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November 26, 2013

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Room TW-A325  
Washington, DC 20554

**RE: Ex Parte Notice, Docket No. WC 10-90  
Challenge Process for Second Round of Connect America Phase I**

Dear Ms. Dortch:

On September 26, 2013, Atlantic Telecom Multimedia Consolidated, LLC (“ATMC”) submitted a letter and officer’s certification in the above-referenced docket, challenging the unserved status of the following three census blocks that had been identified by CenturyLink as locations where it intended to build with Connect America Fund (“CAF”) Phase I Round 2 support:

- 1) 370479313001036, NC, CenturyLink;
- 2) 370479313001046, NC, CenturyLink; and
- 3) 370479313001054, NC, CenturyLink.

On November 4, 2013, CenturyLink filed a response to ATMC’s challenge. CenturyLink claimed that the challenge should be denied because ATMC’s officer certification, without additional documentary evidence, was a conclusory assertion about its provision of Internet access service in the three census blocks. Further, CenturyLink argued that ATMC did not meet the “more likely than not” standard for treating the three census blocks differently from how they are identified on the National Broadband Map (“NBM”). Importantly, CenturyLink has not challenged the validity of ATMC’s certification. Indeed, ATMC’s certification is signed by an officer of the company under penalty of perjury and states that the company offers Internet access services at 3 Mbps/768 kbps or greater speeds in the challenged census blocks.

Following the responses of the price cap carriers to their challengers, a number of *ex parte* filings have been made in the docket with regard to the challenge process. In particular, USTelecom has questioned the sufficiency of an officer certification submitted as the sole evidence that a census block is in fact already served with Internet access at the requisite speeds.<sup>1</sup> Several price cap carriers

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<sup>1</sup> See Letter to Marlene H. Dortch, Secretary, FCC, from David B. Cohen, Vice President, Policy, USTelecom, Report and Order in WC Docket No. 10-9, *Connect America Fund*, FCC 13-73 (rel. May 22, 2013) (filed Oct. 31, 2013).

have also urged the Commission not to consider further evidence submitted by a challenger after the deadline specified for the challenge process.<sup>2</sup>

ATMC continues to rely upon the Commission's direction in the CAF Phase I Round 2 Report and Order<sup>3</sup> and in the September 26, 2013 Public Notice,<sup>4</sup> in which the Commission and the Bureau have indicated that an officer's certification alone is sufficient evidence to challenge the unserved status of a census block, but also in which they have not required any further evidence as necessary to demonstrate that the challenged census blocks should be treated differently from how they are identified on the NBM. ATMC maintains that it has in fact met the Commission's "more likely than not" standard with its officer's certification and therefore the three census blocks it has challenged should not be eligible for CAF Phase I Round 2 support.

ATMC offered in its challenge letter to provide additional detail regarding its Internet access service upon request, however, in light of the ongoing advocacy that an officer's certification alone is not sufficient evidence to meet the challenge standard, and contrary to the Commission's direction that it is, ATMC feels compelled to supplement its challenge with additional evidence out of an abundance of caution to preserve its challenge rights.<sup>5</sup> Accordingly, ATMC submits Exhibit A, which includes three redacted customer bills, one for each challenged census block, showing the speed of the Internet service subscribed to by that particular ATMC customer in the census block identified. ATMC also submits Exhibit B, which is a map of the areas it serves at 3 Mbps/768 kbps or greater speeds within the three census blocks and which identifies streets within the census blocks on which ATMC provides such Internet access service to customers.

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<sup>2</sup> See Letter to Marlene H. Dortch, Secretary, FCC, from Michael D. Saperstein, Jr., Frontier Communications, *Connect America Fund*, WC Docket No. 10-90 (filed Nov. 14, 2013).

