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October 4, 2010

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

Re: **GN Docket No. 09-137; GN Docket No. 09-51**

Dear Secretary Dortch:

The Utah Rural Telecom Association (“URTA”) disagrees with the findings and analysis of the Federal Communications Commission’s Sixth Broadband Deployment Report issued July 20, 2010 (“Report”) with respect to the availability of broadband service in parts of Utah. It appears that the Report is an arbitrary selection and analysis of certain facts to justify taking “immediate action” under Section 706(b) of the federal Telecommunications Act.

In order to determine whether a county is adequately served with broadband services, the Report establishes upload and download target speeds of more than 768 kbps and 3 mbps respectively with a required subscription rate of more than 1% of customers. Using these criteria, the Report finds in Appendix C that Carbon, Daggett, Duchesne, Emery, Garfield, Grand, Kane, Millard, Piute, Rich, San Juan, Uintah, and Wayne counties in Utah are not served.

The FCC’s approach is flawed and could result in action that is wasteful and contrary to law. First, applying the speeds and subscription levels in the Report to determine availability of service completely ignores the fact that broadband service and advanced services are indeed deployed and available for use in these 13 counties, the criteria enunciated in the Act. The subscription rate is not part of the statutory formula. The FCC’s approach also ignores the thousands of households in these counties that have subscribed to broadband service at download speeds exceeding the download target speed but subscribe to upload speeds below the target speed in order to save money even though much higher upload speeds are available. Generally, most residential customers care about download speeds, not upload speeds.

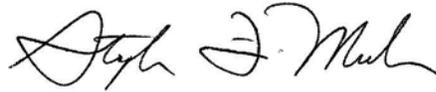
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URTA believes the FCC's conclusion in the Report that the 13 named Utah counties are unserved is incorrect. Broadband service is available in each of these counties and the FCC's conclusion otherwise is misleading. Taking action or basing policy on flawed criteria and conclusions would waste scarce resources, result in poor public policy, and be contrary to the Act.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen F. Mecham". The signature is fluid and cursive, with the first name "Stephen" and last name "Mecham" clearly legible.

Stephen F. Mecham
Counsel for URTA