

Before the
Federal Communications Commission
Washington, D.C. 20554

ORIGINAL

In the Matter of)
)
Connect America Fund)
)
High-Cost Universal Service Support)
)
To: The Commission)

WC Docket No. 10-90

WC Docket No. 05-337

FILED/ACCEPTED

MAY 25 2012

Federal Communications Commission
Office of the Secretary

**APPLICATION FOR REVIEW OF
SILVER STAR TELEPHONE COMPANY, INC.**

Silver Star Telephone Company, Inc. (Silver Star), by its attorneys and pursuant to Section 1.115 of the Commission's rules, submits this Application for Review of the Wireline Competition Bureau's (WCB) *Regression Order*¹ adopting a quantile regression model for establishing limits or "benchmarks" for high cost loop support. In the *Report and Order and Further Notice of Proposed Rulemaking*, FCC 11-161, released November 18, 2011 (*USF/ICC Order*),² the Commission directed the WCB to implement a methodology for "setting the benchmark levels to estimate appropriate levels of capital expenses and operating expenses for each incumbent rate-of-return study area, using publicly available data"³ based on the framework adopted by the Commission. The Commission found that the framework will "create structural

¹ *In the Matter of Connect America Fund; High-Cost Universal Service Support*, Order, WC Dockets No. 10-90 and 05-337, DA 12-646, released April 25, 2012.

² *Connect America Fund; A National Broadband Plan for Our Future; Establishing Just and Reasonable Rates for Local Exchange Carriers; High-Cost Universal Service Support; Developing a Unified Intercarrier Compensation Regime; Federal-State Joint Board on Universal Service; Lifeline and Link Up; Universal Service Reform – Mobility Fund*; Report and Order and Further Notice of Proposed Rulemaking, WC Dockets No. 10-90, 07-135, 05-337, 03-109; CC Dockets No. 01-92, 96-45; GN Docket No. 09-51; WT Docket No. 10-208, released November 18, 2011.

³ *USF/ICC Order* at ¶210.

No. of Copies rec'd 0/1
List ABCDE

incentives for rate-of-return companies to operate more efficiently and make prudent expenditures."⁴

Silver Star is a small incumbent local exchange carrier operating in rural areas of Wyoming and Idaho.⁵ It serves 6,493 customer lines in approximately 2,860 square miles, or approximately 2.3 customers per square mile. Silver Star's service territory is geographically isolated by two mountain ranges, Bridger Teton and Caribou, and US forest service land. Most of the terrain of Silver Star's service territory is very rocky and, because of city, county, and federal regulations, Silver Star is required to install buried facilities for a large part of its service territory. Silver Star is the only carrier providing voice service throughout its service territory. Although wireless service is available in Silver Star's service territory, due to the extreme terrain, it is limited and sporadic. In addition, Silver Star provides necessary transport services to and from the service area for all wireless carriers operating in this area, except one,

Silver Star has 4,753 broadband customers, which represents a broadband penetration rate of 73 percent. Of these customers, 4516 have access to broadband speeds of less than 4M/1M. Accordingly, Silver Star is in the process of deploying additional high speed broadband service and upgrading existing broadband facilities over the next few years. Substantial investment will be required to upgrade the broadband speed of these customers.

Silver Star was awarded \$5,043,298 in BTOP grants to complete two key portions of its broadband network: The Expanding Greater Yellowstone Area Broadband Opportunities project will close an 89-mile gap in Silver Star's existing Wyoming fiber network between the continental divide at Togwotee Pass and Jackson, bringing comprehensive broadband services to

⁴ *Id.*

⁵ Silver Star operates in Wyoming and Idaho in two study areas. For purposes of this Application for Review, the impact of the regression model on Silver Star reflects the impact on both study areas combined.

11 counties in the western part of the state; and The Delivering Opportunities: Investing in Rural Wyoming Broadband project will close a 38-mile network gap in northwest Wyoming over the Teton Pass to southeast Idaho, bringing broadband to five additional counties. Pursuant to the terms of the BTOP program, Silver Star is responsible for the remaining cost of this program, totaling \$2.4 million, as well as the operational and maintenance cost of the facilities. These funds must be generated from Silver Star's general fund, which includes federal revenue streams, including intercarrier compensation and universal service. As of the end of 2011, 80% of this project was completed. Silver Star also has outstanding loans with RUS and RTFC totaling approximately \$8 million.

