

TERRY E. BRANSTAD, GOVERNOR
KIM REYNOLDS, LT. GOVERNOR

ROBERT VON WOLFRADT
CHIEF INFORMATION OFFICER

FINAL AGENCY DECISION

Docket No. 17OCIO003

May 11, 2017

Hospers Telephone Exchange, Inc.
c/o Ruth Kuster
PO Box 142
Hospers, IA 51238

Dear Ms. Kuster:

In response to the Notice of Appeal (“**Appeal**”) filed by you on behalf of Hospers Telephone Exchange, Inc., D/B/A HTC Communications (“**Appellant**”), pursuant to Iowa Administrative Code rule 129—20.5(1), the Office of the Chief Information Officer of the State of Iowa (“**Office**”) has conducted an internal review of all relevant evidence and information both submitted by you and otherwise available to the Office related to the census blocks forming the basis of your Appeal.¹ *See* Iowa Admin. Code r. 129—20.5(4). Following its review of the entire record before it, the Office issues the following **FINAL AGENCY DECISION** (“**Decision**”). Iowa Admin. Code r. 129—20.5.

I. ISSUE(S) ON APPEAL.

Whether the Office correctly determined the census blocks forming the basis of this Appeal do or do not constitute “Targeted Service Areas” (“**TSAs**”)² as defined by Iowa Code section 8B.1(12).

II. BACKGROUND FACTS, LAW, AND PROCEEDINGS.

Iowa Code section 427.1(40) creates a one hundred percent property tax exemption (“**Exemption**”) for “the installation of broadband infrastructure that facilitates broadband service at or above twenty-five megabits per second of download speed and three megabits per second of upload speed commenced and completed on or after July 1, 2015, and before July 1, 2020, in a [TSA], and used

¹The Office will address sixteen (16) of the census blocks forming the basis of your appeal in a separate decision—Docket No. 17OCIO004—because another “affected person[] or part[y] . . . submit[ted] evidence and information in . . . opposition to . . . [a portion of your] appeal.” Iowa Administrative Code rule 129—20.5 (3); *see* Exhibit D, under heading “HTC Communications and Premier Communications,” for the sixteen (16) blocks addressed in a separate decision.

²As used in this Decision, the term “**non-TSA**” shall refer to a census block that does not constitute a “Targeted Service Area” as defined by Iowa Code section 8B.1(12).

to deliver internet services to the public.” *Id.* (a)–(c). This Exemption is jointly administered by local county assessors, the Iowa Department of Revenue, and the Office. *Id.* The Office’s primary role in the program is to certify two things things for Communication Service Providers (“**Providers**”) seeking an Exemption:

1. That “pursuant to [Iowa Code] section 8B.10 . . . the installation is being performed or was completed in a [TSA]”; and
2. “[T]hat [the] broadband infrastructure installed in a [TSA] facilitates broadband service at or above twenty-five megabits per second of download speed and three megabits per second of upload speed.”

Iowa Code § 427.1 (40)(f)(1)(d).

In July of 2016 the Office published the State of Iowa Broadband Availability Map (“**Broadband Map**”) online.³ Iowa Admin. Code r. 129—20.4. The Broadband Map identified TSA’s within the State at the census block level. Iowa Code section 8B.1(12) defines a TSA as: “a United States census bureau census block located in this state, including any crop operation located within the census block, within which no communications service provider offers or facilitates broadband service at or above twenty-five megabits per second of download speed and three megabits per second of upload speed as of July 1, 2015.” In other words, a TSA is a census block within the State that, as of July 1, 2015, was underserved in terms of access to and/or availability of high-speed internet—specifically, broadband service at or above twenty-five megabits per second of download speed and three megabits per second of upload speed (“**25/3**”). *Id.* Providers applying for “[C]ertification from the [O]ffice . . . that the installation is being performed or was completed in a [TSA]” would receive such certification if the installation forming the basis of the Provider’s Application for Certification occurred in a TSA as designated on the Broadband Map. Iowa Code § 427.1 (40)(f)(1)(d).

