

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)
)
Inquiry Concerning the Deployment of) GN Docket No. 10-159
Telecommunications Capability to All Americans)
In a Reasonable and timely Fashion, and Possible)
Steps to Accelerate Such Deployment Pursuant to)
Section 706 of the Telecommunications Act of)
1996, as Amended by the Broadband Data)
Improvement Act)

To: The Commission

COMMENTS OF THE BLOOSTON RURAL CARRIERS

The law firm of Blooston, Mordkofsky, Dickens, Duffy, & Prendergast, LLP, (“Blooston”), on behalf of its rural local exchange carrier (“RLEC”) clients listed in Attachment A (the “Blooston Rural Carriers”), respectfully submits the following comments in response to the Commission’s *Seventh Broadband Deployment Notice of Inquiry*, FCC 10-148, released August 6, 2010 (“NOI”) in the above captioned proceeding. In the NOI, the Commission seeks comment on the National Broadband Plan Model (“Model”) and its relationship to the Commission’s responsibility under §706 of the Telecommunications Act (“Act”) to determine whether advanced telecommunications capability is being deployed to all Americans in a reasonably timely fashion. The Blooston Rural Carriers respectfully submit that the Model actually undermines the Commission’s ability to meet its responsibilities under §706 due to inherent shortcomings, outlined herein, which cause the Model to produce inaccurate and unreliable results. These results, in turn, corrupt other tools upon which the Commission intends to rely, such as the National Broadband Maps (“Maps”).

Theoretical models such as the one proposed by the Commission simply do not function properly for rural areas. As the Blooston Rural Carriers pointed out in Comments submitted in the Broadband *Notice of Inquiry and Notice of Proposed Rulemaking*¹ proceeding (“Broadband NOI/NPRM”), models tend to produce inaccurate results when applied to smaller populations of subjects such as the comparatively tiny number of exchanges the RLECs typically deal with.² Models also fail to account for the dramatically different geographic, demographic, and economic characteristics (including exchanges sizes, terrains, climates, populations, population densities and patterns, incomes and income distribution, business activities, and natural resources) inherent to rural areas.³ Modeling of any kind produces averages and, experience shows, rural areas are anything but average.

The Model proposed by the Commission is itself rife with shortcomings. As several commenters highlighted in the Broadband NOI/NPRM proceeding, the Model simply cannot provide an accurate picture of broadband deployment in rural America. For example, the National Exchange Carrier Association, together with several other contributing and concurring associations (“the Associations”), point to multiple specific faulty assumptions upon which the Model relies. According to the Associations, “the Model uses commercially-available coverage databases and maps that impute where carriers are licensed to provide service, rather than their actual service areas. In addition, the Model assigns the highest speed tested in each area to the entire area, even though many or most addresses in the area tested at lower speeds.”⁴ Likewise,

¹ FCC 10-58, released April 21, 2010

² Comments of the Blooston Rural Carriers, *Notice of Inquiry and Notice of Proposed Rulemaking*, FCC 10-58, filed July 12, 2010, at page 22.

³ *Id.*

⁴ Joint Comments of the National Exchange Carrier Association, Inc.; National Telecommunications Cooperative Association; Organization for the Promotion and Advancement of Small Telecommunications Companies; Western

the South Dakota Telecommunications Association (“SDTA”) recognized in its Comments that the Model does not take into account the fact that DSL technology, which most RLECs deploy, is scalable, and it overestimates 4G availability. On the latter point, the Model assumes availability if a carrier has merely *announced* future plans to deliver 4G, without regard to when or whether the technology is actually implemented.⁵ Accordingly, the Model does not paint an accurate picture of rural broadband.

