

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

In the Matter of: )  
)  
Connect America Fund; ) WC Docket No. 10-90  
)  
Regarding Census Blocks Erroneously )  
Shown as unserved on National Broadband )  
Map for Connect America Fund Phase 1 )  
Incremental Support )

To: Julie Veach, Chief  
Wireline Competition Bureau

**COMMENTS OF  
MONTANA INTERNET CORPORATION**

Montana Internet Corporation (“MIC” or “the Company”) hereby files these comments in response to the Wireline Competition Bureau’s request for comments<sup>1</sup> on the accuracy of the list of census blocks identified by the Bureau as unserved on the National Broadband Map (“Map”), and therefore eligible for funding under the Connect America Fund (“CAF”).<sup>2</sup>

**DISCUSSION**

MIC currently serves those census blocks listed in Appendix A to this filing, all of which are inaccurately identified as “unserved” on the Map and the Bureau's list.<sup>3</sup> Because MIC currently serves these census blocks the company respectfully informs the Commission that coverage in these census blocks is

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1 See Public Notice, WC Docket No. 10-90, DA 12-1961 (Dec. 5, 2012), and Public Notice, WC Docket No. 10-90, DA 12-2001 (Dec. 10, 2012).  
2 See *id.* (citing <http://www.fcc.gov/maps/unserved-fixed-broadband>).  
3 Per the Bureau's request, MIC is also providing an electronic copy of the list of census blocks listed in Appendix A which are currently served by MIC, and therefore erroneously identified as unserved on the Bureau's list.

understated, and these blocks are improperly identified as unserved. For the reasons set forth herein, the census blocks erroneously identified as unserved should not be the basis for further subsidies under the CAF program, and MIC therefore requests that the Commission decline to direct any further CAF subsidies to any service providers operating in such areas.

Set forth in Appendix A is a list of census blocks inaccurately identified as “unserved” in MIC's territory in Montana, but which the Company currently serves through its provision of fixed terrestrial broadband service with advertised speeds of 5Mbps downstream and 2 Mbps upstream. Previously, MIC reported speeds of 2 Mbps downstream and 2 Mbps upstream, in the fourth quarter of 2012, MIC has upgraded its service offerings to the new 5x2 Mbps for our entire service area that was formerly 2x2 Mbps. The attached list of census blocks served by MIC was compiled and prepared by the Company's information technology specialists, with oversight by the Company's CTO, who has certified to the accuracy of the facts set forth in these comments in the attached declaration.

It appears that the census blocks were erroneously identified as unserved due to the fact that the currently published version of the National Broadband Map is based on data as of December, 2011, but does not reflect data reported by the Company since that time. MIC has extended its coverage area by investing in build-out of a number of new access points over the last year. Coverage from those new access points is not reflected in information previously reported by MIC.

The relief requested herein is consistent with the Commission's intent to provide support for broadband deployment only in those “areas that are unserved by any broadband provider.”<sup>4</sup> Directing support to providers proposing to serve areas already served by MIC would breach notions of competitive neutrality, and undermine the significant investments made by MIC to serve these areas.

### CONCLUSION

Accordingly, because MIC currently serves those census blocks listed in Appendix A to this filing, the Bureau should remove such census blocks from the current list of “unserved” blocks and decline to direct any CAF subsidies to any service providers proposing to operate in these areas.

Respectfully submitted,



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<sup>4</sup> *In re 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 an 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, 26 FCC Rcd 17663 at ¶ 137 (2011) (*CAF Order*).