<sup>3</sup> See *Connect America Fund*, Report and Order, WC Docket No. 10-90, FCC 13-73, ¶ 33 (rel. May 22, 2013) ("where a "provider contests the price cap carrier's intention to serve, the Bureau may consider such as evidence as a signed certification from an officer of the provider under penalty of perjury that it offers 3 Mbps/768 kbps Internet service to customers in that particular census block. Such certification *could* be accompanied by current customer billing records, appropriately redacted to preserve customer privacy"), emphasis added.

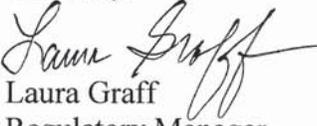
<sup>4</sup> See Public Notice, *Wireline Competition Bureau Reminds Connect America Phase I Challenge Participants To Protect Customer Privacy In Challenge Process*, WC Docket No. 10-90, DA 13-1988 (rel. Sept. 26, 2013) ("Participants in the challenge process are not required to submit customer billing records and should consider alternative methods of informing the Commission that a census block is, in fact, served by fixed Internet access with speeds of 3 Mbps/768 kbps or higher. For instance, an officer may certify that a number of customers are currently being served in the relevant census block, without providing any identifying information relating to the customers.")

<sup>5</sup> ATMC agrees with the American Cable Association that the Commission and Bureau knew how to bar or limit consideration of additional evidence after the filing of initial challenges and replies to those challenges, but the Commission and Bureau chose not to limit further submissions. See Letter to Marlene H. Dortch, Secretary, FCC, from Thomas Cohen, Kelley Drye & Warren, LLP, counsel for the American Cable Association, *Ex Parte* Filing by the American Cable Association (ACA) on *Connect America Fund*; WC Docket No. 10-90 at 2 (filed Nov. 15, 2013). ATMC also agrees with ACA that the receipt of additional evidence is consistent with the Commission's public interest responsibilities. See *id.*

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Based on the officer's certification that ATMC submitted on September 26, 2013, as well as the additional evidence submitted herein, ATMC urges the Commission to find that the three census blocks identified in its challenge letter and certification should be considered served and therefore, ineligible for Connect America Fund Phase I Round 2 support.

Sincerely,

  
Laura Graff  
Regulatory Manager

cc: Herman & Whiteaker, LLC

Telephone Number	Account Number
[REDACTED]	[REDACTED]



[REDACTED]			<b>Billing Date</b>	<b>Past Due Date</b>
PAYMENTS RECEIVED AFTER [REDACTED] ARE NOT INCLUDED			[REDACTED] 2013	[REDACTED] 2013
<b>Previous Balance</b>	<b>Previous Payments</b>	<b>Balance Forward</b>	<b>Current Charges</b>	<b>Amount Due</b>
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

THANK YOU FOR PAYING YOUR BILL ON TIME.

TELEPHONE COMPANY	MONTHLY SERVICE	[REDACTED]
	FROM [REDACTED] THRU [REDACTED]	[REDACTED]
	OTHER CHARGES/CREDITS	[REDACTED]
[REDACTED]		
TOTAL AMOUNT DUE - PLEASE PAY THIS AMOUNT . . . . .		

<b>Past Due After</b>	<b>Account Number</b>
[REDACTED]	[REDACTED]

<b>Amount Due</b>
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] SEVEN CREEKS HWY  
NAKINA NC 28455 [REDACTED]

[REDACTED]

2013	MONTHLY SERVICES		PAGE 2 OF 3
		QTY	AMOUNT
			TOTAL



TELEPHONE COMPANY

TEL#		QTY	AMOUNT	TOTAL
	20MB BROADBAND			
TOTAL - MONTHLY SERVICES		FOR:		
TELEPHONE COMPANY			- TOTAL MONTHLY CHARGE	
TOTAL - MONTHLY SERVICES				

2013	OTHER CHARGES AND CREDITS	
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TELEPHONE COMPANY





Telephone Number	Account Number
[REDACTED]	[REDACTED]



PAYMENTS RECEIVED AFTER [REDACTED] ARE NOT INCLUDED			Billing Date	Past Due Date
			[REDACTED] 2013	[REDACTED] 2013
Previous Balance	Previous Payments	Balance Forward	Current Charges	Amount Due
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

