

September 27, 2013

via ECFS

Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Room TW-A325
Washington, DC 20554

**Re: Connect America Fund, Phase I Round 2 ("CAF");
WC Docket No. 10-90;
Mi Connection Communications System d/b/a Mi Connection;
Response to Windstream Challenge of 3 census blocks in North Carolina**

Dear Mrs. Dortch:

Mi Connection submits this letter to respond to Windstream's challenge and election to receive CAF funding in areas that we serve. Consistent with the Commission's goals, CAF support should not be available to fund overbuilds of areas that are already served.¹

Background. On August 20, 2013, Windstream submitted a letter to the FCC with a list of census blocks where it proposes to deploy broadband-capable infrastructure with CAF support.² Windstream proposes to deploy broadband in certain census blocks that the National Broadband Map ("Map") *correctly* shows as served by Mi Connection.³

¹ *In the Matter of Connect America Fund*, Report and Order, 28 FCC Rcd 7766 ¶¶ 28 (rel. May 22, 2013) ("CAF Challenge Order") (concluding that the challenge process will "improve the accuracy and efficacy of a second round of Phase I support, allowing support to be appropriately targeted to unserved areas consistent with [the Commission's] overarching goals for Phase I."); *see also, In the Matter of 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 ¶¶ 20 (2011) ("The CAF will help make broadband available to homes, businesses, and community anchor institutions that do not, or would not otherwise, have broadband ... [and] will rely on incentive-based, market-driven policies, including competitive bidding, to distribute universal service funds as efficiently and effectively as possible.").

² Letter re: Election of 2013 CAF Support, WC Docket No. 10-90, from Eric Einhorn, Senior Vice President, Government Affairs, Windstream Communications, Inc to Marlene Dortch, Secretary, Federal Communications Commission (August 2, 2013) (available via Electronic Comment Filing System). ("Windstream Election Letter").

³ Windstream Election Letter, Attachment 1 pp. 213-214 (identifying census blocks where Windstream is challenging the Map's designation as served).

Windstream is challenging the Map's designation of these blocks as served based on a lack of telephone number porting in the blocks.⁴ Notwithstanding Windstream's porting data, the Map correctly identifies as served the 3 census blocks identified on Exhibit A.

Response to Challenge. Accordingly, we submit this response to Windstream's challenge to show that the census blocks on Exhibit A are in fact served by an unsubsidized provider, Mi Connection, with fixed Internet access with speeds of 3 Mbps/768 kbps or higher.⁵

Documented Evidence in Support. In support of our response to Windstream's challenge, we submit the following documented evidence⁶:

- Exhibit A: A list of the census blocks for which we are responding to Windstream's challenge.
- Exhibit B: A signed certification from Mi Connection's Chief Executive Officer under penalty of perjury that Mi Connection offers 3 Mbps/768 kbps fixed Internet service to customers in each of the census blocks listed on Exhibit A.⁷
- Exhibit C: Customer bills (redacted to preserve customer privacy), identifying the address of at least one customer in each census block listed on Exhibit A.⁸

Conclusion. Accordingly, Mi Connection serves the census blocks listed on Exhibit A with fixed Internet access with speeds of 3 Mbps/768 kbps or greater. The Map correctly identifies these blocks as served. Accordingly, the Bureau should treat them as served for purposes of CAF Phase I and determine that Windstream cannot meet its build-out obligations under CAF Phase I by deploying to these blocks.⁹

Sincerely,



David Auger
Chief Executive Officer

⁴ Windstream Election Letter, Attachment 3 (explaining that Windstream is challenging the Map's designation of these blocks as served because Windstream did not port a telephone number to a competitor in those blocks from December 2011 through May 2013).

⁵ 47 CFR § 54.312(c)(7); CAF Challenge Order ¶ 32 (allowing challengers to demonstrate that the block is in fact served by fixed Internet access with speeds of 3 Mbps/768 kbps).

⁶ CAF Challenge Order ¶ 33 (requiring all filings in the challenge process to be supported by documented evidence).

⁷ *Id.* (citing an officer's certification as evidence the Bureau may consider in a challenge).

⁸ *Id.* (citing redacted customer billing records as evidence the Bureau may consider in a challenge).

⁹ 47 CFR § 54.312(c)(7) (if the Bureau determines that the "evidence presented makes it more likely than not that the census block should be designated as served by broadband with speeds of at least 3 Mbps downstream and 768 kbps upstream," the locations in that block will be treated as served and therefore ineligible to be counted towards the carrier's deployment obligations).

Exhibit A
Census Blocks Served by Mi Connection Communications System

Mi Connection serves each census block below with fixed Internet access with speeds of 3 Mbps/768 kbps or higher.

Census Block	Customer Address¹⁰
370970613042024	4XX Rinehardt Road, Mooresville, NC
370970613031010	1XX Woodridge Lane, Mooresville, NC
370970615022030	2XX Oak Brook Drive, Mooresville, NC

¹⁰ Each address corresponds to one of the customer bills provided in Exhibit C. To protect customer privacy, we do not provide the customer's full address. Instead, we provide enough of the address to associate it with the census block.

**Exhibit B
Officer's Certification**

1. My name is David Auger and I am Chief Executive Officer of Mi Connection Communications System. I certify as follows.
2. Mi Connection Communications System offers fixed Internet access with speeds of 3 Mbps/768 kbps or greater to customers in the census blocks listed on Exhibit A.
3. I certify under penalty of perjury that the facts contained in this Officer's Certification and in the challenge letter are true and correct to the best of my knowledge, information, and belief.

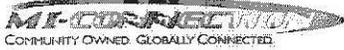


David Auger
Chief Executive Officer

September 27, 2013

Exhibit C
Customer Bills

Customer bills, redacted to preserve customer privacy, are attached.



Invoice Date
09/08/2013

Due Date
09/28/2013

Account Number

Invoice Number

4 RINEHARDT RD
MOORESVILLE NC 28115
Account Number

Current Month's Charges

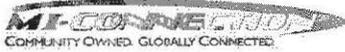
Total for MI-Connection

Service Detail

Quantity Amount

4 RINEHARDT RD

MIC HIGH-SPEED BROADBAND



Invoice Date
08/22/2013

Due Date
09/11/2013

Account Number

Invoice Number

1 WOODRIDGE LN
MOORESVILLE NC 28115-7103
Account Number

Current Month's Charges

Service Detail

Quantity Amount

1 WOODRIDGE LN

MIC HIGH-SPEED BROADBAND

Total for MI-Connection



Invoice Date
09/08/2013

Due Date
09/28/2013

Account Number

Invoice Number

2 OAK BROOK DR
MOORESVILLE NC 28115-6956
Account Number



Current Month's Charges



Service Detail

Quantity Amount

2 OAK BROOK DR



MIC HIGH-SPEED BROADBAND



Total for MI-Connection