Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

In the Matter of	)	
Connect America Fund	)	WC Docket No. 10-90
High-Cost Service Support	)	WC Docket No. 05-337

OPPOSITION OF MEDIACOM TELEPHONY

TO WINDSTREAM'S ELECTION AND PETITION FOR WAIVER

John J. Heitmann
Edward A. Yorkgitis, Jr.
Denise N. Smith
Kelley Drye & Warren LLP
3050 K Street, NW
Suite 400
Washington, D.C. 20007
(202) 342-8400 (voice)
(202) 342-8451 (fax)

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Counsel to Mediacom Telephony

SUMMARY

The Commission's *CAF Order* identified a goal of promoting universal availability of quality broadband service, particularly in areas where broadband service is currently unavailable. After a lengthy proceeding, in which Windstream actively participated, the Commission granted price cap carriers public funding of $775 per eligible unserved location in the carriers' service areas, subject to certain broadband deployment requirements. Windstream contested the adoption of generally applicable deployment requirements prior to the Commission's adoption of the *CAF Order* and again on reconsideration, each time advocating carrier-specific deployment requirements and permission to use funding to deploy second-mile facilities. Both times the Commission rejected Windstream's position. Undaunted, Windstream now tries for a third time, through its current Petition for Waiver, to convince the Commission to revise the deployment requirements.

Mediacom opposes Windstream's attempts to accomplish through the waiver process what it was unable to accomplish during the CAF rulemaking proceeding – the establishment of carrier-specific broadband deployment obligations. Windstream provides no new arguments to support a grant of its request. Moreover, granting Windstream's request would unfairly disadvantage those unsubsidized competitors, like Mediacom, that are using private funding to deploy broadband facilities to rural and unserved areas. Unsubsidized competitors would be less likely to make future private investments in unserved areas if forced to compete with publically-subsidized providers like Windstream that would be able to deploy new facilities or upgrade their facilities, including replacing second mile copper with fiber, without the same cost constraints faced by unsubsidized competitors. Grant of Windstream's Petition also could lead to the devaluing of existing facilities investments of providers like Mediacom as subsidized

competitors could deploy broadband using government funds in areas where unsubsidized competitors already have invested in facilities in anticipation of similar deployments. For each of these reasons, the Petition should be denied.

The Commission's pending consideration of the CAF Phase II regulatory framework, and its potential extension of Phase I support, provide a more appropriate opportunity than the Petition for the Commission to consider alternatives to the current CAF funding system. Any modifications to the CAF funding system should be made through a generic process, not the consideration of individual waiver requests, and should not liberalize the permitted uses or increase the amount of the $775 per location funding cap.

Broadband providers like Mediacom are providing quality broadband service in rural and unserved areas and should also be eligible for receipt of any extended CAF Phase I support. Mediacom provides broadband service to the types of rural and unserved areas that are the subject of the *CAF Order*, generally at faster speeds and lower service rates than its ILEC competitors. Over the past ten years, Mediacom has invested over one billion dollars in private funding to improve and expand its network including building fiber connections to approximately 1000 cell towers. Due to these prior substantial capital investments in its fiber network, Mediacom is now able to deploy broadband more cost efficiently than its ILEC competitors. Expansion of CAF Phase I support to additional broadband providers, like Mediacom, would enable Mediacom to leverage its existing self-funded builds and efficiently extend its broadband network to many more unserved communities within the same constraints that now-eligible companies like Windstream seem to consider obstacles. Moreover, allocating Phase I support to additional providers would spur competition and lead to more efficient deployment of broadband facilities which, in turn, could drive down service costs to consumers.

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Mediacom Telephony ("Mediacom" or the "Company"), by its attorneys, and pursuant to the Public Notice in the above-referenced proceeding[1] submits these comments in opposition to the Election and Petition for Waiver of Windstream Communications, Inc. ("Petition").[2] Windstream seeks a waiver of Federal Communications Commission ("FCC" or "Commission") rule 54.312(b)(2) which conditions the use of support for broadband deployment received under Phase I of the Connect America Fund ("CAF") by requiring that a recipient deploy broadband facilities capable of serving one subscriber location for every $775 in Phase I funding and by precluding use of Phase I funding for second-mile deployments.[3] Mediacom opposes

1 *Public Notice, Wireline Competition Bureau Seeks Comment on Windstream Communications Petition for Waiver of Certain High-Cost Universal Service Rules*, DA 12-1181 (rel. July 25, 2012).

