formerly with Owensboro Municipal Utilities and chairman of the Telecommunications Committee. Wade England of Glasgow Electric Plant Board will be vice chair of the committee. David Richardson said that each system has been asked to prepare a short summary of telecommunications services being offered and of current issues to provide an overview for the MEPAK Board. Having a meeting at which both managers and the telecommunications committee could attend was discussed. David Richardson said that the October and April meeting are preferred.

The board moved into a discussion of MEPAK involvement in the development of the broadband plan for the state being undertaken by CITE as the staff for ConnectKentucky. The members of the board agreed that MEPAK needed to be involved in the planning and in any opportunity to receive federal and state funding that may be available for expanding broadband in Kentucky. Tony Thompson moved that MEPAK pay up to $20,000.00 to participate as a partner on the CITE board. Jeff Garner seconded the motion. It was passed unanimously by the board.

The board then discussed who would attend the quarterly meetings of the CITE Steering Committee. Libby Marshall suggested that it be someone from one of the systems who has an in-depth technical knowledge such as Ed Hancock with Frankfort Electric Plant Board and that she would attend as an observer for the political perspective. Jeff Mills moved that Ed Hancock and Libby Marshall attend the CITE meetings. It was agreed that Ed Hancock should answer directly to the board.

Larry Wilcutt was asked to give an update on the Russellville litigation. He said that the litigation had been submitted to the judge and that the end was in sight. He thanked MEPAK members for agreeing to file an amicus brief in the litigation and noted that the MEPAK brief had been accepted by the court. The TVPPA brief had not been accepted by the judge who recognized that he had made an error in considering the TVPPA brief, but did not feel it was necessary to reconsider his decision as the issues were covered in other pleadings.

Bob Hunzinger gave an update on the litigation with Kentucky Utilities. The case has been moved to federal court at the request of KU. A question submitted to FERC regarding the backup issue had been ruled by FERC to be strictly a contract issue. Trial is expected next summer.

Larry Musick requested that Warner Caines give an overview to MEPAK members who did not attend the presentation by representatives of Peabody Energy on the Thoroughbred Generation Plant. Warner Caines noted that the presentation made clear that the future of power supply for both TVA systems and those supplied by IOU's is

more volatile than it has been in the past and can be expected to be more costly than in the past.

Brown Thornton with R.W. Beck confirmed the future cost indicators presented by Jacob Williams of Peabody Energy: reduction in baseload plants as the cost for environmental compliance makes older units too costly to retrofit, increased costs in transportation of coal, prices tied to the price of gas. He noted that big units such as Thoroughbred are hard for the market to "digest" because they are so costly in the construction.

John Humphries pointed out that the transmission grid in Kentucky is insufficient. He noted that transmission is an issue for several of the systems that would want to consider alternative sources of power and that consideration needs to be given to upgrading the grid through grants or other means.

Larry Musick referred further discussion of power supply to the Power Supply Committee. Bob Hunzinger said that the committee could take a look at the situation but that the decision about power supply is a local one with each system. He pointed out that IMPA had expressed an interest in the Thoroughbred Plant and that Illinois had formed a group separate from IMEA to look at generation.

John Humphries said that MEPAK may not be able to address the generation question as a group because all of the members were not in the same position with respect to the immediacy of their power supply concerns. He said that the TVA rate increase had to be addressed by the TVA systems.

Tony Thompson asked if MEPAK could draft a summary of where the municipal systems are on the power supply question. He said that transmission is a threshold question and that studies had been done in the past that could be researched.

Bob Hunzinger asked that MEPAK set up a conference call for the members of the Power Supply Committee to discuss the next steps in this matter. Several suggestions were made to further the discussion. John Humphries suggested that there be an identification of common needs. Tony Thompson suggested that those interested should continue to work together. Billy Ray said that studies are not needed because the systems know where they are and the problems they are facing. John Humphries suggested that MEPAK talk with AMP of Ohio and the Illinois group; the Illinois group is using IMPA as a management consultant and AMP of Ohio is consultant to the West Virginia municipals. Brian Skelton said that Peabody should be asked: what is the drop dead date for inclusion in the Thoroughbred Plant?

Larry Musick asked that Libby Marshall give the director's report. Abbreviating this report, she asked whether managers would be interested in attending TAPS meetings that are held throughout the country, noting that TAPS meetings are an assembly of other managers with whom MEPAK members would enjoy being involved. Bob Hunzinger responded that he believed that she should attend the TAPS meetings because of the time constraints for managers and should attend the APPA legislative rally as well. It was

agreed that when she must make decisions about priorities, priority should be given to those matters of interest to MEPAK members for which no other organization, such as APPA or TAPS, will represent MEPAK interests.

Libby Marshall introduced the topic of personally employing her son for work at the MEPAK office and at the legislature. She summarized prior discussions with the MEPAK executive committee that had centered primarily on protecting MEPAK from liability. Larry Musick reported that Jeff Herbert had found no problems with the proposal. He requested that the board go into executive session for discussion on this topic and on the salary of the executive director.

Following the executive session, the board continued a discussion of audits being conducted by the Department of Revenue pertaining to the collection of sales tax. It was reported that a residential classification does not require the collecting of sales tax while commercial classifications do.

Libby Marshall proceeded to review proposals for MEPAK legislation and to make recommendations on those proposals. She recommended that MEPAK support the interests of Nicholasville to seek an amendment in Chapter 58 that would authorize municipal utilities created under that chapter to issue bonds. She recommended that no action be taken on the definition of native load that excludes municipals as a priority in the event of constraints on the system because she is still involved in discussions with the PSC as to the effect of this statute. She recommended that no action be taken on the legislation to authorize the prepurchase of power unless she is able to submit the language in the budget bill or through a late amendment to avoid risking that KRS Chapter 96 could be amended through the legislative process.