TELEPHONE COMPANY	MONTHLY SERVICE	[REDACTED]
	FROM [REDACTED] THRU [REDACTED]	[REDACTED]
	OTHER CHARGES/CREDITS	[REDACTED]
TOTAL AMOUNT DUE - PLEASE PAY THIS AMOUNT . . . . .		[REDACTED]

Past Due After	Account Number
[REDACTED]	[REDACTED]

Amount Due
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] POLEY BRIDGE CHURCH RD [REDACTED]  
 NAKINA NC 28455 [REDACTED]

	QTY	AMOUNT	TOTAL
[REDACTED]			



TELEPHONE COMPANY

TEL#		QTY	AMOUNT	TOTAL
[REDACTED]	20MB BROADBAND [REDACTED]			



TOTAL - MONTHLY SERVICES FOR: [REDACTED] - TOTAL MONTHLY CHARGE

TELEPHONE COMPANY

TOTAL - MONTHLY SERVICES

2013 OTHER CHARGES AND CREDITS

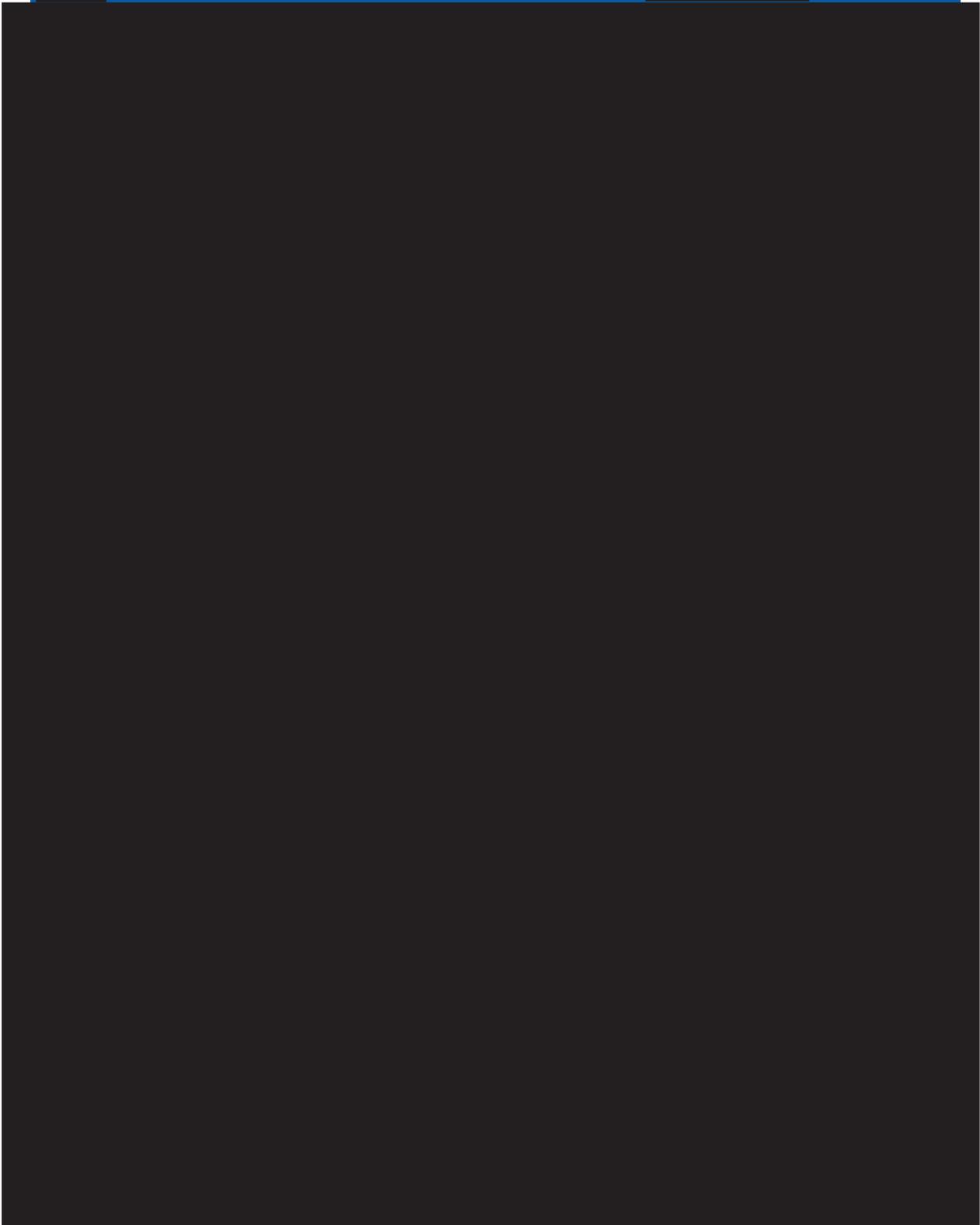
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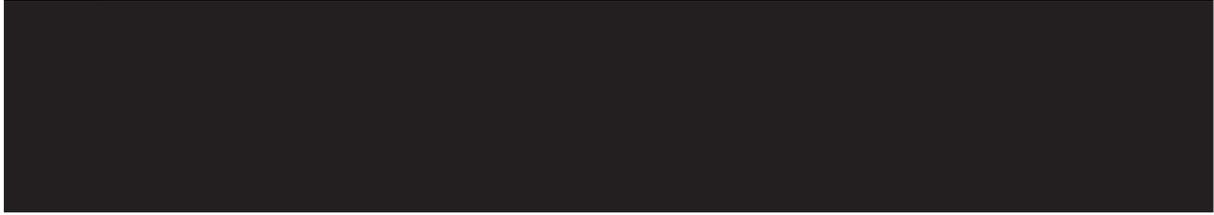
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[REDACTED]	[REDACTED]		