2 *In re: Connect America Fund; High-Cost Universal Service Support*, Windstream *Election* and Petition for Waiver, WC Docket Nos. 10-90, 05-337 (July 24, 2012) ("Petition").

3 47 C.F.R. sec. 54.312(b)(2); *In re: Connect America Fund, Report and Order and Further Notice of Proposed Rulemaking,* FCC 11-161 (rel. Nov. 18, 2011) ("2011 CAF Order").

Windstream's collateral efforts to establish through a waiver process what the Commission has so-recently declined to incorporate into its rules, namely carrier-specific broadband deployment obligations associated with the CAF Phase I funding. Moreover, granting Windstream a waiver would be contrary to the public interest by disadvantaging unsubsidized broadband providers and discouraging continued private investments made by providers like Mediacom. Accordingly, the waiver request should be denied.

If the Commission is inclined to modify the CAF Phase I funding regime in any way, the Commission should do so through a more generic process than the sort of waiver request contained in the Petition. Although the Commission should not consider again the sort of carrier-specific requirements Windstream advocates, it should consider expanding the types of broadband providers eligible to receive CAF support. Mediacom is already providing broadband service at faster speeds and, because of prior substantial investments in its broadband network, lower deployment costs in rural and unserved areas. Receiving CAF support would enable Mediacom to leverage its private investments to reach greater numbers of unserved communities and consumers.

I. BACKGROUND

Mediacom is the nation's eighth largest cable company. In addition to video services, Mediacom also offers broadband and digital telephony services. Mediacom focuses on serving smaller cities, communities and rural areas in the United States, providing services in twenty-two states. The Company's cable service customer base exceeds one million subscribers, and it provides high-speed Internet access to more than 875,000 subscribers. Mediacom provides digital telephone service to approximately 330,000 residential subscribers. Through its Mediacom Business brand, Mediacom also provides digital voice, high-speed Internet access and other broadband services to over thirty-thousand businesses, including small-to-medium sized businesses, throughout its service territory.

II. **WINDSTREAM ALREADY HAS SOUGHT AND BEEN DENIED THE RELIEF IT SEEKS IN ITS WAIVER PETITION**

Windstream's Petition seeks a waiver of the FCC rule requiring CAF Phase I support to be used solely to deploy broadband to one unserved location for each $775 that the carrier receives in CAF support.[4] In particular, Windstream seeks the flexibility to use the Phase I support to exceed the $775 figure and deploy second mile facilities on the grounds that they are needed to deploy broadband to certain unserved locations within Windstream's footprint.[5]

The relief Windstream seeks in its waiver request, as detailed below, is premised on arguments that the company has raised and the Commission has rejected on two prior occasions. The Petition is simply a third, untimely, and procedurally inappropriate attempt by Windstream to persuade the Commission to craft the CAF Phase I broadband deployment requirements to suit Windstream's particular corporate objectives. Although styled as a waiver request, Windstream essentially seeks a change to the Phase I rules with potentially widespread effect. If the Commission grants Windstream the relief it requests, there is no reason that any recipient of CAF Phase I funding that believes the $775 cap too restrictive would not be able to seek relief. The Commission should reject Windstream's attempt at a third bite at the apple and should decline to consider fundamental changes to its CAF Phase I broadband requirements in the context of a waiver petition.

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4 *Petition* at 6.

5 *Petition* at 11-12.

Windstream has seized every opportunity to participate in the CAF proceeding and advocate its position regarding the Commission's methodology for allocating CAF support.[6] Prior to the release of the *CAF Order*, Windstream submitted several filings urging the Commission to use carrier-specific costs in determining CAF Phase I awards and to permit carriers to use CAF support for deployment of second mile facilities.[7] Despite Windstream's entreaties, and those of other parties, the Commission's *CAF Order* implicitly rejected Windstream's position by declining to allocate CAF Phase I support on the basis of carrier-specific costs.[8]

Following the release of the *CAF Order*, Windstream then joined with Frontier in a Petition for Reconsideration requesting again that the Commission modify the rules to account for carrier-specific costs when allocating Phase I funding: "[t]he Commission should reconsider the [$775] threshold and instead develop a more flexible mechanism that accounts for cost conditions in individual broadband providers' service territories."[9] The Joint Petition for

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6 Since the CAF proceeding was initiated in 2011, Windstream has submitted in excess of 110 comments, reply comments, petitions, *ex parte*, and other filings.

