

FINAL AGENCY DECISION

STATEWIDE BROADBAND AVAILABILITY MAP VERSION 4 APPEAL September 14, 2021

DOCKET NO. 21-2019

A. APPELLANT INFORMATION

Company Name	Marne & Elk Horn Telephone Company
Address	4242 Main St
City	Elk Horn
State	IA
Zip	51531

B. DESIGNATED CONTACT INFORMATION

Contact Name	Rachel Hamilton
Contact Phone Number	712-764-6161
Contact Email	rachel@metcteam.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
21-1019	190090703001057	Unknown	Non-TSA	Tier 2	Non-TSA	5	21-040
21-1019	190090703001057	Unknown	Non-TSA	Tier 2	Non-TSA	5	21-040
21-1019	190090703001057	Unknown	Non-TSA	Tier 2	Non-TSA	5	21-040

[illegible]

APPENDIX B
CERTIFICATION AND SUPPORTING INFORMATION



Grants, OCIO <ociogrants@iowa.gov>

Provider Challenge Form Attached

1 message

Rachel Hamilton <rachel@metcteam.com>
To: "Grants, OCIO" <ociogrants@iowa.gov>

Fri, Jul 16, 2021 at 10:10 AM

Thanks,

Rachel Hamilton

General Manager/CEO



Marne Elk Horn
Your Local Connection



**GIG-CERTIFIED
PROVIDER**

rachel@metcteam.com

main 712.784.2211 or 712.764.6161

510 Highland Street, PO Box 346 Walnut, Iowa 51577

4242 Main St, PO Box 120 Elk Horn, Iowa 51521

'Marne Elk Horn is a Smart Rural Community and Gig Certified Provider; learn more [here](#)'

2 attachments



Exira Challenge.pdf
142K



map_v4_provider_challenge_form Exira.xlsx
176K



A. APPELLANT INFORMATION	
Company Name	Marne & Elk Horn Telephone Company
Address	4242 Main St
City	Elk Horn
State	IA
Zip	51531
B. DESIGNATED CONTACT INFORMATION	
Contact Name	Rachel Hamilton
Contact Phone Number	712-764-6161
Contact Email	
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 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.	
We have attached a letter to substantiate our claim. This Windstream customer tried to obtain 100/20 service in Exira Iowa in late June of 2021. This customer was not offered fiber as the broadband map v4 details as available, this customer at install struggled to receive 80/20 as the attached speed tests show. VDSL2 technology and bonding of pairs was used to obtain the speeds he received. In order for every customer to obtain higher speeds there would need to be 2 pairs for every home and customers would all have to live within a short loop length from Windstream facilities, which we believe is not possible in this community. Had this area been available for funding we would have applied for it as it currently is within miles of existing fiber we have.	
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:	Rachel Hamilton
Title:	CEO
Date:	7/16/2021

*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 or equal to 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 more than 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.

[illegible]

July 12

My name is Kyle Petersen and I live at 104 E School Street in Exira, Iowa 50076 (Census Block 190090703001057).

In mid June 2021, I requested 100/20 service from Windstream. They scheduled my service upgrade for June 21, 2021. On June 21st I received a call saying they needed to reschedule my appointment. It was then rescheduled for June 25th at 9:00 AM.

On June 25th, the technician began the upgrade from my current 50/20 service to 100/20 at 9:00 AM. The technician tried various things in a 4+ hour period as he was struggling to get 100M service at my location. After approximately 4 hours, when his initial attempts failed, he changed out the modem and said he had reached the maximum service available.

Using the State's requested speed test site these were the speed results I received after my install 62/14Mbps to 75/14 Mbps. Screenshots of these tests are on the next page of this letter.

If Marne Elk Horn provided fiber in Exira, I would be able to subscribe to the broadband my family requires for work and entertainment. Please consider making the town of Exira Iowa eligible for a broadband grant so that the local company can apply for a grant and subsequently bury fiber.

I understand at this time the broadband map V4 says I can receive 111/32 DSL, 150/50 DSL or 1000/1000 Fiber from Windstream. As my letter and screen shots already attest, I cannot.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kyle Petersen', with a stylized flourish at the end.