Discussion ensued on who would oppose the amendment to Chapter 58. Libby Marshall responded that she did not think that there would be opposition from the usual opponents on this amendment and could not see a public interest for the limitation on bonding authority. On a motion by John Humphries and seconded by Austin Carroll, the board agreed to support an amendment to Chapter 58 allowing bonding for municipal utilities created under the chapter.

Warner Caines said that he had learned that an expected push will occur in the next legislative session for all municipals to go under the state health insurance program if retirees participate in the state retirement system. Austin Carroll said that it will be extremely difficult to fight inclusion in the state plan. Jeff Mills said that an update on the health insurance benefits of the MEPAK members is needed. Libby Marshall noted that an update on the wage and benefit survey was included on the meeting agenda and that she will send this request to all systems.

John Humphries asked Tom Trauger whether there had been a recent court decision about railroad right of way fees. Tom Trauger replied that he did not know whether there had been a recent case.

The dates of the next meeting were announced by President Musick as February 24 and 25, with dinner at the Holly Hill Inn on Thursday, February 24 and the MEPAK Board meeting on Friday, February 25.

With no further business, the meeting was adjourned.

MEPAK Board Meeting
February 25, 2005
Frankfort, KY

Members Present:
Larry Musick, President, Franklin
Ron Herd, Vice President, Corbin
Doug Beckham, Secretary/Treasurer, Williamstown
Donald Blackburn, Berea
Sarah Botkin, Berea
Chris Brewer, Barbourville
Warner Caines, Frankfort
Tom Calkins, Nicholasville
Bob Hunzinger, Owensboro
Jeff Mills, Bardstown
David Moss, Fulton
Teresa Newman, Bowling Green
Bobby Simpson, Bardstown
Brian Skelton, Bowling Green
Randy Stone, Berea
Randell Young, Barbourville
Larry Wilcutt, Russellville

Guests and Staff:
Jeff Herbert, Herbert, Herbert & Pack
Brown Thornton, R.W. Beck
Tom Trauger, Spiegel & McDiarmid
Charlie Winter, Kentucky Emergency Management Agency
Camille Crain, Kentucky Emergency Management Agency
Brenda Hill, Kentucky Emergency Management Agency
Libby Marshall, MEPAK Executive Director

Larry Musick, President, convened the meeting. Introductions were made of staff from the Kentucky Emergency Management Agency (KEMA), Mr. Charlie Winter, Brenda Hill, and Camille Crain who discussed mutual aid agreements and the grant programs available through KEMA. Mr. Winter emphasized several points: FEMA is reimbursing only for temporary or emergency work, not permanent work; the state mutual aid agreement does not permit reimbursement for the first twelve hours of work; and FEMA does not recognize aid within the same community. Mr. Winter suggested that MEPAK members establish rates for use of specific items of equipment because FEMA may reimburse on higher rates if there is a historical use of these rates. He also suggested that fuel and maintenance be included in the rate of reimbursement.

Ms. Hill and Ms. Crain discussed two grant programs, the Public Assistance Program and the Hazard Mitigation Program. The Public Assistance Program provides

grant assistance for disaster damaged publicly owned facilities. The Hazard Mitigation Program provides grants for prevention of damage to known disaster prone areas. Distinctions between the programs are that the Public Assistance Program does not require a showing of past storm damage and can offer grant funding for either structural or non-structural repairs. Larry Musick asked Libby Marshall to develop an outline of the KEMA material on mutual aid agreements after the legislative session.

Corrections were made to the minutes of the October 2004 board meeting. Tom Trauger requested that his response to the question about a recent case on railroad right of way fees be changed to reflect his answer that he did not know whether there had been a recent case.

Doug Beckham gave the financial report, reporting that the overall total of MEPAK assets are $196,486.15. Libby Marshall reported that an addition to the budget had been made by the Executive Committee to pay Bob Ferdon, attorney, $15,000.00 for his work updating the joint action legislation that he had originally drafted in 1986 and for his representation of MEPAK interests to City of Louisville. Discussion ensued on the potential sale of LGE/KU. The financial report was approved.

In conjunction with the financial report, Libby Marshall noted that she had not sent the $20,000.00 payment to CITE, ConnectKentucky, for membership as the board had approved at the October meeting. She explained that she had not been able to resolve questions of full compliance with the open meetings and open records law. More recently, she had received reports that CITE was acting almost entirely as a clearinghouse for projects for the large telecommunications companies. After considerable discussion, Larry Wilcutt moved and Bobby Simpson seconded, a motion to rescind the decision to join CITE, ConnectKentucky.

Libby Marshall gave an update on the legislative session and specific bills of interest to MEPAK. She reported that the MEPAK website had a trial of purchasing information for comparison purposes available with the password, membersonly2. She recommended using the word "poles" to begin accessing data.

She reported on the newly formed Kentucky Association of Telecommunications Officers and Advisors and recommended that MEPAK have a role in this new organization of cities with an interest in telecommunications issues. She asked if there would be support for MEPAK taking a larger role in conveying information to other cities about becoming a provider of telecommunications services and referred to information in the notebooks on the Georgia Public Telecommunications Network. It was recommended that MEPAK pursue opportunities to expand the knowledge of city officials about providing telecommunications services.

Larry Musick asked whether non-TVA systems are using the training programs offered by TVPPA. Several managers said that they are using the lineman training program of TVPPA. It was decided that associate membership in TVPPA should be continued to receive the benefits of accessing training at TVPPA member costs plus

$500.00 per year. It was also suggested that TVPPA should be asked to be an associate member of MEPAK and that MEPAK should consider increasing the costs of being an associate. Jeff Mills suggested that associate members be introduced and recognized at dinners.

With no other business, the meeting was adjourned.

