

FINAL AGENCY DECISION
STATEWIDE BROADBAND AVAILABILITY MAP VERSION 4 APPEAL
September 14, 2021

DOCKET NO. 21-1004

A. APPELLANT INFORMATION

Company Name	Massena Telephone Company, Inc
Address	211 Main Street
City	Massena
State	IA
Zip	50853

B. DESIGNATED CONTACT INFORMATION

Contact Name	Mike Klocke
Contact Phone Number	712-779-2227
Contact Email	mike@massenatelephone.com

C. APPEAL TYPE

- Resident Challenge
 First-Party Provider Challenge
 Third-Party Provider Challenge

D. EVIDENCE CONSIDERED

With respect to the Census Blocks forming the basis of this Appeal, the Office has reviewed the evidence and information submitted by Appellant related thereto (see Appendix B for original submission), in conjunction with the maps and data sources originally utilized in determining the TSA designation of these Census Blocks, and made a determination as to the Census Block TSA Tier designations as set forth in Appendix A.

- If checked, Appellant submitted a Certification as part of its Appeal, affirming under penalty of perjury whether or not Broadband service was Facilitated, and at which tier level, in Census Blocks as of July 1, 2021.
- If checked, Appellant submitted additional information in support of its Appeal. This information has been considered by the Office in making its Final Decision.
- If checked, challenged Census Blocks within this Appeal overlap with other Appeals containing one or more of the same Blocks. The Office considered evidence submitted in connection with any overlapping Appeal in making its final decision for any overlapping Census Block.
- If checked, the Office sent requests for additional information to Third-Party Provider(s) concerning whether reported broadband service was Facilitated in one or more blocks of this Appeal as reflected on Map V4 as of July 1, 2021. The Office may have received Affirmation(s) and/or other evidence from Third-Party Provider(s) in response to such requests. Refer to Appendix C for a record of these efforts.

Go to <https://ocio.iowa.gov/broadband-availability-map-version-4-challenge-process> for more information regarding how the Office evaluates evidence and decides tier designations for appealed blocks.

E. TO APPEAL FURTHER

The Office will post its Final Decisions on its website at ocio.iowa.gov/broadband. If an Appellant wishes to appeal the Decision further Appellant must notify the Office in writing within thirty (30) days of the posting of the Decision. Iowa Admin. Code r. 129–20.5(5). A request for a contested case must be filed by mailing a written request to:

Office of the Chief Information Officer
c/o Matt Behrens
200 E. Grand Avenue
Des Moines, Iowa 50309

In so doing, the reason for further appealing this Decision must be stated, specifically identifying the particular aspects of the Decision with which Appellant disagrees and the reasons why, whether factual or legal in nature. The request for a contested case proceeding should state the name and address of the requester; identify the specific Office action which is disputed; and, where the requester is represented by a lawyer, identify the provisions of law or precedent requiring or authorizing the holding of a contested case proceeding in the particular circumstances involved, and include a short and plain statement of the issues of material fact in dispute. Iowa Admin. Code r. 129–6.4.

Upon receipt, the appeal will be forwarded to the Department of Inspections and Appeals where an Administrative Law Judge (“ALJ”) will perform an independent review. Iowa Admin. Code r. 129–20.6(1); Iowa Admin. Code r. 129–6.6. At that time, an ALJ will schedule a hearing. If Appellant does not exercise its appeal right within thirty (30) days of the posting of this Decision, this Decision shall become final and no longer subject to challenge. Iowa Admin. Code r. 129–20.5(5).

SIGNED
DATE

Matt Behrens
Deputy Chief Information Officer
State of Iowa

APPENDIX A - FINAL DECISION

DEFINITIONS

Targeted Service Area	A Targeted Service Area (TSA) is a census block within which no communications service provider offers or facilitates broadband service at or above the tier 1, tier 2, or tier 3 download and upload speeds, as applicable.						
Tier 1	A maximum download speed of less than 25 megabits per second (Mbps) and a maximum upload speed of less than 3 Mbps.						
Tier 2	A minimum download speed of greater than or equal to 25 Mbps but less than 50 Mbps. No minimum upload speed is applicable for Tier 2.						
Tier 3	A minimum download speed of greater than or equal to 50 Mbps but less than 80 Mbps. No minimum upload speed is applicable for Tier 3.						
Non-TSA	A non-TSA is a census block in which speeds are Facilitated at greater than or equal to 80 Mbps.						
Facilitate	A communication service provider's ability to provide broadband service at or above the download and upload speeds defined above to a home, farm, school, or business within a commercially reasonable time and at a commercially reasonable price upon request by a consumer. This does <i>not</i> pertain to the Broadband Infrastructure used to facilitate said service; Broadband Infrastructure is <i>not</i> a basis for appeal.						
Map V4 Designation	The speed tier reflected on the Map as of July 1, 2021.						
Decision Basis	The Decision Basis number reflected in this column corresponds to a general explanation for why this Office made its decision regarding the Block. The Decision Bases are posted on the website at https://ocio.iowa.gov/broadband-availability-map-version-4-challenge-process .						
Overlapping Appeal	Indicates the Docket Number in which the Census Block has been challenged in another Appeal. The Final Agency Decision may be impacted by additional or alternate information or affirmations received in conjunction with another Appeal for the same Block.						
Prior Reporting	The Prior Reporting column reflects information provided by Appellant on the Appeal. The Prior Reporting to FCC or Connected Nation may reflect one of the following:						
	In Error: Data was reported incorrectly to FCC or Connected Nation	Correct: Data was reported correctly to FCC or Connected Nation	No Response: Data was not reported to FCC or Connected Nation	Unknown: Data is incorrect for unknown reasons			