The Commission also seeks comment on whether the Maps, produced by the Model, provide a way for the Commission to better fulfill its responsibilities under §706. In addition to the fallacies discussed above, the Model also mischaracterizes the costs of providing service. Again, several commenters in the Broadband NOI/NPRM proceeding pointed this out. According to the Associations, the Model “generally treats existing investment as needing no ongoing cost recovery.”⁶ SDTA further pointed out that the Model miscalculates the investment gap because it, “fails to take into consideration the un-depreciated, unrecovered portions of existing broadband infrastructure and the ongoing costs to operate and maintain broadband-capable networks provided by rural carriers in rural, high-cost areas.”⁷ These issues necessarily skew the Maps’ assessment of the “broadband investment gap”, as well as availability. When taken in the aggregate, they make the Model wholly inappropriate for use in fulfilling §706 responsibilities, and these are only a few of the *technical* shortcomings from which the Model suffers.

Telecommunications Companies; and the Rural Alliance, *Notice of Inquiry and Notice of Proposed Rulemaking*, FCC 10-58, filed July 12, 2010, at page 55 (Associations Comments)

⁵ Comments of the South Dakota Telecommunications Association, *Notice of Inquiry and Notice of Proposed Rulemaking*, FCC 10-58, filed July 12, 2010, at page 24, 25/ (SDTA Comments) Emphasis added.

⁶ Associations Comments at 58.

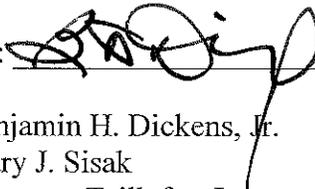
⁷ SDTA Comments at 26.

Finally, the Commission seeks comment on the accuracy of the Model data and ways to improve it.⁸ However, the Commission has not made the Model available for public testing and analysis and as of the Broadband NOI/NPRM proceeding, no statistical validation has been performed.⁹ Therefore, it is not possible to determine whether the estimates generated by the Model are accurate in any way.

In conclusion, models are simply not appropriate for use in the rural context. Given the numerous shortcomings of the Model as outlined above and in great detail in the Broadband NOI/NPRM proceeding, it is clear this Model is no exception. Therefore, the Blooston Rural Carriers respectfully urge the Commission not to employ the Model in meeting its responsibilities under §706 of the Act. The monumental task of bringing high speed broadband to all Americans is too important of a job to be left to an inaccurate and untested Model.

Respectfully submitted,

THE BLOOSTON RURAL CARRIERS

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Filed: September 7, 2010

⁸ NOI at ¶14.

⁹ Associations Comments at 57.

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3 Rivers Communications
Amherst Telephone Company
Baldwin Telecom
BEK Communications Cooperative
Bloomer Telephone Company
Bruce Telephone Company
Cameron Telephone Company, L.L.C.
Citizens Telephone Company
Clear Lake Telephone Company of Clear Lake, WI
Dakota Central Telecommunications Cooperative
Delhi Telephone Company
Dickey Rural Telephone Cooperative
Dumont Telephone Company
F&B Communications, Inc.
Farmers Independent Telephone Company
Farmers Mutual Telephone
First Communications, Inc.
Granite State Telephone, Inc.
Harrisonville Telephone Company
Hillsboro Telephone Company, Inc.
Hinton Telephone Company of Hinton, Oklahoma, Inc.
Ketchikan Public Utilities
Lakefield Telephone Company
Lonsdale Telephone Company
Mabel Cooperative Telephone Company
Manawa Telephone Company
Manti Telephone Company
Midvale Telephone Exchange, Inc.
Nelson Telephone Cooperative
Niagara Telephone Company
Nucla- Naturita Telephone Company
Sebastian
Sharon/Bergen Telephone Company
South Central Utah Telephone Association Inc. d/b/a South Central Communications
South Slope Cooperative Telephone Company
Spring Grove Communications
The Lost Nation – Elwood Telephone Company
The Ponderosa Telephone Company
Union Telephone Company
United Telephone Association, Inc.
Walnut Telephone Company, Inc. d/b/a Walnut Communications
Webster-Calhoun Cooperative Telephone Association
Wiggins Telephone Association
Wittenberg Telephone Company