EXHIBIT 4

ELECTRIC • WATER • WASTEWATER • FIBER OPTICS

BOWLING GREEN MUNICIPAL UTILITIES

801 CENTER STREET
P.O. BOX 10300
BOWLING GREEN, KENTUCKY 42102-7300
(270) 782-1200
FAX (270) 782-4320
www.bgmu.com

July 24, 2008

Chairman Kevin J. Martin
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: WC Docket 07-38 (Broadband Data Collection)

Dear Chairman Martin,

This letter is in response to the Notice of Ex Parte Communication and the related letter attached to said Notice dated July 11, 2008, from Connected Nation in regard to the above-referenced proceeding. More specifically, page 6 of the July 11th letter from Connected Nation claims certain work provided to Bowling Green Municipal Utilities, and this letter is in direct response to that claim.

The General Services Division of Bowling Green Municipal Utilities (The Division) was created by Municipal Order 2001-5, dated February 20, 2001, for the express purpose of engaging in activities to benefit the general welfare of the citizens of the City. Since its inception, the Division has installed a state-of-the-art, commercial-grade fiber optic network consisting of over 200 miles of fiber optic cable and a network operations center. The Division's network is engineered for functionality and stability, with redundant OC3 Internet connectivity with two separate national carriers. In addition to commercial-grade Internet connectivity, the Division offers its business and governmental clients dark fiber lease options, lighted fiber connectivity (V-LAN and other high-speed data services), VOIP telephone service for businesses, and controlled-environment cage and/or rack co-location rental for clients' primary or back-up network servers.

The Division's customers include many of Bowling Green's large commercial and governmental institutions, including the City of Bowling Green, Western Kentucky University, Fruit of the Loom, Houchens Industries, WKU's Center for Research and Development, among others. In fact, the capabilities of the Division's fiber network enhanced the City's recently installed wireless mesh network for use by its police and fire departments and the City's downtown traffic light coordination project.

The Division's growth and success is a direct result of the many hours of planning, designing and constructing the network. In addition, attention to customer needs – before and after "the sale" – has won over our customers' IT departments. Measuring these efforts against ConnectKentucky's claims to have worked directly to expand our network is very confusing. We have tried to think what meeting, conversation or activity ConnectKentucky may have performed that would have any bearing on the Division's growth and success. We could think of no such activity – not by any stretch of the imagination – that would suggest that ConnectKentucky had anything to do with the Division's growth and success. We suspect it is exactly the lack of any tangible or intangible work that supports Connected Nation's comment, "....at no charge to the local government."

We appreciate the opportunity to present to the Commission our response to Connected Nation's claim. At the heart of our complaint are the negative feelings associated with some other entity taking credit for, or claiming involvement in, the work and efforts of others. It is for the Commission to decide what motivation that entity has for such claims. If you or the other members of the Commission have any questions regarding this response, please feel free to contact me by phone at 270-782-4338, or e-mail at miverson@bgmu.com.

Sincerely,

BOWLING GREEN MUNICIPAL UTILITIES

Mark Iverson
General Manager

cc: Commissioner Michael J. Copps
Commissioner Jonathan S. Adelstein
Commissioner Deborah Taylor Tate
Commissioner Robert M. McDowell

Local people. Local service. Local people. Local service. Local people. Local service. Local people. Local service. Local people. Local service.

July 24, 2008

Annette C. Dupont-Ewing
Executive Director
Municipal Electric Power Association of Kentucky and
Muncipal Water and Wastewater Association of Kentucky
110 A East Todd Street
Frankfort, KY 40601

Dear Annette:

Owensboro Municipal Utilities (OMU) began to offer commercial telecom services with its existing fiber optic system in 1998. In 2002, OMU determined that high speed and affordable internet was not available to residential customers in Owensboro and began to deploy a commercial wireless internet system. OMU presently provides over 2,800 residential and commercial customers with telecommunication services.

In the past ten years of providing quality data and internet services to our customers, OMU has never received assistance from Connect Kentucky. Moreover, OMU does not anticipate any need for assistance or support from Connect Kentucky in the future.

Respectfully,

Richard H. Chapman
Director, Engineering and Operations

Owensboro Municipal Utilities • P.O. Box 806 • Owensboro, KY 42302-0806 • 270-926-3200 • www.omu.org

EPB
Bringing Glasgow the Future... *Faster!*
100 Mallory Dr. - P.O. Box 1809 - Glasgow, KY 42142-1809
(270) 651-8341 - Fax (270) 651-7572 - epb@glasgow-ky.com

July 17, 2008

Annette C. Dupont-Ewing
Executive Director
Municipal Electric Power Association of Kentucky and
Municipal Water and Wastewater Association of Kentucky
110 A. East Todd Street
Frankfort, KY 40601

Dear Annette:

This letter is written in response to Brian Mefford's July 11, 2008, letter to FCC Chairman Kevin J. Martin and to clarify the facts relative to Connect Kentucky's influence over, and mapping of, the municipally owned broadband network in Glasgow and Barren County, Kentucky. Connect Kentucky had nothing whatsoever to do with our network and, as evidenced by their failure to note it on any of their maps, still have nothing to do with it.

The City of Glasgow, through its wholly owned utility - Glasgow Electric Plant Board, decided to build a broadband network to every home and business in the city back in 1987. The network construction began in 1988 and it continues today. The network carries electric utility telemetry, cable television, LAN/WAN, high speed internet access, telephony, and other data services. It even synchronizes the traffic signals throughout the city of 15,000 people. This network was conceived, designed, and financed by the people of Glasgow. It did not require a single tax dollar. It was built without access to a ubiquitous map of broadband in the state. It did not require the advice of "experts" from the likes of Connect Kentucky. Further, Glasgow has nothing special going for it and any city in any state could do precisely the same thing. It does require a little leadership and vision, but those qualities do not flow from Connect Kentucky or Connected Nation.