In the comments and reply comments submitted on the model, the parties identified a number of issues and problems with the Commission's proposed model, inputs and data. In the *Regression Order*, the WCB adopts certain changes to the model to resolve some of the identified issues. However, the WCB failed to consider evidence concerning flaws in the model, failed to correct inaccurate data for Silver Star and other carriers, and adopted inaccurate and non-plausible methodologies. As a result, the regression model adopted by the WCB has a greater negative impact on Silver Star than the model proposed by the Commission; it does not accurately reflect Silver Star's circumstance; and it does not reflect reality.

As shown herein, Silver Star will be directly and substantially affected by the Commission's benchmarking methodology and the model adopted by the WCB. Accordingly, and as demonstrated below, Silver Star asks the Commission to review the WCB's *Regression Order*, revise it as shown herein, and stay implementation of a regression model until the demonstrated flaws can be resolved.

I. The Model is Fatally Flawed Because it Relies on Inaccurate Data

In the *USF/ICC Order*, the Commission directed the WCB to compare companies' costs to those of similarly situated companies. The Commission also directed the WCB to consider certain variables in determining companies that are similarly situated, including geographic measures such as land area.⁶ The Commission relied on TeleAtlas data to determine study area boundaries for rural rate-of-return carriers.

Although a number of parties provided evidence that the TeleAtlas data is inaccurate for many companies and, in some cases, significantly so,⁷ the WCB refused to modify the study area boundaries before implementing the regression methodology. Based on its review of the model and inputs used by the WCB, Silver Star has found that the geographic data for Silver Star also is wildly inaccurate such that it paints an entirely false picture of Silver Star, its facilities, its cost structure, and its service territory. For example, the WCB data fails to include two of Silver Star's exchanges and excludes fully 15 percent of Silver Star's service area. In addition, the data used by the WCB shows a large portion of Silver Star's service area as undeveloped, with little or no telecommunications facilities, when it contains over 100 residential and commercial subdivisions that have been entirely built out by Silver Star. These errors are then compounded through the model formulas and assumptions. For example, the model assumes that buried plant largely follows roadways and further assumes certain facility costs based on road crossings and intersections. By excluding two exchanges, 15 percent of Silver Star's service area and over 100

⁶ *USF/ICC Order* at ¶ 217.

⁷ Penasco Valley Telephone Cooperative, Inc. demonstrated that the Commission showed its service area to be 2,331 square miles and its actual service area is 4,651 square miles. (Comments of Penasco Valley Telephone Cooperative, Inc., WC Docket 10-90, et al., filed January 18, 2012, at 2.) The National Exchange Carrier Association demonstrated that there are errors in the geographical mapping data used by the Commission in more than 90 percent of study areas and that an analysis of 357 study areas in the TeleAtlas Database showed that over 22 percent of the study area boundaries are not accurate within 20 percent. (Comments of NECA, et al, WC Docket 10-90, et al., filed January 18, 2012, at App. D, 2-7.)

residential subdivisions, the road miles, intersections and road crossing assumptions and the related cost assumptions in the model also are entirely wrong.

The WCB's attempt to justify its refusal to correct the inaccurate geographic data used in the model on the basis that it is the only available data and there is Commission precedent for its use fails in this case. According to the WCB, the TeleAtlas data was used in the Commission's hybrid cost proxy model and to create maps showing certain high cost support areas and areas with competitive carriers in response to requests for the U.S. House of Representatives.⁸ The maps provided to Congress, however, were of illustrative value and did not result in direct impacts to carriers. Further, the Commission's hybrid cost proxy model is not applied to rural rate-of return carriers, in part because of the Commission's finding that imprecision in the model would have a greater impact on such small carriers.⁹ Accordingly, the fact that the Commission has used the TeleAtlas data in these contexts does not justify its use in this case, where it is an important variable in a model that skews the results of the model for Silver Star and, most likely, other carriers, and that will have real, and significant, financial impacts on Silver Star and other small, rural carriers.

The WCB's provision of a streamlined, expedited waiver process for carriers affected by the benchmarks to correct errors in their study area boundaries also does not save the flawed model. The boundary data is an important variable in a model that seeks to compare similarly situated companies. There can be no confidence that the model results are accurate or that similarly situated companies have, in fact, been compared to each other, if the geographic data for all companies is not accurate. It is quite possible that if the correct data was used for all

⁸ Order at ¶25 and fn. 73.