TOTAL - OTHER CHARGES/CREDITS FOR: [REDACTED] - TOTAL OTHER CHARGES

TELEPHONE COMPANY









Telephone Number	Account Number
[REDACTED]	[REDACTED]



[REDACTED]			<b>Billing Date</b>	<b>Past Due Date</b>
PAYMENTS RECEIVED AFTER [REDACTED] ARE NOT INCLUDED			[REDACTED] 2013	[REDACTED] 2013
Previous Balance	Previous Payments	Balance Forward	Current Charges	Amount Due
[REDACTED]				

TELEPHONE COMPANY	MONTHLY SERVICE	[REDACTED]
[REDACTED]	FROM [REDACTED] THRU [REDACTED]	
[REDACTED]	OTHER CHARGES/CREDITS	
TOTAL AMOUNT DUE - PLEASE PAY THIS AMOUNT . . . . .		

Past Due After	Account Number
[REDACTED]	[REDACTED]

Amount Due
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] WINFIELD WHALEY LN  
NAKINA NC 28455 [REDACTED]

[REDACTED]

	QTY	AMOUNT	TOTAL
10MB BROADBAND			



TELEPHONE COMPANY

TEL# 10MB BROADBAND



QTY	AMOUNT	TOTAL

TOTAL - MONTHLY SERVICES FOR: - TOTAL MONTHLY CHARGE

TELEPHONE COMPANY

TOTAL - MONTHLY SERVICES

TELEPHONE COMPANY

TEL#



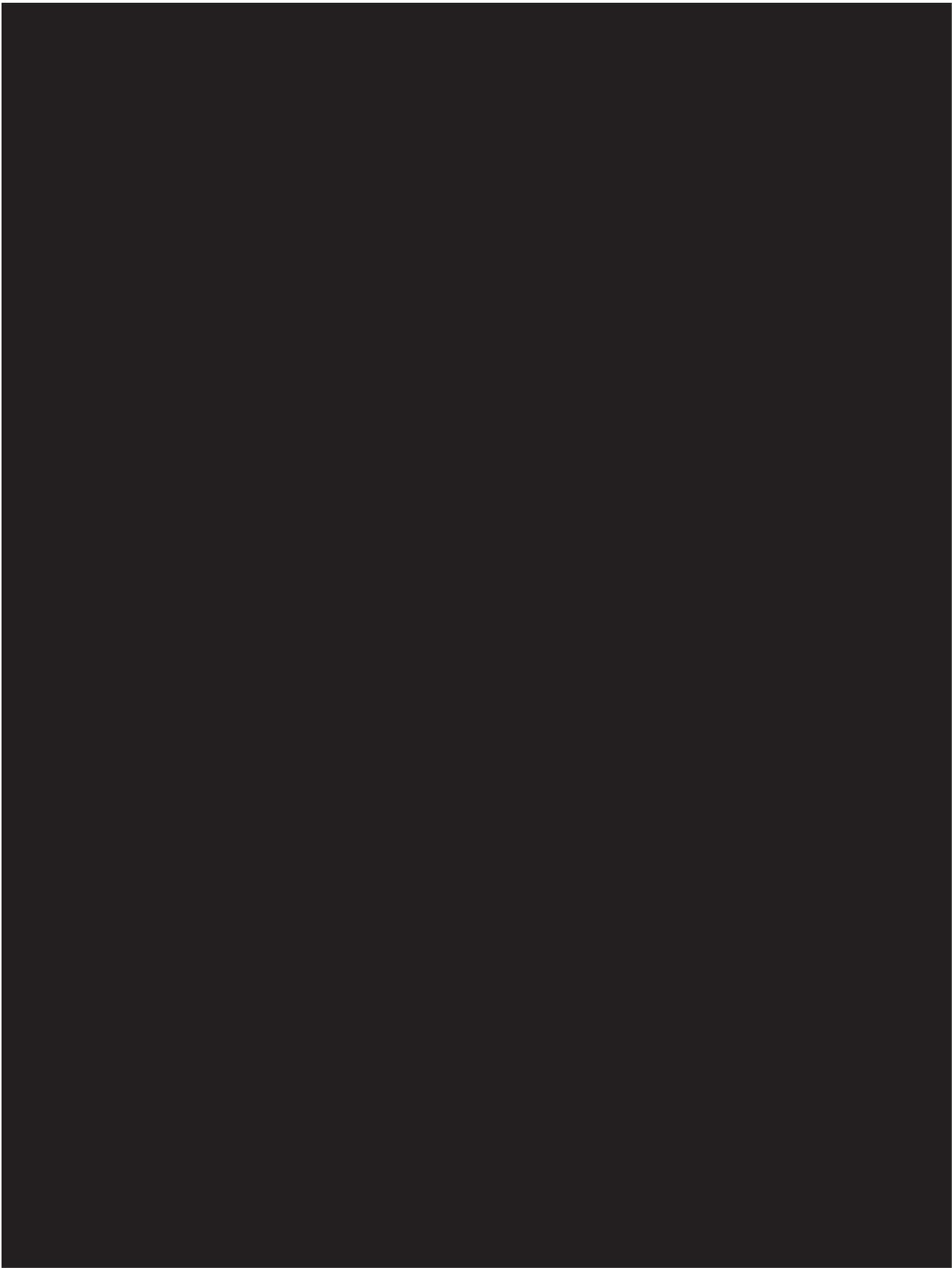
AMOUNT	TOTAL

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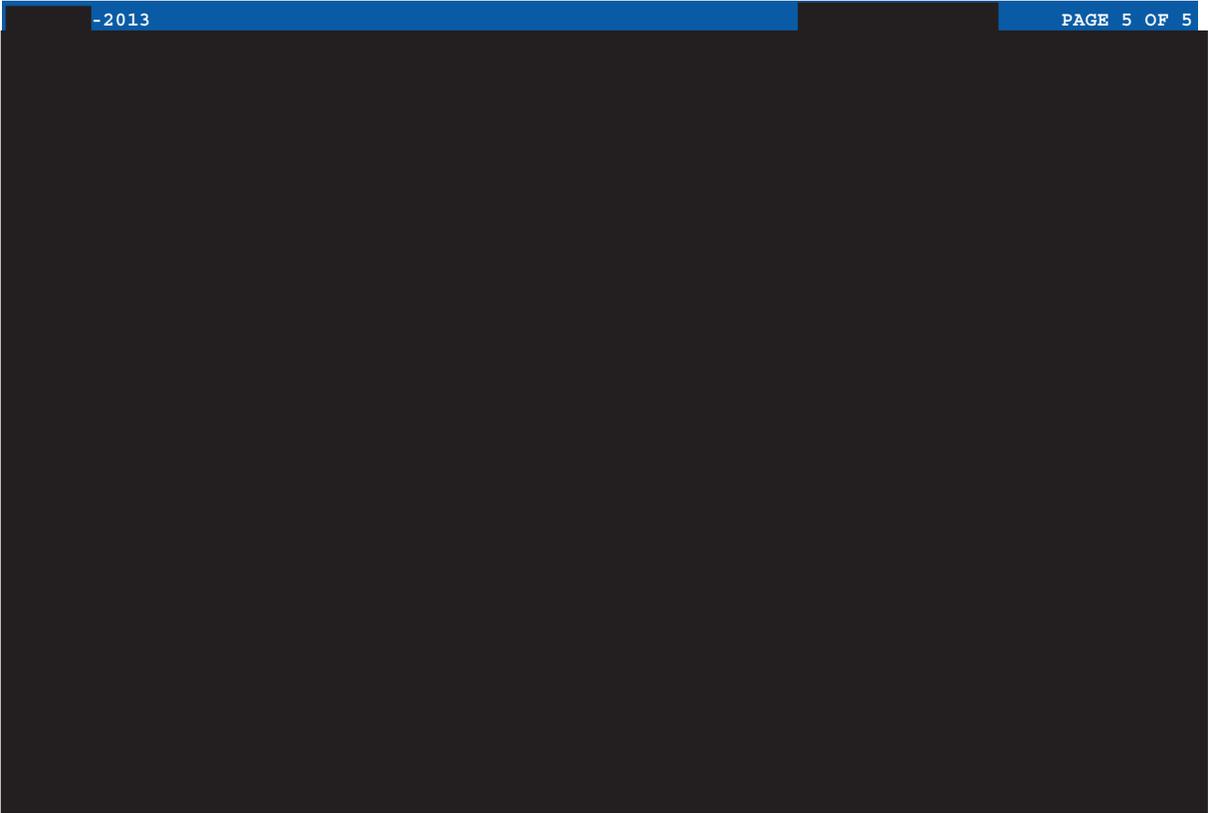
TOTAL - OTHER CHARGES/CREDITS FOR: - TOTAL OTHER CHARGES