One of the most troubling claims by Connect Kentucky is that the mapping data, paid for, according to them, mostly with public money put up by the taxpayers of the Commonwealth of Kentucky, is accurate, "verified and continuously updated." Using the links to this, supposedly, thoroughly scrubbed data provided in Brian Mefford's letter, one finds that the City of Glasgow seems to only get broadband from DSL providers like South Central Rural Telephone Company and Windstream (both are members of one of the groups which Connect Kentucky lists as a member), even though Glasgow

Electric Plant Board was providing faster broadband services many years before either telephone company provided DSL. It is not at all clear what the people of Kentucky got for the millions they paid Connect Kentucky for mapping. One can search Google.com with the terms "broadband" "kentucky" "Glasgow" and get more than two hundred thousand results, many of which are about our broadband project in Glasgow, yet Connect Kentucky has never even heard of us and we are not listed on their mapping which we helped to fund through our taxes. We find this curious.

In summary, Glasgow, Kentucky is often lauded as one of the most "wired" communities in North America and Connect Kentucky had precisely nothing to do with it. In fact, it was done long before the idea of creating Connect Kentucky and funding it at the public trough was even hatched. Glasgow's project has been replicated many times now all across the United States, but none of those projects owe their success to Connect Kentucky.

Respectfully,

William J. Ray, P.E.
Superintendent

Barbourville Utility Commission

Serving Barbourville Since 1938

July 28, 2008

Annette C. Dupont-Ewing
Executive Director
Kentucky Municipal Utilities Association
110 A. East Todd Street
Frankfort, KY 40601

Dear Annette:

I am writing this letter in response to Brian Mefford's July 11, 2008, letter to FCC Chairman Kevin J. Martin.

The Barbourville Utility Commission is a Municipally owned utility serving the City of Barbourville as well as Knox County since 1938. We currently provide Electric, Water, Wastewater; Cable Television and Broadband Internet to this very rural Eastern Kentucky County.

We have been providing Internet service to Knox County since 1996 when we became the very first local ISP in Southeast Kentucky. In 1998, the Barbourville Utility Commission began offering High-Speed Internet service via cable modems. We were the first community in Eastern Kentucky to provide this service and only the third community in Kentucky. In 2000, the City of Barbourville was recognized by Yahoo Internet Life Magazine as one of the "Most Wired Cities in America".

The reason that the Barbourville Utility Commission began offering Internet service was because of Union College's need for connectivity and the lack of any private company willing to come to Barbourville and provide it. The local phone company was not at all interested in providing the college or the community with Internet. However after the Utility Commission had invested substantial amounts of capital and manpower the phone company finally decided to provide DSL, although it was just seven years after we started.

P. O. Box 1600
202 Daniel Boone Drive
Barbourville, KY 40906
(606) 546-3187
Fax (606) 546-4848

I have personally attended several of the Connect Kentucky community meeting and from my experience; they were a complete waste of time. The CK representative never presented any ideas or plans on how to either generate more subscribers or how to expand our service to areas not currently served.

Currently nearly 45% of the subscribers to the Barbourville Utility Commission's cable television service take some sort of broadband Internet. This is a county were less than half of the residence have graduated high school. If you look at CK's Broadband Adoption Map and look at Knox County in particular, you will see that Knox County has the highest adoption rate of any county in Southeast Kentucky. I believe that this is due to the Barbourville Utility Commission's work in providing very affordable Internet service long before any other provider and before Connect Kentucky.

As you can see, Connect Kentucky has had absolutely nothing to do with the success of Broadband in Barbourville and Knox County.

If you have any questions or need any additional information, please don't hesitate to contact me.

Sincerely,

Chris Brewer, P.E.
Assistant Superintendent

ELECTRIC POWER & TELECOMMUNICATIONS

MURRAY ELECTRIC SYSTEM

P. O. Box 1095 • 401 Olive Street • Murray, Kentucky 42071
Phone: (270) 762-1704 • Fax: (270) 753-6494

Tony Thompson
General Manager

tthompson@murray-ky.net

July 23, 2008

Annette C. Dupont-Ewing, Executive Director
Municipal Electric Power Association of Kentucky
110 A. East Todd St.
Frankfort, KY 40601

Dear Annette:

In response to Brian Mefford's letter to July 11, 2008, letter to FCC Chairman Martin, I would like to offer Murray's insight into Connect Kentucky's impact on broadband deployment and the veracity of any "accurate maps" that might reside on the CK website.

The City of Murray, similar to our sister cities of Glasgow, Barbourville, Frankfort, Bardstown, and others launched a fully functional broadband system through its wholly owned utility, Murray Electric System, in 1998. Through this system, a majority of our citizens take services for cable television, high speed internet, telephony, and other high tech services from MES.

I vaguely recall that at some point in our project, we received a visit from a representative of Connect Kentucky. I similarly remember a seminar being hosted at Murray State University, that touted the beginnings of the Connect Kentucky initiative. At that point, I remember waving it off as a political strategy of Bellsouth, offering nothing to our project.

Recently the claims of Connect Kentucky in being a "visionary" organization, mostly responsible for pushing broadband into the far reaches of the state have caught my attention. Interestingly, when I visited the CK website, Murray Electric System was nowhere to be found as being a provider of broadband services to our community. Instead I found AT&T, and NewWave communications, a relative newcomer to Kentucky cable service as being the providers of such services to Calloway County.

Murray Electric System and its customers have built its system without any help or input from Connect Kentucky. We would have been happy to have received some of their funding, or expertise, but was never offered either, and continue to be overlooked by them in our end of the state.

Sincerely,

Tony Thompson, General Manager

HOPKINSVILLE ELECTRIC SYSTEM

P.O. Box 728 • 1820 East Ninth Street
Hopkinsville, Kentucky 42241-0728
(270) 887-4210 • FAX (270) 887-4214

"Serving You Better Electrically"

AUSTIN B. CARROLL
General Manager
acarroll@hop-electric.com

July 18, 2008

Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Sir/Madam:

I am surprised to learn that Connect Kentucky (CK) claims they assisted Hopkinsville Electric System/EnergyNet Services (HES) to expand our network or offered any assistance to HES. CK has not provided any help to HES.