Docket No.	Census Block ID	Prior Reporting	Map V4 Designation	Appellant's Request	Final Agency Decision	Decision Basis	Overlapping Appeal
21-1004	190291901002188	Correct	Tier 3	Non-TSA	Non-TSA	1	
21-1004	190291901002205	Correct	Tier 3	Non-TSA	Non-TSA	1	
21-1004	190291901002208	Correct	Tier 2	Non-TSA	Non-TSA	1	
21-1004	190291901002216	Correct	Tier 2	Non-TSA	Non-TSA	1	
21-1004	190291901002215	Correct	Tier 2	Non-TSA	Non-TSA	1	
21-1004	190291901002168	Correct	Tier 2	Non-TSA	Non-TSA	1	
21-1004	190291901002169	Correct	Tier 2	Non-TSA	Non-TSA	1	
21-1004	190291901002170	Correct	Tier 2	Non-TSA	Non-TSA	1	

APPENDIX B
CERTIFICATION AND SUPPORTING INFORMATION



Grants, OCIO <ociogrants@iowa.gov>

Re: Challenge Form from Massena Telephone

1 message

Mike Klocke <mike@massenatelephone.com>
To: "Grants, OCIO" <ociogrants@iowa.gov>

Mon, Jul 12, 2021 at 5:35 PM

Sorry for the confusion--I forgot one straggler for the challenge. Please use this version of the form, filename ending in V2, not the one I sent a few minutes ago.

Mike

Mike Klocke
General Manager
Massena Telephone Company
712.779.2227
mike@massenatelephone.com




On Mon, Jul 12, 2021 at 5:28 PM Mike Klocke <mike@massenatelephone.com> wrote:

Please find attached a challenge form. I would welcome any question you may have via email or phone call.

Sincerely,

Mike Klocke
General Manager
Massena Telephone Company
712.779.2227
mike@massenatelephone.com



 **MTC map_v4_provider_challenge_form_v2.xlsx**
179K



A. APPELLANT INFORMATION

Company Name	Massena Telephone Company, Inc
Address	211 Main Street
City	Massena
State	IA
Zip	50853

B. DESIGNATED CONTACT INFORMATION

Contact Name	Mike Klocke
Contact Phone Number	712-779-2227
Contact Email	mike@massenatelephone.com

C. CERTIFICATION/ATTESTATION/AFFIRMATION

In signing and submitting this form, the above-identified company, and its duly authorized representative signing on behalf thereof, hereby affirms, attests, and certifies under penalty of perjury that, as represented in its submission: Choose one option that describes company/affiliation status.

Company, consistent with the representations made in this form, and regardless of whether your company's prior reporting to the FCC or State of Iowa was correct or in error as of July 1, 2021, either:

(a.) Facilitated material Broadband service according to the designated Tier speed indicated on the Map; or

(b.) Did NOT Facilitate Broadband according to the designated Tier speed in the identified census blocks.

Another unaffiliated company, as of July 1, 2021, consistent with the representations made in this form, either: (a.) Facilitated material Broadband service according to the designated Tier speed indicated on the Map; or (b.) Did NOT Facilitate Broadband according to the designated Tier speed in the identified census blocks.

D. ADDITIONAL EXPLANATION (To the extent you believe additional explanation is required to ensure that you are communicating full and accurate information, please use the below space to further explain, qualify, or substantiate your above certification/attestation/affirmation. To the extent necessary, please feel free to upload additional explanations/supporting documentation.)

This discrepancy is completely a problem due to timing—The broadband map data was due April 30, 2021. On that date, our build-out was not complete yet; therefore MTC could not honestly report that the company served these TSAs. On the appeal worksheet, I listed these TSAs as Correct, because the information was correct as of the date it was reported to Connected Nation. During the months of May and June we have completed this project and by June 30, 2021, Massena Telephone Company can serve these Census Blocks with up to 1Gbps download/200Mbps upload speeds. Massena Telephone did receive funding for these blocks from the 2020 Grant, and is compliance with that Grant. These CBs should not be funded again. The last CB on the list was erroneously omitted when reporting to Connected Nation.