In generating the Broadband Map, the “[O]ffice utilized broadband availability maps and corresponding data sources made available by Connect Iowa, LLC, a subsidiary of Connected Nation, Inc.” Iowa Admin. Code r. 129—20.3. “Such maps and data sources were widely accepted for accuracy and made available for public review and comment.” *Id.*; *see also* Iowa Code § 8B.10(1) (“The determination of whether a communications service provider offers or facilitates broadband service meeting the download or upload speeds specified in the definition of [TSA] in section 8B.1 shall be determined or ascertained by reference to broadband availability maps or data sources that are widely accepted for accuracy and available for public review and comment and that are identified by the office by rule.”); <http://www.connectiowa.org/mapping/faqs> (“There are several planned and ongoing phases to the verification of broadband data being collected, including provider verification, consumer verification, and field verification. . . . We rely on citizen feedback to verify the accuracy of the broadband inventory maps. Please send us your feedback We respond to all inquiries and incorporate relevant information on an ongoing basis.”).

³Currently available at <https://ocio.iowa.gov/broadband>.

In addition, the Office was required to “establish procedures to allow challenges to the [O]ffice’s finding on whether an area meets the definition of [a] [TSA].” Iowa Code § 8B.10(2). Thus, as set forth by Iowa Administrative Code rules 129—20.4 and 20.5, the Office established November 30, 2016, as the official and final publication date of the map, and established an appeal process whereby “[w]ithin 20 days after [November 30, 2016], any person or party aggrieved or adversely affected by [the Office’s determination of whether a census block constitutes a TSA] [could] challenge the Office’s finding by filing a notice of appeal with the office,” Iowa Administrative Code rule 129—20.5(1).

The notice of appeal was required to set forth:

(a) The name, address, telephone number, and e-mail address of the person or party [appealing the Office’s designation];

(b) The particular census block designation the person or party [was] challenging by stating:

1. The census block number as provided on the [Broadband Map];
2. The county in which the census block [was] located as provided on the [Broadband Map];

(c) The manner in which the person or party [was] aggrieved or adversely affected by the [O]ffice’s determination; and

(d) The grounds upon which the appeal is based.

Iowa Admin. Code r. 129—20.5(1)(a). In addition, accompanying the notice of appeal, appellants were required to supply the Office with “*all* evidence and information necessary to support the appeal.” *Id.* (b) (Emphasis added.).

After expiration of the initial twenty-day appeal window, the Office was to post any notices of appeal online at <http://ocio.iowa.gov>. *Id.*(3). Thereafter, “any [other] affected persons or parties [would] have 20 calendar days to submit evidence and information in support of, or in opposition to, such appeal.” *Id.* After expiration of this second twenty-day submission window, the Office would “consolidate all appeals involving the same census block and conduct an internal review of the evidence and information submitted by all appellants related thereto, in conjunction with any other evidence and information submitted by any affected persons or parties . . . , the maps and data sources originally utilized in [creating the Broadband Map], and any other information deemed relevant by the office.” *Id.* (4). Thereafter, the Office would issue a final agency decision stating the reasons for the Office’s decision concerning the census block(s) in question.” *Id.* (5).

On December 15, 2016, within the initial twenty-day window, Appellant filed this Appeal. Therein, Appellant challenged the Office’s determination with respect to 289 census blocks. Seven (7) of those census blocks located in O’Brien County, listed in **Exhibit A**, were originally designated by the Office as non-TSAs. A total of 282 of those census blocks located in O’Brien, Osceola, and Sioux County, listed in **Exhibits B, C, and D** were originally designated by the Office as TSAs. With respect to each of these 289 census blocks, Appellant asserted:

Our claim to appeal the TSA Map is clearly supported by the interactive map at connectiowa.org. That map very accurately reflects fiber optic infrastructure, and therefore broadband availability, at or above 25Mbps/3Mbps in HTC's service area of Hospers, Sheldon, Ashton, Sibley, and Ocheyedan.