HES built a fiber network in Hopkinsville in 1998 to improve communications for our electric substations. In 1999, HES determined that affordable internet connectivity did not exist in Hopkinsville. The average cost for a T-1 (1.5 meg) internet connection was $3,000 per month. HES was able to provide the same service for $350.00 per month. Therefore, HES offered connectivity to businesses, government and the Christian County School System since no other providers offered affordable bandwidth in our area. When the school system could not find an affordable provider, HES built an additional 50 miles of fiber to provide connectivity to all the schools in the county.

Since the advent of EnergyNet, other providers have entered the market. Even with these other providers, not all residents in Hopkinsville had access to broadband. HES recently constructed a wireless network that covers Hopkinsville and we are now expanding the wireless to include the county. In time, this wireless service will be available to all but the most remote residents of Christian County.

While the cost of Internet has dropped, HES realized our community still pays more than larger cities. That puts Hopkinsville at a disadvantage when competing in the global economy. Consequently, HES just completed construction of fiber transmission lines to the nearest POP's. In other cities, this connectivity will lower our costs for bandwidth and make Hopkinsville an attractive location for technology companies.

Looking back at the past 10 years of growth and service to Hopkinsville and Christian County and cannot point to an instance where CK provided or offered assistance.

Sincerely,

Austin B. Carroll

HMP&L HENDERSON MUNICIPAL POWER & LIGHT

July 22, 2008

Annette DuPont-Ewing
Executive Director
Municipal Electric Power Association of KY
110 A. East Todd Street
Frankfort, KY 40601

Dear Annette:

ConnectKentucky does not have a business relationship with Henderson Municipal Power & Light or our Communications Department. ConnectKentucky was not involved in the deployment of our broadband services for the citizens of Henderson, Kentucky.

We did have discussions with ConnectKentucky during the first couple of months of 2006, but those discussions were related to questions presented by ConnectKentucky. We responded to their questions and provided them with information concerning the locations of our wireless base sites, direction of antennas, and design data for the antennas.

Sincerely,

Gary Quick
General Manager

100 FIFTH STREET P.O. BOX 8 HENDERSON, KENTUCKY 42419-0008 (270) 826-2726 FAX (270) 826-9650

BEREA MUNICIPAL UTILITIES
P.O. BOX 926
BEREA, KENTUCKY 40403
(859) 986-4391
FAX (859) 986-5884

July 30, 2008

Annette C. Dupont-Ewing
Executive Director
Kentucky Municipal Utilities Association
110 A. East Todd Street
Frankfort, KY 40601

Dear Ms. Dupont-Ewing:

It is quite shocking to see that Connect Kentucky is claiming a successful wireless network project for the City of Berea, Kentucky. Berea did, in fact, contract with a Connect Kentucky representative for a pilot project that was flawed from the onset and has since been abandoned.

Berea has several craft shows and festivals throughout the year. As a pilot project, Berea wanted to provide wireless internet service to some areas in town where festival vendors could connect to the internet, thus allowing them to also display their web sites. Berea interviewed different suppliers and chose the sales pitch of the Connect Kentucky rep. Equipment was ordered and the Connect Kentucky rep was contracted to install. One installation worked most of the time, one was intermittent at best, and the third was never able to make a connection. While Berea was evaluating how to proceed, lightning fried the transmitter that had been installed on the water tower. That ended Berea's adventure into the world of wireless internet and our relationship with Connect Kentucky.

If Mr. Mefford is claiming Berea as one of its success stories, I would invite him to come to Berea and explain the "success" to the Mayor and City Council. Then maybe Mayor Connelly might feel better about the money that had been spent.

Please relay the true Berea story to FCC Chairman Kevin J. Martin.

Thanks for your attention,

Donald D. Blackburn
Utilities Manager

C: Mayor Steven Connelly

CITY OF WILLIAMSTOWN

400 NORTH MAIN STREET
P.O. BOX 147
WILLIAMSTOWN, KENTUCKY 41097

(859) 824-6351 – Mayor's Office
(859) 824-3633 – City Clerk's Office
(859) 824-6320 – Fascimile

Glenn V. Caldwell, Mayor
Douglas Beckham, City Administrator
Vivian Link, City Clerk/Treasurer

CITY COUNCIL MEMBERS:
Kim Crupper
Edward Gabbert
William Hutchison
Robert Perry
Rick Skinner
Stanley Woodyard

July 31, 2008

Ms. Annette Dupont-Ewing
Kentucky Municipality Utility Association
110 A East Todd Street
Frankfort, KY 40601

Dear Annette:

As for the City of Williamstown and regarding ConnectKentucky (CK), we cannot say that they did not work with us. Here is how our experience progressed:

In June 2006, the City of Williamstown was approached by a company to design a Wireless High Speed Internet service to cover areas of Grant County. After performing their study, they presented the City with an estimated price tag of $250,000.00. In October of 2006, representatives of CK met with us. I don't know who contacted who; Mayor Caldwell may recall that detail. The City of Williamstown gathered the coordinates of various water towers in the community and their height. This information was sent to a gentleman CK contracted. He returned to us a propagation study with an estimated price to launch a wireless service of around 160,000.00 as I recall. CK wrote an RFP for the City that would include the equipment we would need to run such a service.

After the project began, we found that the system they designed was inadequate and had it not been for the help of third parties, this project would have failed or at the very least worked after several setbacks and problems, possibly costing the City thousands of dollars.

In closing, we cannot say they never worked with us at all. They did give us a list of the equipment we would need to run a wireless system. The list did not include details such as antenna polarity. Someone I would recommend that you talk to is Bill Osborne, with the City of Carrolton. I met with Bill and the Mayor of Carrolton. They were approached by CK about wireless service for their area. CK pushed for private industry to launch a service off of their water towers but The City of Carrolton wanted to look at the feasibility of them operating the service as a municipality. I put them in touch with one of our third party sources and they preformed their own study. The third party had several concerns about the study CK had

preformed for Carrolton. I don't know if they decided to proceed or not with the wireless service but give him a call and just ask how his experience was with CK.

