

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

DOCKET NO. 21-1039

A. APPELLANT INFORMATION

Company Name	Butler-Bremer Mutual Telephone Company
Address	715 Main St
City	Plainfield
State	IA
Zip	50666

B. DESIGNATED CONTACT INFORMATION

Contact Name	Richard McBurney
Contact Phone Number	
Contact Email	rich@butler-bremer.biz

C. APPEAL TYPE

This Appeal was filed *sua sponte* by the Office on behalf of and in consultation with Appellant in accordance with the substantive provisions of Iowa Administrative Code rules 129–20.5(1) and (2), upon discovery of a processing error impacting the underlying data comprising Version 4 (“V4”) of the Statewide Broadband Availability Map (“Map”).

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.

The Office was made aware of a processing error affecting numerous Census Blocks for which Communication Service Provider(s) had submitted data to Connected Nation during the data collection window of April 15 through April 30, 2021 but that was not included in the V4 Map. In lieu of immediately correcting the Map to reflect the timely-submitted data, this Office opted to submit an Appeal on behalf of the Appellant in order to provide an opportunity for potentially “affected persons or parties . . . to submit evidence and information in support of, or in opposition” to such a modification, and also to avoid further delays to the map challenge process, and which in turn corresponded with the NOFA #006 application deadline. This Appeal was drafted in consultation with the Appellant and submitted within the initial twenty-day window. 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
21-1039	190130026031017	Correct	Non-TSA	Non-TSA	Non-TSA	4	
21-1039	190130026041015	Correct	Non-TSA	Non-TSA	Non-TSA	4	
21-1039	190130026041014	Correct	Non-TSA	Non-TSA	Non-TSA	4	
21-1039	190130026041017	Correct	Non-TSA	Non-TSA	Non-TSA	4	
21-1039	190130026031084	Correct	Tier 2	Non-TSA	Non-TSA	1	
21-1039	190130026031083	Correct	Tier 2	Non-TSA	Non-TSA	1	
21-1039	190130026041022	Correct	Non-TSA	Non-TSA	Non-TSA	4	
21-1039	190130026041024	Correct	Tier 2	Non-TSA	Non-TSA	1	

21-1039	190130026041023	Correct	Tier 2	Non-TSA	Non-TSA	1	
21-1039	190130026041021	Correct	Non-TSA	Non-TSA	Non-TSA	4	
21-1039	190130026041016	Correct	Tier 2	Non-TSA	Non-TSA	1	
21-1039	190370702002059	Correct	Tier 3	Non-TSA	Non-TSA	1	
21-1039	190370702002112	Correct	Non-TSA	Non-TSA	Non-TSA	4	
21-1039	190370702002083	Correct	Tier 3	Non-TSA	Non-TSA	1	
21-1039	190370702003034	Correct	Tier 3	Non-TSA	Non-TSA	1	
21-1039	190370702003036	Correct	Tier 3	Non-TSA	Non-TSA	1	
21-1039	190370702003052	Correct	Tier 3	Non-TSA	Non-TSA	1	
21-1039	190370702003009	Correct	Tier 3	Non-TSA	Non-TSA	1	
21-1039	190370702003002	Correct	Tier 3	Non-TSA	Non-TSA	1	
21-1039	190370702002099	Correct	Tier 3	Non-TSA	Non-TSA	1	
21-1039	190370702003010	Correct	Tier 3	Non-TSA	Non-TSA	1	
21-1039	190370702002066	Correct	Tier 3	Non-TSA	Non-TSA	1	
21-1039	190370702002136	Correct	Tier 3	Non-TSA	Non-TSA	1	
21-1039	190370702002126	Correct	Tier 3	Non-TSA	Non-TSA	1	
21-1039	190370702002137	Correct	Tier 3	Non-TSA	Non-TSA	1	
21-1039	190370702002053	Correct	Tier 3	Non-TSA	Non-TSA	1	
21-1039	190370702002092	Correct	Tier 3	Non-TSA	Non-TSA	1	
21-1039	190370702002046	Correct	Tier 3	Non-TSA	Non-TSA	1	
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21-1039	190370702003007	Correct	Tier 3	Non-TSA	Non-TSA	1	
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21-1039	190370702003030	Correct	Tier 3	Non-TSA	Non-TSA	1	
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21-1039	190370702002116	Correct	Tier 3	Non-TSA	Non-TSA	1	
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21-1039	190370702003021	Correct	Tier 3	Non-TSA	Non-TSA	1	
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21-1039	190370702003013	Correct	Tier 3	Non-TSA	Non-TSA	1	
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21-1039	190370702002050	Correct	Tier 3	Non-TSA	Non-TSA	1	
21-1039	190370702003048	Correct	Tier 3	Non-TSA	Non-TSA	1	
21-1039	190370702002063	Correct	Tier 3	Non-TSA	Non-TSA	1	
21-1039	190370702002073	Correct	Tier 3	Non-TSA	Non-TSA	1	
21-1039	190370702003008	Correct	Tier 3	Non-TSA	Non-TSA	1	
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21-1039	190370702003031	Correct	Tier 3	Non-TSA	Non-TSA	1	
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21-1039	190370702002120	Correct	Tier 3	Non-TSA	Non-TSA	1	
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21-1039	190674803001017	Correct	Tier 3	Non-TSA	Non-TSA	1	

