

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

**DOCKET NO. 21-1029**

**A. APPELLANT INFORMATION**

Company Name	OmniTel Communications
Address	608 E. Congress
City	Nora Springs
State	Iowa
Zip	50458

**B. DESIGNATED CONTACT INFORMATION**

Contact Name	Josh Hveem
Contact Phone Number	641-765-4601
Contact Email	<a href="mailto:jhveem@omnitel.biz">jhveem@omnitel.biz</a>

**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](https://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

<b>Targeted Service Area</b>	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.						
<b>Tier 1</b>	A maximum download speed of less than 25 megabits per second (Mbps) and a maximum upload speed of less than 3 Mbps.						
<b>Tier 2</b>	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.						
<b>Tier 3</b>	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.						
<b>Non-TSA</b>	A non-TSA is a census block in which speeds are Facilitated at greater than or equal to 80 Mbps.						
<b>Facilitate</b>	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.						
<b>Map V4 Designation</b>	The speed tier reflected on the Map as of July 1, 2021.						
<b>Decision Basis</b>	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 <a href="https://ocio.iowa.gov/broadband-availability-map-version-4-challenge-process">https://ocio.iowa.gov/broadband-availability-map-version-4-challenge-process</a> .						
<b>Overlapping Appeal</b>	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.						
<b>Prior Reporting</b>	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
21-1029	191810212003017	Unknown	Tier 2	Non-TSA	Tier 2	7	
21-1029	190719701001315	Unknown	Tier 2	Non-TSA	Tier 2	7	
21-1029	190719701001320	Unknown	Tier 2	Non-TSA	Tier 2	7	
21-1029	190719701001305	Unknown	Tier 2	Non-TSA	Tier 2	7	
21-1029	190719701001035	Unknown	Tier 2	Non-TSA	Tier 2	7	
21-1029	191810212003101	Unknown	Tier 2	Non-TSA	Tier 2	7	
21-1029	191810212003037	Unknown	Tier 2	Non-TSA	Tier 2	7	
21-1029	190399603002005	Unknown	Tier 2	Non-TSA	Tier 2	7	

21-1029	191810212002014	Unknown	Tier 2	Non-TSA	Tier 2	7	
21-1029	191810212001017	Unknown	Tier 2	Non-TSA	Tier 2	7	
21-1029	191810212001019	Unknown	Tier 2	Non-TSA	Tier 2	7	
21-1029	191810212001032	Unknown	Tier 2	Non-TSA	Tier 2	7	
21-1029	191210601004040	Unknown	Tier 2	Non-TSA	Tier 2	7	
21-1029	191810212003064	Unknown	Tier 2	Non-TSA	Non-TSA	1	
21-1029	191550217022059	Unknown	Tier 2	Non-TSA	Non-TSA	1	
21-1029	191550217022070	Unknown	Tier 2	Non-TSA	Tier 2	7	
21-1029	191810212003018	Unknown	Tier 2	Non-TSA	Tier 2	7	
21-1029	191810212003019	Unknown	Tier 2	Non-TSA	Tier 2	7	
21-1029	191810212003063	Unknown	Tier 2	Non-TSA	Tier 2	7	
21-1029	191810212003092	Unknown	Tier 2	Non-TSA	Tier 2	7	
21-1029	191210601003020	Unknown	Tier 2	Non-TSA	Tier 2	7	
21-1029	191810211002113	Unknown	Tier 2	Non-TSA	Tier 2	7	
21-1029	191210603002014	Unknown	Tier 2	Non-TSA	Tier 2	7	
21-1029	190719701001287	Unknown	Tier 2	Non-TSA	Tier 2	7	
21-1029	191379601003166	Unknown	Tier 1	Non-TSA	Tier 1	7	
21-1029	191379601003184	Unknown	Tier 1	Non-TSA	Tier 1	7	
21-1029	191379601003185	Unknown	Tier 2	Non-TSA	Tier 2	7	
21-1029	191379601003159	Unknown	Tier 2	Non-TSA	Tier 2	7	

**APPENDIX B**  
**CERTIFICATION AND SUPPORTING INFORMATION**



Grants, OCIO &lt;ociogrants@iowa.gov&gt;

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## OmniTel Communications - Challenge Form

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**Shelby Pardy** <shelby.pardy@vantagepnt.com>

Tue, Jul 20, 2021 at 4:02 PM

To: "ociogrants@iowa.gov" <ociogrants@iowa.gov>

Cc: Josh Hveem <jhveem@omnitel.biz>, Brian Enga <Brian.Enga@vantagepnt.com>, Kristy Szabo <Kristy.Szabo@vantagepnt.com>

Good Afternoon,

On behalf of OmniTel Communications, please find attached the Challenge Form listing the Census Blocks OmniTel Communications is challenging.