Kyle Petersen



SPEEDTEST

LATENCY

16

ms

DOWNLOAD

62.0

Mbps



JITTER

0

ms

UPLOAD

14.9

Mbps



IP Pathways, LLC
Urbandale, IA

COPY LINK



Windstream

173.184.132.44



IP Pathways, LLC

Urbandale, IA





SPEEDTEST

LATENCY

16

ms

DOWNLOAD

75.4

Mbps



JITTER

1

ms

UPLOAD

14.6

Mbps



IP Pathways, LLC

Urbandale, IA

COPY LINK



Windstream

173.184.132.44



IP Pathways, LLC

Urbandale, IA



APPENDIX C
THIRD-PARTY AFFIRMATIONS AND SUPPLEMENTAL EVIDENCE

July 28, 2021

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

NishaNet, LLC **OCIO did not receive a response from the provider.**
Scott Bennett
scott@techawe.com

To whom it may concern:

This is a letter of inquiry concerning your firm's prior reporting to the State of Iowa Office of the Chief Information Officer ("OCIO" or "Office") regarding the availability of Broadband service in certain United States Census Block(s) within Iowa. Our Office received a formal notice of appeal challenging information reported on the Broadband Availability Map Version 4 ("V4") of the Statewide Broadband Availability Map ("Map"). The data reflected on V4 of the Map was either (1) provided by you to the Office's contractor ("Connected Nation") during the data collection window of April 15 through April 30, 2021, (2) gathered from other sources (such as FCC) that collected data from you, or (3) carried forward from prior reporting made to this Office by you under a previous Map version. Map V4 categorizes census blocks according to the facilitated speed offered within the block. The publication of V4 triggered a formal appeal window, as explained in more detail below, during which time we received this appeal. The appeal we received claims that the data reflected on V4 of the Map is inaccurate. This appeal can be found at <https://ocio.iowa.gov/broadband-availability-map-version-4-challenge-process> (see Docket Numbers 21-1019). **To resolve this matter, the Office requests that your firm provide information concerning your service in the affected Census Blocks as further identified and described below by August 11, 2021.**

On July 1, 2021, the Office officially published the final version of V4 of the Map, which identifies where Broadband service was offered or Facilitated at a tier 1, tier 2, or tier 3 speed as of July 1, 2021.¹ V4 of the Map is based primarily on data submitted to Connected Nation and/or FCC by Communication Service Providers concerning their service capabilities in the State of Iowa² and on informal comments/feedback supplied by interested parties as part of the informal comment/feedback process described above and in which your firm may have participated. V4 of the Map, and a detailed background of the same, can be found at: <https://ocio.iowa.gov/broadband-availability-map-version-4>. Overall, the new map reflects Targeted Service Areas defined as 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. The tier speeds are defined as follows:

"Tier 1" means a maximum download speed of less than 25 Mbps and a maximum upload speed of less

¹See Iowa Code §§ 8B.1(12), 8B.10. *See also* Iowa Admin. Code r. 129—20.1, 20.3, 20.4.

²See Iowa Admin. Code r. 129—20.3.

than three Mbps.

“**Tier 2**” means 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**” means 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**” means a census block in which speeds are facilitated at greater than or equal to 80 Mbps.

Through the official publication of V4 of the Map, the Office triggered the challenge process it is required by law to administer.³ Pursuant to applicable administrative rules, within 20 days after the Office’s official publication of V4 of the Map, “any person or party aggrieved or adversely affected by such determination may challenge the office’s finding by filing a notice of appeal with the office” along with all evidence or information supporting their appeal. Iowa Admin. Code r. 129—20.5(1). Specifically, interested parties were permitted to provide the Office with evidence and information of the following: broadband is unavailable from a provider listed for the area (census block); or, that broadband speed is not as advertised.

V4 of the Map currently shows that service is Facilitated at either a tier 1, tier 2, or tier 3 speed per designated census block. As part of the above-outlined process, OCIO received a formal notice of appeal and supporting evidence or information from one or more Iowa residents or Communications Service Provider, claiming that Broadband service is not offered or Facilitated at that speed tier.

At this time, the Office requests your assistance in making an accurate determination as to whether your firm facilitates broadband service at the designated speed tier for 10% or more of the geographic area of each challenged census block as of July 1, 2021 to the Census Blocks identified in Exhibit A. To that end, the Office requests that you:

- 1) Complete and return the attached Affirmation of Service or Lack of Service in Census Blocks Broadband Grants Program Broadband Availability Map Challenge Process Form (see Exhibit A, Affirmation tab), by **August 11, 2021**. Pursuant to this form, OCIO requests that a representative with legal authority to bind your firm:
 - a) Confirm that your firm Facilitated Broadband service to the Census Blocks identified in Exhibit A as of July 1, 2021, and indicate the speeds at which your firm facilitated broadband service in those blocks. For purposes of this representation, “‘Facilitate’ means a communication service provider’s ability to provide broadband service at or above the download and upload speeds specified in the definition of targeted service area in this section to a home, farm, school, or business **within a commercially reasonable time and at a commercially reasonable price upon request by a consumer.**” Iowa Code § 8B.1(5) (emphasis added).
 - b) Fully complete all other aspects of the Form.
- 2) In addition to the form, please also submit any other evidence or information in your possession to the Office that supports your prior representations to the Office regarding the Census Blocks identified in Exhibit A. Examples of evidence and information the Office would consider particularly probative include “Bills or invoices provided to or received by customers in the

³See Iowa Code § 8B.10(2); Iowa Admin. Code r. 129—20.5.

applicable census block(s) which identify the specific download and upload speeds provided or received as of [July 1, 2021].” Iowa Admin. Code r. 129—20.5(8).