If I can be of any other help, please let me know.

Very Respectfully,

Roy W. Osborne

ROY OSBORNE
Assistant Superintendent
CALEA Compliance Manager

OLD KENTUCKY HOME DOORWAY

City of Bardstown

J. RICHARD HEATON, MAYOR
220 N. 5TH ST.
BARDSTOWN, KENTUCKY 40004
TEL. NO. 877/348-5947
FAX. NO. 502/348-2433

ART TREASURES IN ST. JOSEPH CATHEDRAL

July 30, 2008

Annette C. Dupont-Ewing, Executive Director
Kentucky Municipal Utilities Association,
Municipal Electric Power Association of Kentucky and
Municipal Water and Wastewater Association of Kentucky
110 A. East Todd Street
Frankfort, KY 40601

Dear Annette,

I am writing to respond the Brian Mefford's letter dated July 11, 2008 to FCC Chairman Martin regarding Connected Nation particularly as it relates to our experiences with ConnectKentucky.

As a municipal cable operator since 1985, with expansions into Nelson County since 1987, the City of Bardstown today operates a modern cable plant with 2-way cable modem service. We first launched cable modem service in January of 2000 over a year ahead of BellSouth's April 2001 deployment of DSL service.

I recall our staff participating in the mapping and e-Community Leadership Team process, in part to give the process a chance and particularly to find out if any grant funds were available for further deployment of our existing broadband infrastructure. We inquired several times about the availability of grant funds, but we never got a straightforward answer from our Connect Kentucky contacts. Please find attached an example of such an unanswered request in the form of an e-mail exchange between one of our engineers and Connect Kentucky staff.

Also attached is another message in which we were disappointed to hear that the Connect Kentucky initiative was not ready or designed to address infrastructure issues. We found this curious as most of the issues related to the lack of broadband availability are directly related to a lack of the supporting infrastructure. In one last attachment, a screen shot from yesterday, it was pointed out to me that on the forum set up for Nelson County's e-Leadership Team, the only posts ever made were apparently those by someone at Connect Kentucky after an initial team meeting. Given the depth and breadth of the local Nelson Countians listed on Connect Kentucky's website, http://www.connectkentucky.org/NR/rdonlyres/456D78FE-7505-4169-8BCC-D338ECA3A2C8/0/3_NELSON_COUNTY_LEADERSHIP_TEAM.pdf, this Nelson County forum certainly does not appear to be a demonstration of an active, vibrant e-Community. That is certainly not the case and perhaps one should draw their own conclusion when considering Connect Kentucky's claims of the level of local participation. Perhaps Mr. Mefford would give Chairman Martin a login to these same forums so he could judge for himself.

We began to realize that Connect Kentucky really did not have anything new or significant to offer our community that we either had not already considered or was already under development or deployment. That begs the question: What did Connect Kentucky really do for Nelson County? At this point, our answer would have to be very little. They certainly did not play a role in our deployment of broadband over our cable system.

We remain ready and willing to participate in any initiative that will allow us, as a municipal broadband provider, to participate in a meaningful way in expanding broadband coverage within our community.

Sincerely,

J. Richard Heaton, Mayor
City of Bardstown, KY

Jm/JRH

Attachments

Jeff Mills

From: Cutler, Sage (CONNKY) [scutler@connectky.org]
nt: Tuesday, April 10, 2007 10:34 AM
J: jmills@bardstowncable.net
Cc: Mefford, Joe (CONNKY)
Subject: FW: Nelson - cable map

Jeff,

Here is the response from Joe Mefford our statewide director.
Hope this helps.

Sage

From: Mefford, Joe (CONNKY)
Sent: Tuesday, April 10, 2007 9:21 AM
To: Cutler, Sage (CONNKY); Jjmills@bardstowncable.net
Subject: RE: Nelson - cable map

Insight is the cable company identified in the area you identify. They are in the process of providing us new information that will correct these errors. Thanks for your email.