⁹ *In the Matter of Federal-State Joint Board on Universal Service*, 12 FCC Rcd 8776, 8934, ¶291 (1997).

companies, there could be differences in the companies that exceed the 90th percentile, such that Silver Star would have no need for the WCB's expedited waiver.

Further, the WCB acknowledges that the data should be and can be corrected and, in fact, the WCB sets forth a process to correct the data prior to 2014. The WCB provides no explanation as to why implementation of the model cannot be delayed until accurate data is available for all companies, except to say that the Commission anticipated that the high cost loop support benchmarks would be implemented for support calculations beginning July 2012.¹⁰ This, however, is an unreasonable and improper justification for relying on faulty data. On the other hand, there will be little or no negative impact to the Commission's goals caused by delay. On the contrary, Silver Star and other rural rate-of-return carriers cannot rely on the accuracy of the model results when faulty data is used. Therefore, the use of an inaccurate model is contrary to the Commission's stated goal of applying regression analysis in the first place, namely, to provide incentives to carriers to reduce excessive investment and spending.

Rather than implement a faulty model and waste the time and money of carriers and the Commission with possibly unnecessary waivers, the WCB should correct the geographic data for all carriers before adopting a regression model. Accordingly, implementation of the model should be delayed until accurate geographic data is obtained for all carriers.

II. Flaws in the Model Must be Corrected

The WCB model lacks transparency, it is not plausible, and it does not reflect reality. Therefore, the model should not be adopted. When considering the adoption of the hybrid cost proxy model, the Commission established a number of parameters for consideration of a model, including all underlying data should be verifiable and outputs plausible and the model must

¹⁰ *Regression Order* at ¶28.

include the capability to examine and modify the critical assumptions.¹¹ Further, a model must reflect reality.¹²

Based on Silver Star's analysis of the model, none of these criteria are met. A number of examples of the model's counter-intuitive results are identified as follows. The model assumes that when the cost of burying plant exceeds a certain level, an "efficient" carrier must use aerial plant. Accordingly, the model penalizes carriers, like Silver Star, that bury plant in this circumstance. However, much of Silver Star's facilities are along the scenic byways of the Bridger-Teton and Caribou national forest land and the cities, counties and federal government, by regulation, prohibit Silver Star from placing aerial plant in these areas. These severe regulations also require Silver Star to bury any existing aerial plant it may have.

Although the model assumes aerial plant should be install in certain circumstances and acknowledges that aerial plant is more expensive to maintain than buried plant, the model applies a negative factor to operations expense for aerial plant, which reduces the reimbursement for this expense. Applying a negative factor here is contrary to reality.

The model assumes that buried plant largely follows roadways. However, by relying on inaccurate data, which does not accurately show fully 15 percent of Silver Star's service territory, many miles of buried plant is excluded from the model for Silver Star. Further, because the number of intersections and road crossings also are considered in the model and are based on the number of road miles, this error is compounded in the model results for Silver Star.

The model considers the number of frost-free days experienced by a company has a factor in the cost of installing and maintaining plant. However, the model rewards carriers with more frost-free days by applying a positive factor in this circumstance, which punishes carriers,

¹¹ *In the Matter of Federal-State Joint Board on Universal Service*, 12 FCC Rcd 8776, 8913, ¶250 (1997).

¹² *American Iron & Steel Inst. v. EPA*, 115 F.3d 979, 1005 (D.C. Cir. 1997).

like Silver Star, with more frost days. This does not reflect reality for Silver Star because it must undergo a finite amount of construction in a shorter period of time, often incurring greater costs as a result of overtime and engaging a greater number of construction crew.

Silver Star is continuing to review the model to evaluate whether it reflects reality. As Silver Star finds more errors, like those identified above, it will supplement this Application.

The Commission has acknowledged that an imprecise model applied to rural rate-of-return carriers could have a serious, harmful effect.¹³ As shown in Issues I and II, to say that the WCB's model is imprecise is a gross understatement. Accordingly, more work and analysis needs to be done before a regression model can be adopted and applied to Silver Star.