Also supporting our claim is the data we report via [Federal Communications Commission (“FCC”)] Form 477. This form is used to report the internet delivery system (fiber optic vs. coaxial cable vs. copper DSL) to every internet subscriber in our service area. The list of appealed census blocks (attached) was generated using Form 477 data. According to this data, internet service is delivered by fiber optic cable to at least one customer in each listed Census Block. This demonstrates that 25M/3M broadband is available within each listed Census Block. To be clear, FTTP has been built to every location within the rural Sheldon exchange, that is, outside Sheldon city limits (in addition to many locations inside city limits). Additionally, FTTP exists at every location in the entire Hospers exchange.

Appellant requested that each of these census blocks be designated as non-TSAs.

The Office subsequently posted Appellant's Appeal online. *Id.*(3). On January 25, 2017, within the twenty-day window for other “affected persons or parties [to] . . . submit evidence and information in support of, or in opposition to, such appeal,” Iowa Administrative Code rule 129—20.5(3), Northern Iowa Telephone Company, D/B/A Premier Communications, submitted additional evidence and information in opposition to Appellant's claim as it relates to sixteen (16) of the 289 appealed census blocks located in Sioux and O'Brien County. These sixteen (16) census blocks have been excluded from Exhibits A, B, and C, and separately listed in **Exhibit D** under the heading “HTC Communications and Premier Communications.” The Office has consolidated these census blocks into a separate appeal—Docket No. 17OCIO004—and will address the issues raised in connection thereto in a separate **FINAL AGENCY DECISION**. Iowa Admin. Code r. 129—20.5(4). Thus, this Decision does not address those sixteen (16) census blocks.

On March 10, the Office sent Appellant a Request for Information and Clarification (“**Request**”), attached as **Exhibit E**. Therein, the Office requested that Appellant:

- 1) Clearly specify the date as of which it claimed 25/3 was offered or facilitated in the challenged census blocks, as its initial Appeal was vague as to the operative date of July 1, 2015;
- 2) More clearly articulate how the information cited by Appellant in its initial Appeal supported its position;
- 3) Provide additional evidence and information to support Appellant's claim; and
- 4) Complete and return an “Affirmation, Attestation, Certification of 2015” form confirming with respect to a select 193 census blocks the Office designated as requiring additional analysis:

- a) Whether Appellant either correctly or erroneously reported to either ConnectIowa, LLC, or the FCC data or information regarding availability and/or advertised upload/download speeds for June-July of 2015 in those select census blocks; and/or
- b) Whether Appellant did or did not offer or facilitate 25/3 in those select census blocks as of July 1, 2015.

If Appellant did not respond within ten (10) days, the Office would “make a final decision based on the evidence and information currently available to it.” Appellant subsequently requested an extension to the ten-day deadline, which the Office granted.

On April 5, Appellant responded to the Office’s Request, attached as **Exhibit F (“Response”)**. Therein, Appellant completed and returned an “Affirmation, Attestation, Certification of 2015” form confirming with respect to 177 of the 193 select census blocks identified by the Office that Appellant offered or facilitated 25/3 in those census blocks as of July 1, 2015. With respect to the other sixteen (16) census blocks, Appellant provided or indicated “No Response” or affirmatively indicated that it did not offer or facilitate 25/3 as of July 1, 2015. As is relevant for purposes of this Appeal, twelve (12) of these sixteen (16) census blocks, and Appellant’s specific answers with respect thereto, have been excised from its Response and set forth in **Exhibit D** for ease of reference. Appellant’s specific answers with respect to the remaining four (4) of these sixteen (16) census blocks are set forth and addressed in the separate decision referenced above—Docket No. 17OCIO004.