E. SIGNATURE* By typing your full name you are affixing your signature to this form and attesting to the accuracy of the information submitted herein.

Authorized Signature:	Mike Klocke
Title:	General Manager
Date:	7/12/2021

*PLEASE READ BEFORE SIGNING: By signing and submitting this form, I, on my own behalf or as a representative of the company identified above, as applicable, expressly represent that I am authorized to make the above factual representation on behalf of said company and/or myself, as applicable, and under penalty of perjury as authorized by Iowa Code section 622.1 and pursuant to the laws of the state of Iowa, certify the following with respect to this form submitted on behalf of said company and/or myself: any statements, representations, warranties, certifications, or attestations made in this form, including any attachments or enclosures associated therewith, are true and accurate; I, on behalf of said company and/or myself, have not knowingly made any false statements or representations in this form. In addition to any criminal penalties authorized by Iowa Code section 720.2 that may result from any false statements of material fact made herein or any other remedies available at law, equity, or otherwise, if it is subsequently determined that I have made a statement, representation, warranty, certification, or attestation in this form, or any attachments or enclosures associated herewith, that is later proven untrue in any material respect, the company on which I submitted this form on behalf of may be disqualified from current incentive programs administered by the Office or may be ordered to repay the Office the entire amount of any funds previously distributed by the Office to said company in connection with any current incentive programs administered by the Office. OCIO makes no guarantees as to whether the information supplied by you will result in any change to the Broadband Availability Map V4 or the way any incentive decisions are reviewed, scored, or decided. This form, as completed, any attachments hereto, and any other information or materials submitted to the Office in connection with this form or related inquiry, shall be considered public records and shall be made available for public examination and/or disseminated upon request by third parties as required by Iowa Code chapter 22. The Office reserves the right to reject this form and relatedly consider any information communicated through this form as neither credible nor probative if this form is not fully and properly filled out.

Please familiarize yourself with the following terms prior to determining whether a broadband block may be appealed.

Targeted Service Area A Targeted Service Area (TSA) is a census block within which no communications service provider offers or facilitates broadband service at or above the tier 1, tier 2, or tier 3 download and upload speeds.

Existing Broadband Speed Tiers The speed tiers used to determine whether a broadband block qualifies as a Targeted Service Area on the Statewide Broadband Availability Map.

Tier 1 A maximum download speed of less than 25 megabits per second (Mbps) and a maximum upload speed of less than 3 Mbps.

Tier 2 A minimum download speed of greater than or equal to 25 Mbps but less than 50 Mbps. No minimum upload speed is applicable for Tier 2.

Tier 3 A minimum download speed of greater than or equal to 50 Mbps but less than 80 Mbps. No minimum upload speed is applicable for Tier 3.

Non-TSA A non-TSA is a census block in which speeds are Facilitated at greater than equal to 80 Mbps

Facilitate A communication service provider's ability to provide broadband service at or above the download and upload speeds defined above to a home, farm, school, or business within a commercially reasonable time and at a commercially reasonable price upon request by a consumer. This does *not* pertain to the Broadband Infrastructure used to facilitate said service; Broadband Infrastructure is *not* a basis for appeal.

CENSUS BLOCK ID	Prior Reporting to FCC or Connected Nation Definitions 1. <u>In Error</u> means data was reported incorrectly to FCC or Connected Nation. 2. <u>Correct</u> means data was reported corectly to FCC or Connected Nation. 3. <u>No Response</u> means data was not reported to FCC or Connected Nation. 4. <u>Unknown</u> means data is incorrect for unknown reasons	Speed Tier that is reflected on Map v.4	What do you believe the Map should reflect for Facilitated service as of July1, 2021?
190291901002188	Correct	3	Non-TSA
190291901002205	Correct	2	Non-TSA
190291901002208	Correct	2	Non-TSA
190291901002216	Correct	2	Non-TSA
190291901002215	Correct	2	Non-TSA
190291901002168	Correct	2	Non-TSA
190291901002169	Correct	2	Non-TSA
190291901002170	Correct	2	Non-TSA
190291901002172	Correct	2	Non-TSA
190291901002171	Correct	2	Non-TSA
190291901002179	Correct	2	Non-TSA
190291901002181	Correct	2	Non-TSA
190291901002178	Correct	2	Non-TSA
190291901002232	Correct	2	Non-TSA
190291901002231	Correct	2	Non-TSA
190291901002173	Correct	2	Non-TSA
190291901002174	Correct	2	Non-TSA
190291901002230	Correct	2	Non-TSA
190291901002176	Correct	2	Non-TSA
190291901002175	Correct	2	Non-TSA
190039501001054	In Error	2	Non-TSA