7 *See*, *e.g*., Letter to Marlene H. Dortch, Federal Communications Commission from Malena F. Barzilai, Windstream (Oct. 21, 2011) (urging the Commission to "take care to ensure that any broadband deployment obligations are proportionate to interim high-cost support" and noting that "no single calculation of support would be appropriate for different broadband providers' service territories."); Letter to Marlene H. Dortch, Federal Communications Commission from Jennie B. Chandra, Windstream (June 30, 2011) (stating that CenturyLink, Frontier CostQuest and Windstream "reiterated their call for immediate adoption of reforms that would distribute ongoing support within a price cap carriers' areas on the basis of cost conditions in individual wire centers, rather than costs averages across study areas or entire states").

8 *See, e.g*., *CAF Order*, ¶139 (noting that "[f]or this interim program, we are not attempting to identify the precise cost of deploying broadband to any particular location. Instead, we are trying to identify an appropriate standard to spur immediate broadband deployment to as many unserved locations as possible, given our budget constraint").

9 *In re: Connect America Fund*, Frontier Communications Corp. and Windstream Communications, Inc., Petition for Reconsideration and/or Clarification, WC Docket Nos. 10-90, *et al*. at 12 (filed Dec. 29, 2011) ("Joint Petition for Reconsideration").

Reconsideration also sought modification of the rules to match Windstream's desire that price cap carriers be permitted to use Phase I support to deploy second mile facilities.[10]

In its *Second Reconsideration Order*, the Commission expressly rejected these arguments.[11] Noting that "the heart" of Windstream and Frontier's arguments was the request for carrier-specific deployment requirements instead of the general requirement of deployment to one subscriber location for every $775 in CAF support accepted, the Commission declined to adopt the carrier-specific approach.[12] The Commission explained that CAF Phase I support was intended to reach many, but not all, low-cost locations and the Commission had anticipated not all of the Phase I support would be accepted.[13] In short, the Commission declined to set up a regulatory framework where carriers would make a showing based on facts and costs characteristics particular to them and their service territories – the very basis for the waiver Windstream seeks. Those areas for which broadband deployment costs were very high or which would benefit from the deployment of second-mile facilities, the Commission explicitly identified as potential appropriate candidates for Phase II support.[14]

Undeterred by the Commission's two prior denials of Windstream's requests when fashioning the rules governing Phase I funding, Windstream resorts to the waiver procedure, still hoping to exceed the $775 cap in the Commission's Rules and to use Phase I monies for the deployment of second mile facilities.[15] Windstream also asserts that the Company's inability to

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10 *Joint Petition for Reconsideration* at 19-20.

11 *In re: Connect America Fund*, Second Order on Reconsideration, 27 FCC Rcd 4648, ¶¶ 19-23 (2012) ("Second Reconsideration Order").

12 *Second Reconsideration Order*, ¶¶ 19-20.

13 *Second Reconsideration Order*, ¶ 20.

14 *Second Reconsideration Order*, ¶¶ 20-23.

15 *Petition* at 3.

accept all of its Phase I support – because of the $775 cap – will "seriously undermine" the *CAF Order's* goal of rapid broadband deployment. [16] Windstream's latest arguments are simply rehashes of those made in the rulemaking proceeding and on reconsideration - the $775 of support per subscriber location is not sufficient for Windstream to deploy broadband in certain of its service areas and the use of Phase I funds to deploy second mile fiber will permit Windstream to provide broadband service to other locations that might otherwise not be served.[17] However, as discussed above, the Commission has already addressed Windstream's arguments, fully aware that, as a result, not all unserved locations would be reached as a result of Phase I funding. Indeed, the Commission explained that CAF support to bring service to unserved higher-cost areas and second mile deployment issues should be addressed during Phase II of the CAF.[18]

Windstream's mere repetition of the same arguments in a waiver context does not now warrant a Commission grant of relief. The Commission has twice-rejected Windstream's requests in establishing the regulatory regime to govern Phase I funding. The response to Windstream's third request should be the same. Otherwise, the entire regulatory regime established in the *CAF Order* regarding Phase I funding would be undermined.

III. WAIVING WINDSTREAM'S BROADBAND DEPLOYMENT OBLIGATIONS WOULD UNFAIRLY DISADVANTAGE UNSUBSIDIZED COMPETITORS

Windstream's Petition seeks a significant exemption from the Commission's regulations related to Windstream's acceptance and use of CAF Phase I support funds. If the Commission granted the Petition despite twice having rejected the Windstream arguments that carrier-specific cost-characteristics should factor into the level of Phase I funding, the relief easily could devalue

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16 *Petition* at 6.