In its Response Appellant further articulated how the information cited in its Appeal supported its position through screenshots and further written explanation with respect to the Connect Iowa Maps on which it, in part, relied, and specified the specific version of the FCC Fixed Broadband Deployment Data (“**FCC DATA**”) it was citing, namely: June 30, 2015 data, *available at* <https://www.fcc.gov/form-477-broadband-deployment-data-june-2015-version-3>. Appellant further provided “construction maps of the Hospers Exchange dated 2010, when HTC Communications built FTTP to the entire Hospers Exchange.”

The Office subsequently conducted an internal review of all relevant evidence and information both submitted by Appellant and otherwise available to the Office in connection with the census blocks listed in **Exhibits A, B, and C**.

III. DECISION(S) AND REASONING.

- **BLOCK IDs listed in Exhibit A.**

- **SUMMARY: APPEAL GRANTED.** These blocks will remain non-TSAs. These blocks were originally designated as non-TSAs, as requested by Appellant.
- **DETAILED RESPONSE:** With respect to the seven (7) census blocks listed in **Exhibit A**, designated as non-TSAs at the time of the filing of this Appeal, the Office has reviewed the evidence and information submitted by Appellant related thereto, in conjunction with the maps and data sources originally utilized in determining whether these census blocks are or are not TSAs. Iowa Admin. Code r. 129—20.5(4); *see also*

Iowa Admin. Code r. 129—20.3. The Office agrees with Appellant that these census blocks should remain designated as a non-TSAs, consistent with the Office’s original determination. The Office possesses evidence and information supporting the conclusion that at least one Provider offered or facilitated 25/3 as of July 1, 2015, in these census blocks, and/or Appellant has now “affirmed, attested, and certified” that Appellant offered or facilitated 25/3 as of July 1, 2015, in these census blocks, *see* Exhibit F. Thus, the Office concludes these census blocks should remain non-TSAs.

- **BLOCK IDs listed in Exhibit B.**

- **SUMMARY: APPEAL GRANTED.** The Office will designate these blocks as non-TSAs due to supporting FCC Data and/or Appellant’s statements that Appellant offered or facilitated 25/3 in these census blocks as of July 1, 2015.
- **DETAILED RESPONSE:** With respect to the 254 census blocks listed in **Exhibit B**, designated as TSAs at the time of the filing of this Appeal, the Office has reviewed the evidence and information submitted by Appellant related thereto, in conjunction with the maps and data sources originally utilized in determining whether these census blocks are or are not TSAs. Iowa Admin. Code r. 129—20.5(4); *see also* Iowa Admin. Code r. 129—20.3. The Office agrees with Appellant that these census blocks should be designated as a non-TSAs. The FCC Data relied on by Appellant supports the conclusion that one or more Providers offered or facilitated 25/3 as of July 1, 2015, in these census blocks. In addition, Appellant has generally affirmed by its Appeal or through its affirmation, attestation, and certification, that it offered or facilitated 25/3 as of July 1, 2015, in these census blocks. Considering all of these factors together, the Office concludes these census blocks should be designated as non-TSAs.

- **BLOCK IDs listed in Exhibit C.**

- **SUMMARY: APPEAL DENIED.** These blocks will remain TSAs. The maps and data sources originally utilized by the Office in determining whether these blocks are or are not TSAs, FCC Data relied on by Appellant, and Appellant’s affirmation, attestation, and certification do not support the conclusion that one or more Providers offered or facilitated 25/3 in these blocks as of July 1, 2015.
- **DETAILED RESPONSE:** With respect to the twelve (12) census blocks listed in **Exhibit C**, designated as TSAs at the time of the filing of this Appeal, the Office has reviewed the evidence and information submitted by Appellant related thereto, in conjunction with the maps and data sources originally utilized in determining whether these census blocks are or are not TSAs. Iowa Admin. Code r. 129—20.5(4); *see also* Iowa Admin. Code r. 129—20.3. The FCC Data relied on by Appellant does not support the conclusion that one or more Providers offered or facilitated 25/3 as of July 1, 2015, in these census blocks. Moreover, and critically, with respect to these twelve (12) census blocks, Appellant did not affirm, attest, or certify that it offered or facilitated 25/3 as of July 1, 2015, therein, but instead provided or indicated “No Response” or affirmatively

indicated it did not offer or facilitate 25/3 as of July 1, 2015 therein. Thus, the Office concludes these census blocks should remain designated as TSAs.