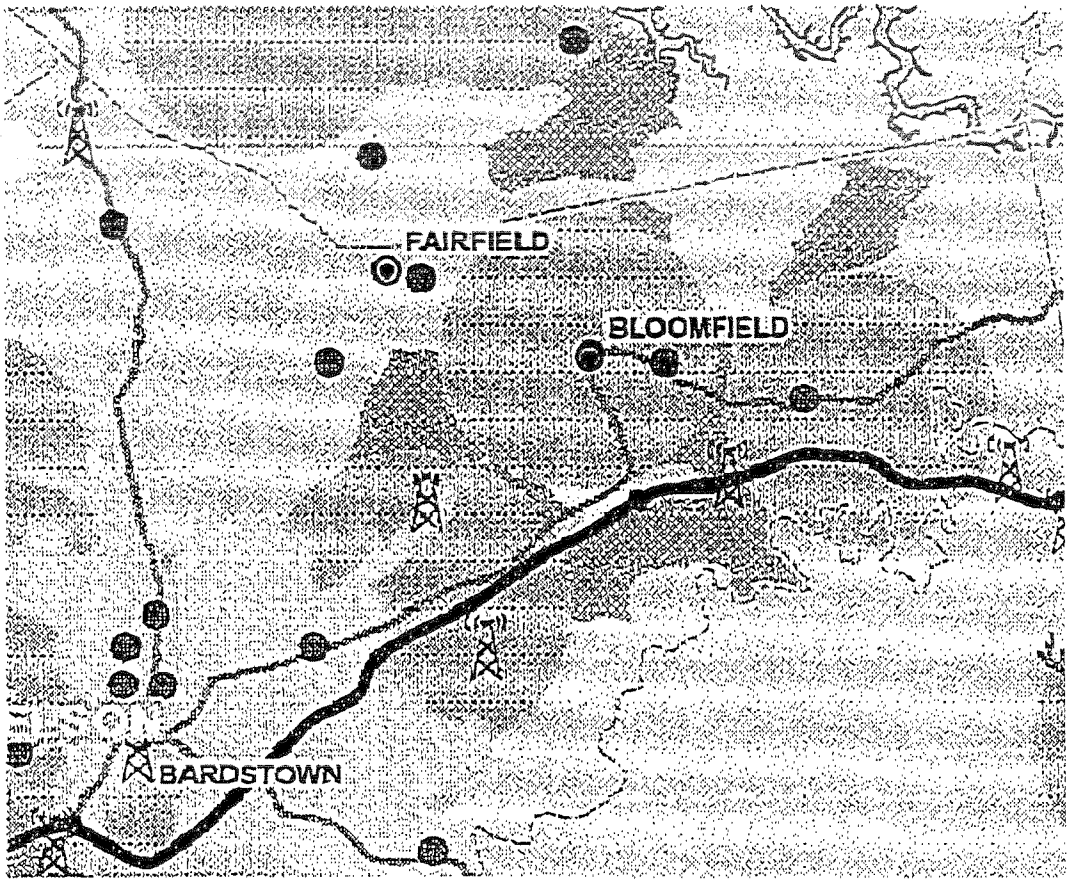
Sage,

.ı the broadband inventory map excerpt below (for Nelson County), I'm curious about the pink "cable broadband areas" southwest of Bloomfield. That's in our cable/internet franchise area (the municipal yellow) and there is no cable service at all in that spot (between the town LEC circles of Bloomfield and east Bardstown, north of the Bluegrass Parkway. Who would I need to contact that to get it corrected?

Also, what is the status of/process for obtaining grant funds through ConnectKentucky and how might the City of Bardstown participate/influence same?

Thanks,

Jeffrey C. Mills, P.E.
City Electrical Engineer
City of Bardstown, KY
502-348-5947 (office)
502-249-1037 (mobile)
502-348-2433 (fax)
jmills@bardstowncable.net



From: Cutler, Sage (CONNKY) [mailto:scutler@connectky.org]
Sent: Friday, December 15, 2006 4:12 PM
To: Cutler, Sage (CONNKY)
Subject: Connect Nelson County - December recap

Team,

It was exciting to review some of the key accomplishments in 2006, including several enhancements to the Chamber website, 200 more businesses now using email than last year, Google maps for local businesses with links to various websites, web pages available for small business via COC, online video clips for economic development, online P&Z ordinances and city ordinances, and new computer class offerings by Adult Education.

Our next eCommunity Leadership Team meeting is scheduled for **Thursday April 12th at 2pm** at the **Welcome Center** in Bardstown. This meeting will be to plan and discuss the new action items and ideas for 2007.

Remember to use the Online Discussion Forum to help coordinate the project plans and details. All of the project information is available online at - http://www.connectkentucky.org/localinfo/countyprofiles/ - select your county from the list.

Some of the local tasks needing attention for our next meeting include:

- expanding the depth of the Leadership team to include more community sector representation and participants
- inviting local providers to attend and give an update of their coverage and wireless availability
- creating a list of existing and potential locations for community hotspots
- looking at wireless service opportunities in Bloomfield and New Haven
- enhancing county and city websites and information

I have included a spreadsheet with contact information for current and potential leadership team members to enhance internal communication between the project teams, and promote additional participation.

Have a safe and ***Merry Christmas*** !

I look forward to seeing you in April.

Sage Cutler
Manager, Central Ky Region
ConnectKentucky
Phone: 859.734.3851
Mobile: 270.799.0874
Email: scutler@connectky.org

www.connectkentucky.org
ConnectKentucky is a division of The Center for Technology Enterprise, Inc.

Jeff Mills

From: Jeff Mills [jmills@bardstowncable.net]
Sent: Wednesday, July 30, 2008 10:51 AM
To: Jeff Mills
Subject: Infrastructure Discussion

-----Original Message-----
From: Cutler, Sage (CONNKY) [mailto:scutler@connectky.org]
Sent: Thursday, May 25, 2006 3:54 PM
To: Jeff Mills
Subject: RE: Connect Nelson County Report

Jeff,

Yes. The new info includes the County Projects and Plan Outlines plus the Best Practices resources for implementation along with recent county demographics and maps.

This plan is the starting point, not the finish line. It is designed to help increase demand for and usage of broadband services. It is not focused on the infrastructure itself. However, many providers are using this information and demographic research to help in their infrastructure expansion planning. I would anticipate that the City Cable system would want to participate in these projects and look forward to more subscribers being added because of it.

I hope this helps.

Sage

From: Jeff Mills [mailto:jmills@bardstowncable.net]
Sent: Monday, May 22, 2006 11:40 AM
To: Cutler, Sage (CONNKY)
Cc: Nahom Ayele; Mike Abell; Larry Green; Barbie Bryant
Subject: RE: Connect Nelson County Report

Sage,

I read through the strategic plan last week.....does this message contain new information?

I was a little disappointed that the City's Cable Internet System wasn't more pronounced in the plan. Suggestions?

Thanks,

Jeffrey C. Mills, P.E.
City Electrical Engineer
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-----Original Message-----
From: Clark, Dawn (CONNKY) [mailto:DClark@connectky.org]**On Behalf Of** Cutler, Sage (CONNKY)
Sent: Friday, May 19, 2006 11:09 PM
To: bfield@bardstown.com; dwtrcecil@bellsouth.net; klmhuston@nceda.net; ncpz@bardstowncable.net; kg@bardstown.com; jw.mattingly@bardstown.kyschools.us; ginny@bardstownchamber.com; robsmith@uky.edu;

ncjudge@bardstown.com; mabell@bardstowncable.net; steve.arnold@bardstown.kyschools.us; nayele@bardstowncable.net; dawn@bardstowntourism.com; mike@ltadd.org; Clark, Pat; s0gude01@louisville.edu; tlittlej@flaget.com; tal@flaget.com; kenny@thewebguys.com; Levee, Krista R (Gov Office); James.Shearer@Nelson.kyschools.us; james.shearer@Nelson.k12.ky.us
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Subject: Connect Nelson County Report

Team,

As a result of our recent team meeting, the **Full County Report** is now available on our website at - http://www.connectkentucky.org/localinfo/countyprofiles/ - select your county from the list.