17 *Petition* at 12-16.

18 *Second Reconsideration Order*, ¶¶ 20-23.

the privately-funded investments of unsubsidized competitors like Mediacom and discourage future private investment, contrary to the public interest. Permitting a subsidized competitor like Windstream to utilize public funds to expand its network beyond the limitations established in the Rules, whether in areas where Windstream directly competes with providers such as Mediacom, or in currently unserved areas, would unfairly disadvantage unsubsidized competitors expanding their networks with private investments.

Mediacom has continually invested private funds to expand its service territory and upgrade its facilities. As discussed in greater detail in Section IV.A. *infra*, over the last ten years, Mediacom has invested over $1 billion in network improvements and expansions including many that have brought broadband to rural and previously unserved areas. The availability to subsidized broadband providers of "free" CAF support can lead to unnecessary broadband deployment in areas where unsubsidized competitors have already invested in facilities. As Mediacom explained in its June 13, 2012 ex parte letter filed with the Commission in the above-referenced dockets, the Company experienced a similar situation in connection with Clearwave, a wholesale customer of Mediacom's broadband services.[19]

Clearwave was the recipient of more than $42 million in federal and state government broadband stimulus funds for broadband deployment in southern Illinois. Clearwave utilized these public funds to install middle-mile and last-mile facilities in the same area served by Mediacom, resulting, in some cases, in the duplication of Mediacom's existing broadband facilities in the area installed using private funds.[20] Such overbuilding by public grantees is an

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[19] *See* Letter to Marlene Dortch, Federal Communications Commission from John J. Heitmann, Kelley Drye & Warren LLP Counsel to Mediacom, Dkt. Nos. WC 10-90; 05-337 (June 13, 2012).

[20] *Id.*

inefficient use of public funds that devalues the private investments made by unsubsidized competitors.

Permitting Windstream or other subsidized competitors to utilize CAF Phase I support to build facilities more costly than envisioned by the $775 per subscriber cap and to deploy second mile fiber facilities could discourage future investment by unsubsidized broadband providers. Subsidized providers would be able to upgrade their facilities, replacing second mile copper with fiber, without having to rely solely on private funding for the investment like their competitors. As a result, these grantees potentially could offer subscribers more advanced broadband service, presumably at increased rates due to the reduced competition, and thereby increase their net revenues and the private return on the *public investment*. Unsubsidized competitors like Mediacom will be less likely to make future facilities investments in unserved areas if forced to compete with subsidized competitors whose decisions regarding broadband facilities deployment are less constrained by financial concerns due to potentially excessive public support. Consequently, granting Windstream's request to increase, in effect, its CAF Phase I funding levels would have the effect of stifling the very broadband deployment and the benefits of competition that the Commission seeks to increase. For these reasons, as well as those in the previous section, the Commission should deny the Petition.

IV. CHANGES IN THE BROADBAND INDUSTRY JUSTIFY EXPANDING THE TYPE OF BROADBAND PROVIDERS ELIGIBLE FOR CAF SUPPORT

As Windstream notes in its Petition, the Commission is still finalizing the form of CAF Phase II. The prospect that the Commission will extend Phase I, depending upon the timing and circumstances of Phase II funding implementation, also exists. The Commission's consideration of the next steps – implementation of Phase II of the CAF or continuation of Phase I funding programs – provide an appropriate opportunity for the Commission to consider alternatives to the current CAF funding system, including the breadth of potential recipients. If the Commission is to consider modifications to the Phase I funding regime, it should do so through a generic process and not through consideration of waiver requests such as that set forth in the Petition.

To the extent the Commission is inclined to reevaluate the Phase I rules to allocate any remaining support prior to implementation of Phase II, the Commission's focus should be on expanding the base of eligible broadband providers. Any revisions to Phase I support should not involve liberalization of the permitted uses or an increase in the amount of the $775 cap.

A. Mediacom and Other Broadband Providers Are Providing Broadband Service Better, Cheaper and Faster, With Private Funding

Mediacom continues to expand its broadband deployment in rural and unserved communities, bringing consumers in these areas the benefits of faster broadband speeds at lower prices than are often seen in price cap carriers' service offerings. As an example, Mediacom is currently investing over $1 million of private capital in a project to bring broadband service to over 9,000 unserved homes in rural Kern County, California.