IV. APPEALING FURTHER.

If you wish to appeal this Decision you should—within 30 days of the posting of this Decision at <http://ocio.iowa.gov/>—so notify us in writing at the following address:

Office of the Chief Information Officer
c/o Matt Behrens
Hoover State Office Building, Level B
1305 East Walnut Street
Des Moines, Iowa 50319

In so doing, please state the reason(s) you are appealing this Decision, specifically identifying the particular aspects of the decision with which you disagree and the reasons why, whether factual or legal in nature. If factual in nature, please identify the evidence or information upon which you are relying to support your claim. If legal in nature, please cite the controlling authority upon which you rely. Please also include the information required by Iowa Administrative Code rule 129—6.4.

Upon receiving your appeal, we will forward it 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—6.8(1). At that time, you will have an opportunity to make a presentation, in person or over the telephone, to an ALJ regarding the nature of your concerns. If you do not exercise your appeal right within 30 days of the posting of this Decision at <http://ocio.iowa.gov/>, this Decision is final and binding. Iowa Admin. Code r. 129—20.5(5).

If you have any questions about this process, please contact Tom Slaughter at (515) 322-1128.

Sincerely,



Matt Behrens
Deputy Chief Information Officer
State of Iowa

cc:

Tom Slaughter
Business Services Division
Office of the Chief Information Officer
State of Iowa

Exhibit A

| | |
|-----------------|---------|
| 191414902001064 | O'Brien |
| 191414902001065 | O'Brien |
| 191414902001083 | O'Brien |
| 191414902001090 | O'Brien |
| 191414902001159 | O'Brien |
| 191414903001004 | O'Brien |
| 191414903001060 | O'Brien |

Exhibit B

| | |
|-----------------|---------|
| 191414902001017 | O'Brien |
| 191414902001018 | O'Brien |
| 191414902001056 | O'Brien |
| 191414902001057 | O'Brien |
| 191414902001058 | O'Brien |
| 191414902001059 | O'Brien |
| 191414902001063 | O'Brien |
| 191414902002007 | O'Brien |
| 191414902002009 | O'Brien |
| 191414902002012 | O'Brien |
| 191414902002017 | O'Brien |
| 191414902002018 | O'Brien |
| 191414902002021 | O'Brien |
| 191414902002024 | O'Brien |
| 191414902002026 | O'Brien |
| 191414902002027 | O'Brien |
| 191414902002033 | O'Brien |
| 191414902002045 | O'Brien |
| 191414902002046 | O'Brien |
| 191414902002048 | O'Brien |
| 191414902002049 | O'Brien |
| 191414902002052 | O'Brien |
| 191414902002085 | O'Brien |
| 191414902002104 | O'Brien |
| 191414902002105 | O'Brien |
| 191414902002106 | O'Brien |
| 191414902002108 | O'Brien |
| 191414902002110 | O'Brien |
| 191414902002111 | O'Brien |
| 191414902002123 | O'Brien |
| 191414902002125 | O'Brien |
| 191414902002127 | O'Brien |
| 191414902002145 | O'Brien |
| 191414902002147 | O'Brien |
| 191414902002152 | O'Brien |