III. The WCB's Model Will Not Achieve the Commission's Stated Objectives and Will Seriously Harm Silver Star and Its Customers

Commenters on the regression model demonstrated that by applying the regression model year after year, the model will create a "race to the bottom" in terms of carriers' ability and incentive to invest in modern, broadband capable networks¹⁴ and that the consecutive application of the model across time reduces high cost loop receipts to near zero.¹⁵ As a result, the model is contrary to the Commission's stated goal of promoting the advancement of broadband networks.

Silver Star's initial run of the WCB model confirms these arguments, whereby the consecutive application of the model across time reduces Silver Star's high cost loop receipts to near zero.¹⁶ The regression model shows a loss in universal service support for Silver Star of approximately \$2 million in 2012; \$1.7 million in 2013; \$1.9 million in 2014; and \$1.8 million in

¹³ *Id.* at 8934, ¶ 291.

¹⁴ See, Comments of the Blooston Rural Broadband Carriers, WC Docket 10-90, et al., filed January 18, 2012 (Blooston Rural Broadband Carriers Comments).

¹⁵ *Id.*, at Declaration and Report of Dr. Janice A. Hauge (Attachment B), at 5.

¹⁶ The changing nature of the model makes it difficult to determine with certainty the effects of the caps over time. However, in an effort to assess the potential effect of the caps in future years, Silver Star assumed the coefficients of the quantile regression model do not change.

2015. Even with the phase in for 2012 and 2013 adopted by the WCB, the projected loss of support for Silver Star in 2012 is \$360,000 and \$841,000 in 2013. The per customer impact of the "phased in" 2012 regression model impact is over \$55 per customer. The per customer impact of the "phased in" 2013 regression model impact is almost \$130.

The projected impact appears to be driven in large part by investment in broadband facilities already made by the company. Accordingly, there seems to be little that the company can do to modify the impact of the model. Annual impacts at this level threaten the viability of Silver Star and, thereby threaten the ability of Silver Star's customers to continue to obtain not only broadband service, but also basic voice service. Silver Star's ability to repay its RUS and RTFC loans and to maintain and operate the facilities installed through the BTOP program also is threatened.

Rather than support the Commission's goals of creating incentives for rate-of-return companies to operate more efficiently and make prudent expenditures and promoting the advancement of broadband capable networks, the WCB's model will have the opposite effect. As discussed, the changing nature of the model makes it difficult to determine with certainty the effects of the caps over time. The errors in the model fail to reflect reality. And, the WCB's assumption that carriers can undo facilities already placed is flatly wrong. Taken together, these aspects of the model create a paralyzing uncertainty for carriers, like Silver Star, and will cause carriers (or force carriers) to hold back from additional broadband investments. Accordingly, the WCB model does not advance the stated goals of the Commission.

Finally, in the comments, some parties argued that the Commission was inappropriately using the regression model as a prudency review.¹⁷ The example of Silver Star shows the

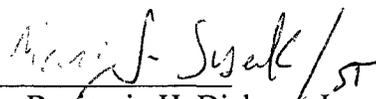
¹⁷ Blooston Rural Broadband Carriers Comments.

practical, harmful effect of arbitrarily determining that investment is not prudent based on a regression model. Although it is obvious, the Commission ignores that carriers cannot "undo" investment already made. For impacts that result from capital investments in broadband facilities, there is no ability to correct, modify or change existing prudent investment. In this regard, the model, which presumes certain investments were "inefficient" and, without further review, simply reduces support, is nothing more than an arbitrary punishment.

IV. CONCLUSION

As shown herein, the WCB's rush to judgment has produced a flawed model and *Regression Order* that lacks reasoned decision making. Before adopting a regression model, all errors in the model and data must be corrected, including the boundary data for all carriers and the modeling errors discussed herein. Further, even with these changes, a regression model should be used only to trigger a harder look to determine whether a carrier's costs were truly "inefficient." Accordingly, Silver Star asks the Commission to review the WCB's *Regression Order*; reverse its adoption of a regression model; and delay the implementation of a regression model until the issues identified herein are addressed.