This contains the **Strategic Technology Plan**, county demographics and statistics, broadband and census block maps, plus a Best Practices Resource Guide. I hope you find this information useful and beneficial.

Our next meeting is scheduled for **Thursday, August 31 at 2:00 p.m. EST at the Welcome Center, One Court Square in Bardstown.**

Congratulations on this milestone accomplishment! I have attached a copy of the **Press Release** for your review, and look forward to working with you on the continued implementation of these initiatives.

Sage Cutler
Manager, Central Ky Region
ConnectKentucky
Phone: 859.734.3851
bile: 270.799.0874
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www.connectkentucky.org
ConnectKentucky is a division of The Center for Technology Enterprise, Inc.

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Topic	Author	Replies	Read	Last Post
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Online Government Communications	n/a	0	10	04/08/2008 08:50:03 by: n/a
Awareness - Training and Education	n/a	0	18	04/08/2008 08:48:35 by: n/a

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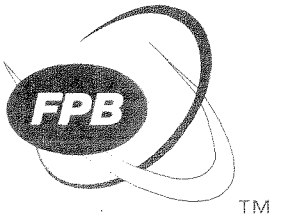
Warner J. Caines
General Manager



Frankfort Plant Board

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July 31, 2008

Chairman Kevin J. Martin
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: WC Docket 07-38 (Broadband Data Collection)

Dear Chairman Martin:

This letter is in response to the Notice of Ex Parte Communication dated July 11, 2008, from Connected Nation in regard to above-referenced proceedings. The purpose of this letter is to respond directly to the claim of Connected Nation, on Page 6 of the July 11th letter, stating Connected Nation has worked with the Frankfort Plant Board (FPB) in expanding its network.

FPB has offered cable services to Franklin County since 1952. In 1994, FPB began offering dark fiber services to local and state governments and commercial clients. Today, FPB is the predominate provider of fiber connectivity to all local governments and serves nearly 100 state offices located in Frankfort with these services.

In 1995, FPB began installing fiber for both public school systems in our community, Franklin County Public Schools and Frankfort Independent Schools. This project was completed in 1998. The schools utilize this fiber for all voice, data, security and classroom instruction.

In 1996, FPB began planning for the future of telecommunications for residential and commercial subscribers by hiring a consultant to assist in designing a network that would not only continue to offer cable services but also leverage that network by offering broadband services, high capacity data services and local and long distance telephone services to the subscribers in our service area. After extensive research, planning, and customer surveys, followed by town hall discussions concerning the viability of the project, FPB's Board of Directors approved the "Full Service Network" (FSN) project in October 1997. FPB began work in early 1998 with neighborhoods being turned on as the new infrastructure was completed. FPB finished the upgrade in early 2003.

Today FPB offers broadband services to over 10,500 customers via a cable modem. This correlates to serving over 60% of our basic cable customers with broadband service, well above the national average.

We count several medium and large businesses as our customers through our high capacity Ethernet service. FPB also offers over 11,000 voice lines in our service area.

Since the inception of our FSN Project in 1996 through July 31, 2008, I can say unequivocally, the success of our network is specifically attributed to the hard work and dedication of our consultants, contractors, FPB employees and, most especially, our subscribers. Connect Kentucky neither participated in this process nor were they contacted by anyone affiliated with FPB.

Mr. Mefford's claim in the July 11th letter that Connect Kentucky assisted with the expansion of our network is without merit. He met personally with me in my office sometime in 2005 to discuss problems with FPB's mapping information not reaching those that actually performed mapping services for Connect Kentucky. As promised, the issue was remedied.

Also at the meeting was discussion of Connect Kentucky lending engineering assistance to FPB by a third party wireless company. The intent was to survey a portion of northern Franklin County for wireless broadband potential. I told Mr. Mefford that we had evaluated the potential for wireless service in that area; but, due to the rugged terrain and lack of available tower space, FPB could not affordably build out the project. It should be noted Mr. Mefford and his family resided in this area for several years so his knowledge of this area and the probability of success in wireless infrastructure success should have been familiar to him. I agreed to allow the engineers from Vivato to come in; and a few weeks later, the survey was completed. Those engineers came to the same conclusion as we had a year earlier. Due to the topography of the area and lack of substantial towers, the project could not be economically constructed. It should also be noted that Vivato went out of business a few months after their visit to Frankfort.

Connect Kentucky moved some of their offices from Bowling Green to Frankfort in late 2005. FPB is delighted that Connect Kentucky picked a municipal cable/telecom operator for their broadband, local phone, cable and security services. I suspect FPB was chosen for its good service and economical rates.

In 2005, staff members were invited to participate in community meetings in Anderson County. Even though FPB does not offer service in this county, the staff attended the first meeting. Months later, invitations to attend similar meetings in Franklin County were extended to FPB. My staff attended a few meetings but no longer attends these

community meetings in either county due to a lack of participation by other community members but also because of the perception by FPB regarding the relevance of the meetings to this community.

To my best recollection, this is the extent of the relationship between the Frankfort Plant Board and Connect Kentucky with respect to Mr. Mefford's claim of assistance in the expansion of our network. I'm sure our Board of Directors and customers would be pleased that this assistance was offered at no charge to FPB by Connect Kentucky.

In closing, we're proud of our network and the services we supply to Kentucky's Capital City. Our success in deploying broadband services to this community speaks for itself. I appreciate the opportunity to comment on the claim made by Mr. Mefford on behalf of Connected Nation in the July 11th letter. If additional information is needed, or if I can clarify points made herein, please do not hesitate to contact me at 502-352-4377 or at wcaines@fenpb.com.

Respectfully,

Warner J. Caines
General Manager