Please return the completed form and any supporting evidence or information to ociogrants@iowa.gov.

Please note that you are under no legal obligation to respond to this request for information. Generally, pursuant to applicable administrative rules, any affected person or party is free to submit evidence or information to the Office in support of or in opposition to an appeal within 20 days after the appeal has been posted to ocio.iowa.gov/broadband. Iowa Admin. Code r. 129—20.5(3). However, this Office is affirmatively reaching out to notify you of the appeal, of the circumstances surrounding the appeal, and to solicit your feedback and position. If this Office does not receive your response via Exhibit A of the Form by **August 11, 2021** (10 business days from the date of this letter), the Office will make a final decision based on the evidence and information currently available to it. Iowa Admin. Code r. 129—20.5(4), (5).

OCIO strives at all times to produce and disseminate accurate information. We appreciate your assistance in helping us achieve our statutory mandate.

Sincerely,

Office of the Chief Information Officer,
State of Iowa

July 28, 2021

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

Marne-Elk Horn Telephone **OCIO did not receive a response from this provider.**
Janell Hansen
janell@metcteam.com

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On July 1, 2021, the Office officially published the final version of V4 of the Map, which identifies where Broadband service was offered or Facilitated at a tier 1, tier 2, or tier 3 speed as of July 1, 2021.¹ V4 of the Map is based primarily on data submitted to Connected Nation and/or FCC by Communication Service Providers concerning their service capabilities in the State of Iowa² and on informal comments/feedback supplied by interested parties as part of the informal comment/feedback process described above and in which your firm may have participated. V4 of the Map, and a detailed background of the same, can be found at: <https://ocio.iowa.gov/broadband-availability-map-version-4>. Overall, the new map reflects Targeted Service Areas defined as 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. The tier speeds are defined as follows:

¹See Iowa Code §§ 8B.1(12), 8B.10. *See also* Iowa Admin. Code r. 129—20.1, 20.3, 20.4.

²See Iowa Admin. Code r. 129—20.3.

“**Tier 1**” means a maximum download speed of less than 25 Mbps and a maximum upload speed of less than three Mbps.

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V4 of the Map currently shows that service is Facilitated at either a tier 1, tier 2, or tier 3 speed per designated census block. As part of the above-outlined process, OCIO received a formal notice of appeal and supporting evidence or information from one or more Iowa residents or Communications Service Provider, claiming that Broadband service is not offered or Facilitated at that speed tier.

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applicable census block(s) which identify the specific download and upload speeds provided or received as of [July 1, 2021].” Iowa Admin. Code r. 129—20.5(8).

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Sincerely,

Office of the Chief Information Officer,
State of Iowa

July 28, 2021

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

Windstream Communications
Trent Fellers
trent.fellers@windstream.com

To whom it may concern:

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¹See Iowa Code §§ 8B.1(12), 8B.10. *See also* Iowa Admin. Code r. 129—20.1, 20.3, 20.4.

²See Iowa Admin. Code r. 129—20.3.

defined as 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. The tier speeds are defined as follows:

“**Tier 1**” means a maximum download speed of less than 25 Mbps and a maximum upload speed of less than three Mbps.

“**Tier 2**” means 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**” means 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**” means a census block in which speeds are facilitated at greater than or equal to 80 Mbps.

Through the official publication of V4 of the Map, the Office triggered the challenge process it is required by law to administer.³ Pursuant to applicable administrative rules, within 20 days after the Office’s official publication of V4 of the Map, “any person or party aggrieved or adversely affected by such determination may challenge the office’s finding by filing a notice of appeal with the office” along with all evidence or information supporting their appeal. Iowa Admin. Code r. 129—20.5(1). Specifically, interested parties were permitted to provide the Office with evidence and information of the following: broadband is unavailable from a provider listed for the area (census block); or, that broadband speed is not as advertised.

V4 of the Map currently shows that service is Facilitated at either a tier 1, tier 2, or tier 3 speed per designated census block. As part of the above-outlined process, OCIO received a formal notice of appeal and supporting evidence or information from one or more Iowa residents or Communications Service Provider, claiming that Broadband service is not offered or Facilitated at that speed tier.