Respectfully submitted,
**SILVER STAR TELEPHONE
COMPANY, INC.**

By: 
Benjamin H. Dickens, Jr.
Mary J. Sisak

Blooston, Mordkofsky, Dickens
Duffy & Prendergast, LLP
2120 L Street, NW, Suite 300
Washington, DC 20037
(202) 659-0830

Dated: May 25, 2012

Certificate of Service

The undersigned hereby certifies that on the 25th day of May, 2012, a copy of the forgoing **Application for Review of the Silver Star Telephone Company** was served via U.S. Mail, postage prepaid, to the following:

Sharon E. Gillett, Chief
Wireline Competition Bureau
445 12th Street, SW
Washington, DC 20554
sharon.gillett@fcc.gov

James S. Blaszak
For Ad Hoc Telecommunications Users Committee
Levine, Blaszak, Block, and Boothby, LLP
2001 L St. NW, Suite 900
Washington, DC

Stephen L. Goodman
Counsel for ADTRAN, Inc.
Butzel Long Tighe Patton, PLLC
1747 Pennsylvania Ave, NW, Suite 300
Washington, DC 20006

Cathy Carpino
AT&T Services, Inc.
1120 20th Street NW, Suite 1000
Washington, D.C. 20036

Rich Redman, General Manager
ATC COMMUNICATIONS
225 West North Street
Albion, ID 83311

Patrick Sherrill, President and CEO
Accipiter Communications Inc.
2238 W. Lone Cactus Dr., Suite 100
Phoenix, AZ 85027

Leonard A. Steinberg
ALASKA COMMUNICATIONS SYSTEMS
600 Telephone Avenue
Anchorage, Alaska 99503

Shannon M. Heim
Counsel for Alaska Rural Coalition
Dorsey & Whitney LLP
1031 West 4th Avenue, Suite 600
Anchorage, AK 99501

Alexicon Telecommunications Consulting
3210 E. Woodmen Rd, Suite 210
Colorado Springs, CO 80920

Thomas Cohen
Counsel for American Cable Association
Kelley Drye & Warren LLP
3050 K Street, NW, Suite 400
Washington, DC 20007

Blue Valley Telecommunications
1559 Pony Express Hwy
Home, KS 66438-9762

David A. LaFuria
Counsel for C SPIRE WIRELESS
LUKAS, NACE, GUTIERREZ & SACHS, LLP
8300 Greensboro Drive, Suite 1200
McLean, Virginia 22102

Sunne Wright McPeak, President and CEO
California Emerging Technology Fund (CETF)
5 Third Street, Suite 320
San Francisco, CA 94103

Michael F. Altschul, Senior VP & General Counsel
CTIA--The Wireless Association
1400 16th Street, NW, Suite 600
Washington, DC 20036

Samuel L. Feder
Counsel for Charter Communications, Inc.
JENNER & BLOCK LLP
1099 New York Ave., NW, Suite 900
Washington, D.C. 20001

Ernest C. Cooper
Counsel for Cablevision Systems Corp.
MINTZ, LEVIN, P.C.
701 Pennsylvania Avenue, N.W., Suite 900
Washington, D.C. 20004

Kirby Smith, Director of Finance
Calveras Telephone Company
513 Main Street
Copperopolis, CA 95228

Frank R. Lindh
Attorney for California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

Tom Shoemaker, Vice-President
Cambridge Telephone Company
613 Patterson
Cambridge, NE 69022

Gerard J. Waldron
Counsel for Carriers for Progress in Rural America
Covington & Burling LLP
1201 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Caressa D. Bennet
Counsel for Central Texas Telephone Cooperative
Bennet & Bennet, PLLC
4350 East West Highway, Suite 201
Bethesda, MD 20814

Jeffrey S. Lanning
Counsel for Centurylink
1099 New York Avenue, N.W., Suite 250
Washington, DC 20001

Cathleen A. Massey
Vice President Regulatory Affairs & Public Policy
Clearwire Corporation
1250 Eye St., NW, Suite 901
Washington, DC 20005

Fred Goldstein, Consultant
Coalition for Rational Universal Service and
Intercarrier Reform
PO Box 610251
Newton MA 02461

David Dengel, CEO/General Manager
Copper Valley Telephone Cooperative, Inc
Box 337
Valdez, AK 99686

Mike Lattin, President
EAGLE TELEPHONE SYSTEM, INC.
Post Office Box 178
Richland, OR 97870

Kathleen Abernathy Chief Legal Officer
Frontier Communications
2300 N St. NW, Suite 710
Washington, DC 20037

Jeffrey H. Smith, Vice-President
GVNW Consulting, Inc.
8050 SW Warm Springs Street, Suite 200
Tualatin, Oregon 97062