Please let me know if you have any questions.

Thanks!

**Shelby Pardy**

*Analyst*

Direct: 605.995.1818

[Shelby.Pardy@Vantagepnt.com](mailto:Shelby.Pardy@Vantagepnt.com)



**Mitchell | Portland | Colorado Springs | San Antonio | Sioux Falls | Springfield | Charlotte**

*This message is intended solely for the use of the individual and entity to whom it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable state and federal laws. If you are not the addressee or are not authorized to receive for the intended addressee you are hereby notified that you may not use, copy, distribute, or disclose to anyone this message or the information contained herein. If you have received this message in error, immediately advise the sender by reply email and destroy this message.*

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**NOFA #006 - OmniTel - Challenge Form.xlsx**  
177K



**A. APPELLANT INFORMATION**

Company Name	OmniTel Communications
Address	608 E. Congress
City	Nora Springs
State	Iowa
Zip	50458

**B. DESIGNATED CONTACT INFORMATION**

Contact Name	Josh Hveem
Contact Phone Number	641-765-4601
Contact Email	<a href="mailto:jhveem@omnitel.biz">jhveem@omnitel.biz</a>

**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.)**

OmniTel Communications (OmniTel) is submitting this challenge for the census blocks reflected herein as having broadband service offerings that would deem the areas as ineligible for grant funding. OmniTel is currently providing broadband service or is in the process of building out the areas to order to provide broadband service to every census block identified in this challenge. Due to OmniTel building out the census blocks per its NOFA #005 grant award, OmniTel believes each of the census blocks included in this challenge should be deemed ineligible for grant funding under NOFA #006 and should be reflected as Non-TSAs.

**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:	Josh Hveem
Title:	Chief Operating Officer
Date:	July 20, 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.**

<b>Targeted Service Area</b>	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.
<b>Existing Broadband Speed Tiers</b>	The speed tiers used to determine whether a broadband block qualifies as a Targeted Service Area on the Statewide Broadband Availability Map.
<b>Tier 1</b>	A maximum download speed of less than 25 megabits per second (Mbps) and a maximum upload speed of less than 3 Mbps.
<b>Tier 2</b>	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.
<b>Tier 3</b>	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.
<b>Non-TSA</b>	A non-TSA is a census block in which speeds are Facilitated at greater than equal to 80 Mbps
<b>Facilitate</b>	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.

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?
191810212003017	Unknown	Tier 2	Non-TSA
190719701001315	Unknown	Tier 2	Non-TSA
190719701001320	Unknown	Tier 2	Non-TSA
190719701001305	Unknown	Tier 2	Non-TSA
190719701001035	Unknown	Tier 2	Non-TSA
191810212003101	Unknown	Tier 2	Non-TSA
191810212003037	Unknown	Tier 2	Non-TSA
190399603002005	Unknown	Tier 2	Non-TSA
191810212002014	Unknown	Tier 2	Non-TSA
191810212001017	Unknown	Tier 2	Non-TSA
191810212001019	Unknown	Tier 2	Non-TSA
191810212001032	Unknown	Tier 2	Non-TSA
191210601004040	Unknown	Tier 2	Non-TSA
191810212003064	Unknown	Tier 2	Non-TSA
191550217022059	Unknown	Tier 2	Non-TSA
191550217022070	Unknown	Tier 2	Non-TSA
191810212003018	Unknown	Tier 2	Non-TSA
191810212003019	Unknown	Tier 2	Non-TSA
191810212003063	Unknown	Tier 2	Non-TSA
191810212003092	Unknown	Tier 2	Non-TSA
191210601003020	Unknown	Tier 2	Non-TSA
191810211002113	Unknown	Tier 2	Non-TSA
191210603002014	Unknown	Tier 2	Non-TSA