Mediacom's broadband service offerings generally far exceed the minimum speeds required of CAF support recipients. The *CAF Order* requires price cap carriers like Windstream to deploy broadband that provides users with actual speeds of at least 4 Mbps downstream and 1 Mbps upstream.[21] Mediacom's downstream broadband speeds range from 3Mbps to 105 Mbps and most of Mediacom's subscribers select broadband service plans that include download speeds of 12 to 15 Mbps. These service speeds enable consumers to access high-quality Internet content including educational content and large files. Aside from offering faster broadband speeds, pricing for Mediacom's services is typically well-below the offerings of competing

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21 *CAF Order*, ¶ 22.

ILECs despite their receipts of public funds. Accordingly, Mediacom has been able to provide rural consumers with extremely fast broadband service at favorable rates.

Mediacom's recent broadband deployments often have occurred in the types of rural and unserved areas that are the very focus of the *CAF Order's* broadband deployment campaign. Mediacom has spent over $1 billion in network improvements and expansions over the last ten (10) years including building fiber connections to approximately 1000 cell towers. Within a twelve (12) month timeframe Mediacom has deployed over 500 route miles of fiber in Iowa, including many in rural areas. This cell tower build out enables the Company to bring fiber-based services to less-densely populated communities and rural and unserved areas.

Mediacom's fiber buildout also is extending inward from residential communities into underserved city, town and community centers that make up "Main Street" America. By deploying fiber and broadband service to the Main Street America, Mediacom is able to provide its faster and more favorably priced broadband services to small businesses and community anchor institutions. These institutions, including school districts, public libraries, hospitals, fire departments, police departments and other public safety agencies are key sources of community services that are best able to leverage broadband for the most good. For example, Mediacom's broadband customers include the Iowa Rural Healthcare Network, the Illinois Rural Healthcare Network, Iowa State University, the University of Iowa and dozens of community college campuses and vocational schools.

These private investments by Mediacom in rural and small town America are in accordance with the Commission's CAF goals. As the Commission noted, "[i]n rural communities throughout the country our reforms will expand broadband and mobility significantly, providing access to critical employment, public safety, educational, and health care opportunities to millions of Americans for the first time."[22]

Mediacom's significant private investment in the deployment of fiber facilities and the location of its network builds illustrate the Company's ability and commitment to provide advanced broadband service to consumers in less densely populated areas. Moreover, due to prior, significant investment in its fiber optic network, Mediacom is able to deploy its facilities at a lower cost and, in turn, can offer faster broadband services to consumers at lower service rates.

B. Future CAF Support Should be Available to Additional Types of Broadband Providers

A key goal of the *CAF Order* is to ensure broadband service is available to consumers throughout the country with a particular emphasis on reaching unserved consumers in high-cost areas such as rural areas. As the Commission has stated, broadband is key to numerous important goals:

> Businesses need broadband to attract customers and employees, job-seekers need broadband to find jobs and training, and children need broadband to get a world-class education. Broadband also helps lower the costs and improve the quality of health care, and enables people with disabilities and Americans of all income levels to participate more fully in society. Community anchor institutions, including schools and libraries, cannot achieve their critical purposes without access to robust broadband.[23]

The current CAF program attempts to meet these needs by providing one time Phase I support to price cap carriers while excluding other categories of service providers form eligibility. However, as evidenced by the decisions of Windstream and other price cap carriers not to accept all of their allocated CAF Phase I support, providing public support to only a small

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[22] *CAF Order*, ¶ 14.

[23] *CAF Order*, ¶ 3.

subset of the broadband provider market may not be the most effective means of reaching the Commission's goals. Of the 10 broadband providers selected to receive CAF Phase I support, only four (4), Alaska Communications Systems Group, Inc., Consolidated Communications, Inc., Frontier Communications Corp. and Hawaiian Telecom accepted all of their allocated funding.[24] AT&T, Verizon and Virgin Islands Telephone Corp. declined to accept any of the almost $68M total CAF Phase I funding (representing 87,544 unserved locations) allocated to those carriers.[25] Windstream's decision to accept only 1% of its available funding means Windstream will provide broadband service to only 843 out of approximately 77,940 unserved locations within its service area.[26] Similarly, CenturyLink elected to accept only $35M of its nearly $90M allocation[27] and FairPoint accepted $2,025,075, less than half of its allocation.[28]

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24 *See* Letter to Marlene Dortch, Federal Communications Commission from Karen Brinkmann, Counsel to Alaska Communications Systems Group, Inc. (July 24, 2012); Letter to Marlene Dortch, Federal Communications Commission from Paul J. Feldman, Counsel to Consolidated Communications, Inc. (July 24, 2012); Letter to Marlene Dortch, Federal Communications Commission from Michael Golob, Frontier Communications (July 24, 2012) and Letter to Marlene Dortch, Federal Communications Commission from Stephen P. Golden, Hawaiian Telecom (July 23, 2012).