TELEPHONE COMPANY





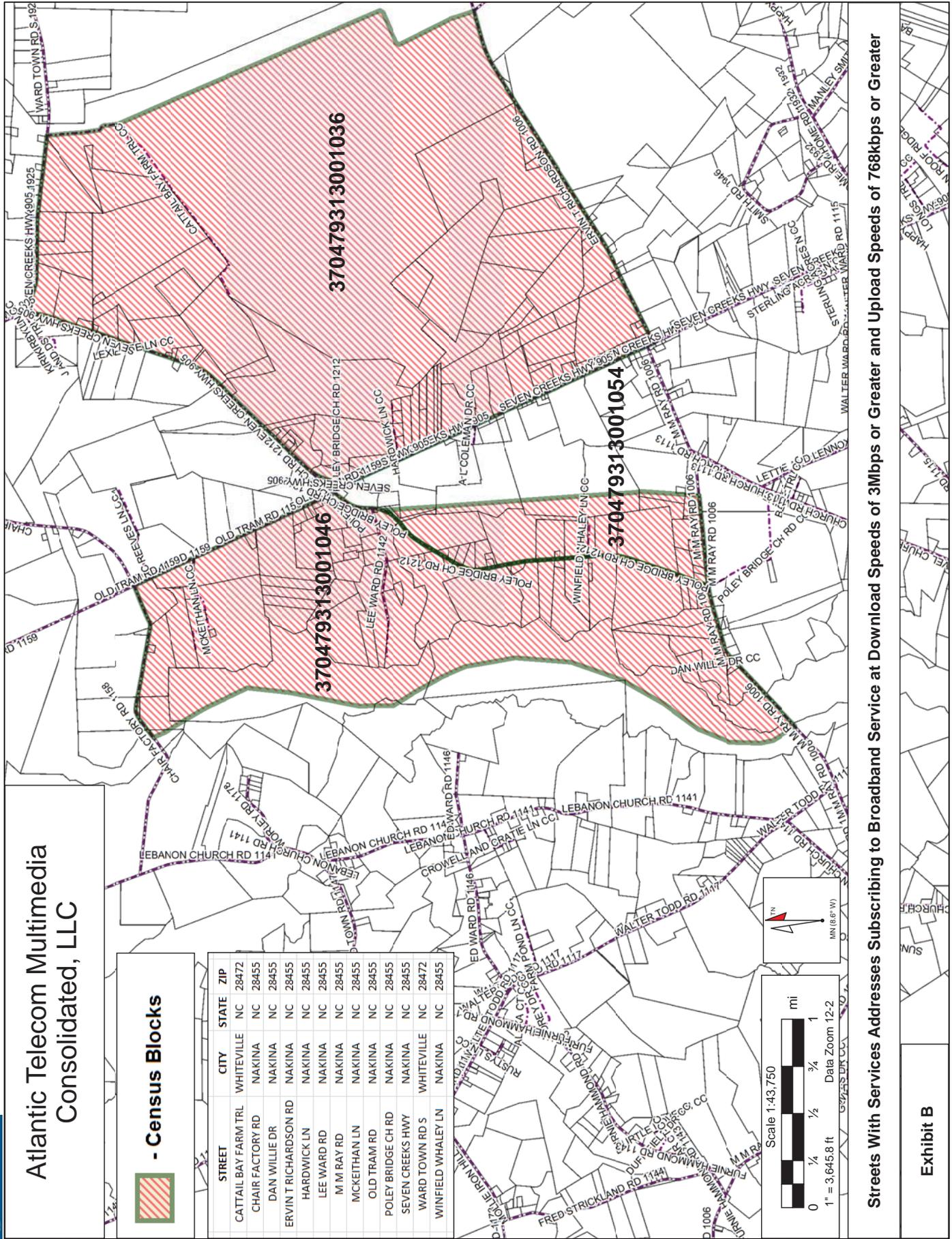




# Atlantic Telecom Multimedia Consolidated, LLC

## - Census Blocks

STREET	CITY	STATE	ZIP
CATTAIL BAY FARM TRL	WHITEVILLE	NC	28472
CHAIR FACTORY RD	NAKINA	NC	28455
DAN WILLIE DR	NAKINA	NC	28455
ERVIN T RICHARDSON RD	NAKINA	NC	28455
HARDWICK LN	NAKINA	NC	28455
LEE WARD RD	NAKINA	NC	28455
M M RAY RD	NAKINA	NC	28455
MCKEITHAN LN	NAKINA	NC	28455
OLD TRAM RD	NAKINA	NC	28455
POLEY BRIDGE CH RD	NAKINA	NC	28455
SEVEN CREEKS HWY	NAKINA	NC	28455
WARD TOWN RD S	WHITEVILLE	NC	28472
WINFIELD WHALEY LN	NAKINA	NC	28455



Streets With Services Addresses Subscribing to Broadband Service at Download Speeds of 3Mbps or Greater and Upload Speeds of 768kbps or Greater

## Exhibit B