21-1039	190674803001117	Correct	Tier 3	Non-TSA	Non-TSA	1	
21-1039	190674803001020	Correct	Tier 3	Non-TSA	Non-TSA	1	
21-1039	190674803001115	Correct	Tier 3	Non-TSA	Non-TSA	1	
21-1039	190674803001119	Correct	Tier 3	Non-TSA	Non-TSA	1	
21-1039	190674803001021	Correct	Tier 2	Non-TSA	Non-TSA	1	
21-1039	190674803001016	Correct	Tier 3	Non-TSA	Non-TSA	1	
21-1039	190674803001118	Correct	Tier 3	Non-TSA	Non-TSA	1	
21-1039	190674803001009	Correct	Tier 3	Non-TSA	Non-TSA	1	
21-1039	190674803001112	Correct	Tier 3	Non-TSA	Non-TSA	1	
21-1039	190674803001120	Correct	Tier 3	Non-TSA	Non-TSA	1	
21-1039	190674803001015	Correct	Tier 3	Non-TSA	Non-TSA	1	
21-1039	190674803001114	Correct	Tier 3	Non-TSA	Non-TSA	1	
21-1039	190674803001166	Correct	Tier 3	Non-TSA	Non-TSA	1	
21-1039	190674803001018	Correct	Tier 2	Non-TSA	Non-TSA	1	
21-1039	190674803001116	Correct	Tier 3	Non-TSA	Non-TSA	1	

APPENDIX B
CERTIFICATION AND SUPPORTING INFORMATION

A. APPELLANT INFORMATION

Company Name Address City State Zip	Butler-Bremer Mutual Telephone Company
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B. DESIGNATED CONTACT INFORMATION

Contact Name Contact Phone Number Contact Email	
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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.)

An interim processing file of the service area was converted to census blocks instead of the final service area file. CN has corrected this issue in the new database.

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:	
Title:	
Date:	

*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	Tier Reporting to FCC or Connected Nation	Speed Tier that is reflected on Map v. 4	What do you believe the Map should reflect for	CN Error Correction Notes
190130026031017	Correct	Non-TSA	Non-TSA	Census block underreported available fiber service
190130026041015	Correct	Non-TSA	Non-TSA	Census block underreported available fiber service
190130026041014	Correct	Non-TSA	Non-TSA	Census block underreported available fiber service
190130026041017	Correct	Non-TSA	Non-TSA	Census block underreported available fiber service
190130026031084	Correct	Tier 2	Non-TSA	Census block underreported available fiber service
190130026031083	Correct	Tier 2	Non-TSA	Census block underreported available fiber service
190130026041022	Correct	Non-TSA	Non-TSA	Census block underreported available fiber service
190130026041024	Correct	Tier 2	Non-TSA	Census block underreported available fiber service
190130026041023	Correct	Tier 2	Non-TSA	Census block underreported available fiber service
190130026041021	Correct	Non-TSA	Non-TSA	Census block underreported available fiber service
190130026041016	Correct	Tier 2	Non-TSA	Census block underreported available fiber service
190370702002059	Correct	Tier 3	Non-TSA	Census block underreported available fiber service
190370702002112	Correct	Non-TSA	Non-TSA	Max available fiber speed was reported too low
190370702002083	Correct	Tier 3	Non-TSA	Max available fiber speed was reported too low
190370702003034	Correct	Tier 3	Non-TSA	Max available fiber speed was reported too low

190674803001118	Correct	Tier 3	Non-TSA	Census block underreported available fiber service
190674803001009	Correct	Tier 3	Non-TSA	Max available fiber speed was reported too low
190674803001112	Correct	Tier 3	Non-TSA	Census block underreported available fiber service
190674803001120	Correct	Tier 3	Non-TSA	Census block underreported available fiber service
190674803001015	Correct	Tier 3	Non-TSA	Census block underreported available fiber service
190674803001114	Correct	Tier 3	Non-TSA	Census block underreported available fiber service
190674803001166	Correct	Tier 3	Non-TSA	Census block underreported available fiber service
190674803001018	Correct	Tier 2	Non-TSA	Max available fiber speed was reported too low
190674803001116	Correct	Tier 3	Non-TSA	Census block underreported available fiber service