25 AT&T, Verizon and Virgin Islands Telephone Corp. declined to accept any of the funding allocated to the carriers. *See* Letter to Marlene Dortch, Federal Communications Commission from Kathleen Grillo, Verizon (July 24, 2012); Letter to Marlene Dortch, Federal Communications Commission from Seth Davis, Virgin Islands Telephone Corp. (July 23, 2012). AT&T's letter declining support was not available on the Commission's website. *See* "Verizon, AT&T Decline Broadband Connect America Funding" at http://www.telecompetitor.com/verizon-att-decline-connect-america-funding/ (referencing a letter AT&T provided to Telecompetitor regarding the decision to decline support).

26 *Petition* at 2 (stating Windstream will accept only $653,325 of $60.4 million awarded to the Company). If Windstream had accepted the full $60.4M and spent $775 per location, the company should have been able to deploy broadband service to approximately 77,940 unserved locations.

27 Letter to Marlene Dortch, Federal Communications Commission from Melissa Newman, CenturyLink (July 24, 2012). CenturyLink noted that it will be serving only 45,289 of 105,157 eligible locations, unless its pending rule waiver request is granted. Opponents of that request contend that CenturyLink's waiver request, like the Petition, seeks carrier-specific treatment that the *CAF Order* and reconsideration orders specifically considered and rejected. *See, e.g.,* Comments/Opposition of ACA.

The inability or unwillingness of the price cap carriers to deploy broadband to unserved locations while adhering to the requirements of the *CAF Order* regarding CAF Phase I funding not only thwarts the CAF's goals of ensuring unserved consumers have access to broadband service and all of the benefits the service provides but indicates that the program's funding eligibility limitations deprive the public of the maximum benefit that might be afforded through CAF funding.

Because of the substantial capital investments it has already made in constructing an advanced fiber optic network, Mediacom will generally be able to deploy broadband facilities in rural and unserved locations at lower build costs, and offer broadband service at faster speeds, than competing ILECs. Instead of relying solely on the price cap (and ostensibly "high-cost") carriers to deploy broadband to unserved areas, the Commission should expand the types of broadband providers eligible for CAF support to include providers such as Mediacom. Mediacom has been able to deploy broadband facilities efficiently using private funding. It would be able to leverage those builds and extend its broadband network to many more unserved communities if the company had access to CAF support.

Allocating CAF support to broadband providers like Mediacom and others would spur competition and lead to more efficient deployment of broadband facilities. This efficiency, in turn, should drive down service costs for consumers. The alternative, relying solely on price cap carriers has resulted in the untenable outcome of in excess of 235,000 potential unserved locations likely remaining unserved for some time to come.[29] Other broadband providers like

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[28] Letter to Marlene Dortch, Federal Communications Commission from Michael T. Skrivan, FairPoint Communications, Inc. (July 23, 2012).

[29] The price cap carriers declined to accept approximately $185 million in allocated funding, representing approximately 239,012 unserved locations.

Mediacom should be given the opportunity to receive CAF support so that the number of currently unserved locations receiving broadband as a result of the CAF Phase I funding may be maximized.

V. <u>CONCLUSION</u>

For the foregoing reasons, Windstream's Petition should be denied. The Commission has twice denied Windstream's request for carrier-specific broadband deployment requirements under the CAF program and the use of CAF Phase I support for deployment of second mile facilities. The Petition makes no new arguments and is simply an untimely request for reconsideration by Windstream to have the rules fashioned to serve its corporate goals. Grant of the waiver request would also harm the public interest by devaluing the private investments that have been made by competitors in rural and unserved areas, and dissuade future private investments, thereby resulting in decreased overall availability of broadband services. Rather than granting the relief that Windstream seeks (for a third time), if the Commission were to consider any changes to Phase I of the CAF program, it should extend CAF support eligibility to unsubsidized competitors like Mediacom that have a proven track record of efficiently deploying affordable and advanced broadband service in less populated areas.

John J. Heitmann
John J. Heitmann
Edward A. Yorkgitis, Jr.
Denise N. Smith
Kelley Drye & Warren LLP
3050 K Street, NW, Suite 400
Washington, D.C. 20007
(202) 342-8400 (voice)
(202) 342-8451 (fax)

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Counsel to Mediacom Telephony