At this time, the Office requests your assistance in making an accurate determination as to whether your firm facilitates broadband service at the designated speed tier for 10% or more of the geographic area of each challenged census block as of July 1, 2021 to the Census Blocks identified in Exhibit A. To that end, the Office requests that you:

- 1) Complete and return the attached Affirmation of Service or Lack of Service in Census Blocks Broadband Grants Program Broadband Availability Map Challenge Process Form (see Exhibit A, Affirmation tab), by **August 11, 2021**. Pursuant to this form, OCIO requests that a representative with legal authority to bind your firm:
 - a) Confirm that your firm Facilitated Broadband service to the Census Blocks identified in Exhibit A as of July 1, 2021, and indicate the speeds at which your firm facilitated broadband service in those blocks. For purposes of this representation, “‘Facilitate’ means a communication service provider’s ability to provide broadband service at or above the download and upload speeds specified in the definition of targeted service area in this section to a home, farm, school, or business **within a commercially reasonable time and at a commercially reasonable price upon request by a consumer.**” Iowa Code § 8B.1(5) (emphasis added).
 - b) Fully complete all other aspects of the Form.
- 2) In addition to the form, please also submit any other evidence or information in your possession to the Office that supports your prior representations to the Office regarding the Census Blocks

³See Iowa Code § 8B.10(2); Iowa Admin. Code r. 129—20.5.

identified in Exhibit A. Examples of evidence and information the Office would consider particularly probative include “Bills or invoices provided to or received by customers in the applicable census block(s) which identify the specific download and upload speeds provided or received as of [July 1, 2021].” Iowa Admin. Code r. 129—20.5(8).

Please return the completed form and any supporting evidence or information to ociogrants@iowa.gov.

Please note that you are under no legal obligation to respond to this request for information. Generally, pursuant to applicable administrative rules, any affected person or party is free to submit evidence or information to the Office in support of or in opposition to an appeal within 20 days after the appeal has been posted to ocio.iowa.gov/broadband. Iowa Admin. Code r. 129—20.5(3). However, this Office is affirmatively reaching out to notify you of the appeal, of the circumstances surrounding the appeal, and to solicit your feedback and position. If this Office does not receive your response via Exhibit A of the Form by **August 11, 2021** (10 business days from the date of this letter), the Office will make a final decision based on the evidence and information currently available to it. Iowa Admin. Code r. 129—20.5(4), (5).

OCIO strives at all times to produce and disseminate accurate information. We appreciate your assistance in helping us achieve our statutory mandate.

Sincerely,

Office of the Chief Information Officer,
State of Iowa



EXHIBIT A

**Affirmation of Service or Lack of Service in Census Blocks
Broadband Grants Program Broadband Availability Map Challenge Process**

A. RESPONDENT INFORMATION

Company Name	Windstream Corporation
Address	115 S. 2nd Ave W
City	Newton
State	Iowa
Zip	50208

B. DESIGNATED CONTACT INFORMATION

Contact Name	Logan Shine
Contact Phone Number	515-321-0194
Contact Email	logan.shine@windstream.com

C. AFFIRMATION

In signing and submitting this form, the above-identified company, and its duly authorized representative signing on behalf thereof, hereby affirms under penalty of perjury that, as represented in its submission:

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, meets one of the following criteria in each of the identified census blocks as of July 1, 2021:

1. Company Facilitated service at the indicated speeds on the Affirmation tab as of July 1, 2021 to more than 10% of the census block; or
2. Company did NOT offer or Facilitate material Broadband service.

Please indicate the speeds offered for each census block on the Affirmation tab.

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 affirmation. To the extent necessary, please feel free to upload additional explanations/supporting documentation.)

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:	Logan Shine
Title:	Vice President Government Affairs
Date:	8/16/2021

*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.

191839605001169	Yes	183.501	51.773	Windstream is capable of providing 25/3 service to >=10% of the locations in this census block
191839605001170	Yes	183.501	51.773	Windstream is capable of providing 25/3 service to >=10% of the locations in this census block
191839605001174	Yes	183.501	51.773	Windstream is capable of providing 25/3 service to >=10% of the locations in this census block
191839605001180	Yes	111.28	31.982	Windstream is capable of providing 25/3 service to >=10% of the locations in this census block
191839605001181	Yes	111.28	31.982	Windstream is capable of providing 25/3 service to >=10% of the locations in this census block
191839605001182	Yes	123.208	51.773	Windstream is capable of providing 25/3 service to >=10% of the locations in this census block
191839605002017	Yes	183.501	51.773	Windstream is capable of providing 25/3 service to >=10% of the locations in this census block
191839605002018	Yes	183.501	128	Windstream is capable of providing 25/3 service to >=10% of the locations in this census block
191839605002023	Yes	85.721	17.039	Windstream is capable of providing 25/3 service to >=10% of the locations in this census block
191839605002024	Yes	85.721	17.039	Windstream is capable of providing 25/3 service to >=10% of the locations in this census block
191839605002029	Yes	183.501	51.773	Windstream is capable of providing 25/3 service to >=10% of the locations in this census block