John T. Nakahata
Counsel for General Communications, Inc.
WILTSHIRE & GRANNIS LLP
1200 Eighteenth Street, N.W.
Washington, D.C. 20036

Tom W. Davidson, Esq.
Counsel for Gila River Telecommunications, Inc.
Akin Gump Strauss Hauer and Feld LLP
1333 New Hampshire Avenue, NW
Washington, DC 20036

Robert Hunt, Vice President, Regulatory Affairs
Guadalupe Valley Telephone Cooperative, Inc.
36101 FM 3159
New Braunfels, TX 78132

Carroll Onsaie, President/General Manager
Hopi Telecommunications, Inc.
5200 E. Courtland Boulevard E200
Flagstaff, Arizona 86004

Genevieve Morelli
ITTA
1101 Vermont Ave., NW Suite 501
Washington, D.C. 20005

James D. Atterholt, Chairman
Indiana Utility Regulatory Commission
101 West Washington Street, Suite 1500 E
Indianapolis, In 46204

Vince Jesaitis
Director, Government Relations
Information Technology Industry Council
1101 K Street, Nw Suite 610
Washington, Dc 20005

Randy Wilson, General Manager
INTERBEL TELEPHONE COOPERATIVE, INC.
PO Box 648
Eureka, MT 59917

James J. Kail, President/CEO
Laurel Highland Telephone Company
Yukon-Waltz Telephone Company
4157 Main Street
Stahlstown, PA 15687

Maneesh Pangasa
3562 South 18th Avenue
Yuma, AZ 85365-3937

Godfrey Enjady
Mescalero Apache Telecom, Inc.
75 Carrizo Canyon Road
Mescalero, NM 88340

Steve Child, CEO
Midvale Telephone Exchange
2205 Keithley Creek Road
Midvale, ID 83645

Chad A. Duval, Principal
Counsel to the Moss Adams Companies
MOSS ADAMS LLP
601 W. Riverside Ave., Suite 1800
Spokane, WA 99201

Charles Acquard, Executive Director
NASUCA
8380 Colesville Road, Suite 101
Silver Spring, MD 20910

William C. Black, Deputy Public Advocate
Maine Office of Public Advocate
SHS#112
Augusta, ME 04333

Stefanie A. Brand, Director
Division of Rate Counsel
P.O. Box 46005
Newark, NJ 07101

Regina Costa
TURN
115 Sansome St., Suite 900
San Francisco, CA 94104

Richard A. Askoff
Attorney for NECA
80 South Jefferson Road
Whippany, NJ 07981

Donald J. Evans
Counsel for NTCH, Inc.
Fletcher, Heald & Hildreth, PLC
1300 North 17th Street, 11th Floor
Arlington, VA 22209

Rick Chessen
National Cable & Telecommunications Association
25 Massachusetts Avenue, NW – Suite 100
Washington, DC 20001-1431

Darrell Gerlaugh, Chairman
National Tribal Telecommunications Association
519 Tennessee Avenue
Alexandria, VA 22305
Shana Knutson, Staff Attorney
The Nebraska Public Service Commission
300 The Atrium Building
1200 N Street
Lincoln, NE 68508

Sarah J. Morris
Open Technology Initiative
New America Foundation
1899 L Street, NW, 4th Floor
Washington, DC 20036

Danielle Frappier
Counsel to Nexus Communications, Inc
Davis Wright Tremaine LLP
1919 Pennsylvania Avenue, N.W., Suite 800
Washington, D.C. 20006-3401

Michael Sheard, General Manager
NORTHERN TELEPHONE COOPERATIVE
P.O. Box 190
Sunburst, MT 59482

Michael T. N. Fitch, President and CEO
PCIA
901 N. Washington Street, Suite 600
Alexandria, VA 22314

David C. Blessing, Principal
Parrish, Blessing & Associates
3975 University Drive, Suite 215
Fairfax, VA 22030

Joseph K. Witmer, Esq., Assistant Counsel,
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, P A 17120

Sandra J. Paske, Secretary
Public Service Commission of Wisconsin
610 N Whitney Way
PO Box 7854
Madison, WI 53707-7854

William L. Wright
PUBLIC UTILITIES COMMISSION OF OHIO
180 East Broad Street, 6th Floor
Columbus, OH 43215-3793

