



503 N. Main, Ste. 310 – Pueblo, CO 81003  
719-560-9897 – 1-888-799-1799 – Fax: 719-546-1558 www.action22.org

September 3, 2014

The Honorable Tom Wheeler, Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20536

Dear Mr. Wheeler:

Action 22 is an advocacy organization that provides a Voice for the 22 county areas in Southern Colorado. Action 22 counties are among the most economically depressed in the State of Colorado. It is no coincidence that these counties also lack consistent and universal high-speed broadband Internet service.

Access to high-quality Internet services is crucial to Rural America. We may be hundreds of miles from urban centers, but our communities need the same quality of service to be able to survive in an economy that relies on technology and communications. In some cases, a small town will disappear if its residents cannot get the service they need.

Action 22 is pleased that the Federal Communications Commission (FCC) recognizes our problem and is taking steps – through its Connect America Fund II (CAF II) regulations – to solve it. After reviewing your proposed regulation, we see that you are calling for bold action, particularly with your mandate to double download speeds to as many customers as possible.

In order for CAF II to achieve its promise, it must ensure that the funds are spent to deliver broadband to those areas that are currently underserved. In talking with our provider members, there are some concerns we have with the current proposal. Action 22 members hope you will take these into consideration in adopting the final rules.

First, when the Commission is determining whether an area is served with high speed Internet, using census tracts may not be the right approach. In rural Colorado, there are many large census tracts due to the sparse population. It is quite possible that one provider, whether it is a telephone, cable or even wireless provider, may serve a more densely populated portion of the tract, but there may also be parts of the same census tract that do not receive service.

For example, a telephone provider may serve every resident of the census tract with voice communications. A cable company or wireless provider may serve a portion of that tract, say within a town, with high speed broadband, but it might not serve the outlying residents. In that instance the cable or wireless company providing broadband to a portion of the tract should not be able to prevent the voice telephone company from applying for funds to expand its service to remote customers to add the broadband capacity. Any provider should have the

The Honorable Tom Wheeler, Chairman  
Federal Communications Commission  
August 28, 2014  
Page 2

ability to apply for funds needed to provide service to those customers who do not currently have service regardless of census tract boundaries.

Along the same lines, Action 22 supports the FCC position of not funding to build duplicative service where service already exists. But there should be independent verification that the provider of the existing broadband is indeed delivering qualifying broadband universally within the described service area. The example we have used above is applicable here. A provider, whether licensed and regulated or not, may have broadband within its service area, but that provider should be required to demonstrate through independent testing that the service is consistently available and reliable at the required 10 megabytes, and that every customer in the area has access to the service.

This specifically addresses our concerns regarding fixed wireless service. Currently, fixed wireless service is usually slower and more costly than facilities based service, which raises the question of whether they can actually deliver the mandated download speed. Any claims of ability to do so must be verified.

Finally, your ambitious plan to increase download speed from 4 Mbps to 10 Mbps will have a far-reaching impact. Some providers, especially existing providers who must expand capacity to meet the requirements, will have a difficult time meeting this mandate in the time allowed. All providers, whether new or incumbent, should have the same ten-year period to complete build-out.

All of these problems can be solved in four steps:

- Extend the funding period to 10 years to build the higher capacity network.
- Establish reasonable network build-out parameters.
- Allow funds to be used to reach all un-served, high-cost households, including those living in the same Census block as a household that does have access to 10 Mbps broadband.
- Require cable and WISP service claims to be verified through a strong and independent challenge.

Action 22 thanks the FCC for taking on this difficult task. This is difficult work, and the commission has invested a lot time and money in the effort. I hope it will make these suggested improvements to ensure that all its hard work leads to good results.

Sincerely,



Kathy D. Worthington, Chair  
Board of Directors  
Action 22, Inc.

Cc: FCC Commissioners