Steven K. Berry
RCA
805 Fifteenth Street, N.W., Suite 401
Washington, DC 20005

Gregg C. Vanderheiden, Ph.D.
Principal Investigator, RERC-IT
Trace R&D Center
University of Wisconsin-Madison
1550 Engineering Dr.
Madison, WI 53706

T.W. Patch, Chairman
Regulatory Commission of Alaska
701 West 8th Avenue, Suite 300
Anchorage, AK 99501

Rural Telecommunications Group, Inc.
Caressa D. Bennet
Bennet & Bennet, PLLC
4350 East West Highway, Suite 201
Bethesda, MD 20814

Larry E. Sevier, Chief Executive Officer
Rural Telephone Service Company, Inc.
145 N. Main
PO Box 158
Lenora, KS 67645

Sacred Wind Communications
5901-J Wyoming Blvd., NE
Box 266
Albuquerque, NM 87109

Jeffrey H. Blum, Senior Vice-President
DISH NETWORK L.L.C.
1110 Vermont Avenue NW, Suite 750
Washington, DC 20005

Keven Lippert, Vice President
Broadband Services Division
VIASAT, INC.
6155 El Camino Real
Carlsbad, CA 92009

Dean A. Manson
ECHOSTAR TECHNOLOGIES L.L.C.
HUGHES NETWORK SYSTEMS, LLC
11717 Exploration Lane
Germantown, MD 20876

Jerry Isaac, President and Chairman
Tanana Chiefs Conference
Chief Peter John Tribal Building
122 First Avenue, Suite 600
Fairbanks, Alaska 99701-4897

Pete Holland
Chillicothe Telephone Company
68 East Main Street
Chillicothe OH 45601

Paul M. Schudel
The Nebraska Rural Independent Companies
Woods & Aitken LLP
301 South 13th Street, Suite 500
Lincoln, NE 68508

Matthew A. Brill
Time Warner Cable, Inc.
LATHAM & WATKINS LLP
555 Eleventh Street, NW, Suite 1000
Washington, DC 20004

Todd D. Daubert
Counsel for the USA Coalition
SNR DENTON US LLP
1301 K Street, N.W.
East Tower, Suite 600
Washington, DC 20005

David A. LaFuria
Counsel For United States Cellular Corporation
Lukas, Nace, Gutierrez & Sachs, Llp
8300 Greensboro Drive, Suite 1200
McLean, Virginia 22102

David Cohen
Counsel To The United States Telecom Association
607 14th Street, NW, Suite 400
Washington, D.C. 20005

Christopher M. Miller
Counsel to Verizon
1320 North Courthouse Road, Ninth Floor
Arlington, VA 22201-2909

George E. Young, Esq.
Vermont Public Service Board
112 State Street
Montpelier VT 05620-2701

Betty Buckley
Washington Independent Telecommunications
Association
2112 Black Lake Blvd. SW
Olympia, WA 98512

Brant Wolf
Oregon Telecommunications Association
777 13th St. SE, Suite 120
Salem, Oregon 97301-4038

Molly Steckel
Idaho Telecom Alliance
P.O. Box 1638
Boise, Idaho, 83701-1638

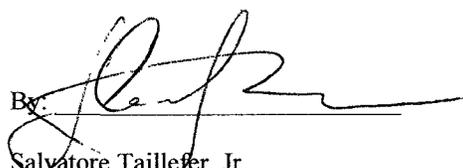
Geoffrey Feiss
Montana Telecommunications Association
208 North Montana Avenue, Suite 105
Helena, Montana 59601

Peter Kirchhof
Colorado Telecommunications Association
225 E. 16th Avenue, Suite 260
Denver, CO 80203

Archie Macias
Wheat State Telephone, Inc.
106 West First Street
P.O. Box 320
Udall, Kansas 67146-0320

Malena F. Barzilai
Windstream Communications, Inc.
1101 17th St., N.W., Suite 802
Washington, DC 20036

Stephen E. Coran
Counsel to the Wireless Internet Service Providers
Association
Rini Coran, PC
1140 19th Street, NW, Suite 600
Washington, DC 20036

By: 

Salvatore Taillefer, Jr.

Blooston, Mordkofsky, Dickens, Duffy, &
Prendergast, LLP
2120 L Street NW, Suite 300
Washington, DC
20037