191414903001000 O'Brien
191414903001005 O'Brien
191414903001006 O'Brien
191414903001008 O'Brien
191414903001009 O'Brien
191414903001033 O'Brien
191414903001045 O'Brien
191414903001061 O'Brien
191414903002000 O'Brien
191414903002012 O'Brien
191414903002014 O'Brien
191414903002020 O'Brien
191414903002034 O'Brien
191414903002047 O'Brien
191414903002051 O'Brien
191414903002057 O'Brien
191414903002059 O'Brien
191414903002062 O'Brien
191414903002063 O'Brien
191414903002067 O'Brien
191414903002080 O'Brien
191414903002081 O'Brien
191414903002082 O'Brien
191414903002086 O'Brien
191414903002088 O'Brien
191414903003007 O'Brien
191414903003024 O'Brien
191414902001061 O'Brien
191414902001084 O'Brien
191414902001087 O'Brien
191414902001088 O'Brien
191414902001160 O'Brien
191414902001162 O'Brien
191414902001164 O'Brien
191414902001165 O'Brien
191414902001166 O'Brien
191414902001190 O'Brien
191414902001191 O'Brien

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| 191414902001192 | O'Brien |
| 191414902001193 | O'Brien |
| 191414902001214 | O'Brien |
| 191414902002011 | O'Brien |
| 191414902002015 | O'Brien |
| 191414902002022 | O'Brien |
| 191414902002042 | O'Brien |
| 191414902002043 | O'Brien |
| 191414902002047 | O'Brien |
| 191414902002051 | O'Brien |
| 191414902002082 | O'Brien |
| 191414902002086 | O'Brien |
| 191414902002087 | O'Brien |
| 191414902002102 | O'Brien |
| 191414902002103 | O'Brien |
| 191414902002109 | O'Brien |
| 191414902002124 | O'Brien |
| 191414902002126 | O'Brien |
| 191414903001001 | O'Brien |
| 191414903001002 | O'Brien |
| 191414903001007 | O'Brien |
| 191414903001029 | O'Brien |
| 191414903001030 | O'Brien |
| 191414903001032 | O'Brien |
| 191414903001037 | O'Brien |
| 191414903001038 | O'Brien |
| 191414903002001 | O'Brien |
| 191414903002008 | O'Brien |
| 191414903002009 | O'Brien |
| 191414903002017 | O'Brien |
| 191414903002022 | O'Brien |
| 191414903002087 | O'Brien |
| 191434601003001 | Osceola |
| 191434601004133 | Osceola |
| 191434601001056 | Osceola |
| 191434601003003 | Osceola |
| 191434601003091 | Osceola |
| 191434602003109 | Osceola |

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| 191434602003154 | Osceola |
| 191434602004044 | Osceola |
| 191670701001027 | Sioux |
| 191670701001028 | Sioux |
| 191670701001029 | Sioux |
| 191670701001038 | Sioux |
| 191670701001040 | Sioux |
| 191670701001041 | Sioux |
| 191670701001043 | Sioux |
| 191670701001045 | Sioux |
| 191670701001049 | Sioux |
| 191670701001062 | Sioux |
| 191670701001063 | Sioux |
| 191670701001064 | Sioux |
| 191670701001068 | Sioux |
| 191670701001071 | Sioux |
| 191670701001072 | Sioux |
| 191670701001075 | Sioux |
| 191670701001078 | Sioux |
| 191670701001086 | Sioux |
| 191670701001109 | Sioux |
| 191670701001110 | Sioux |
| 191670701002024 | Sioux |
| 191670701001030 | Sioux |
| 191670701001039 | Sioux |
| 191670701001050 | Sioux |
| 191670701001057 | Sioux |
| 191670701001070 | Sioux |
| 191670701001076 | Sioux |
| 191670701001081 | Sioux |
| 191670701001083 | Sioux |
| 191670701001084 | Sioux |
| 191670701001088 | Sioux |
| 191670701001089 | Sioux |
| 191670701001091 | Sioux |
| 191670701001094 | Sioux |
| 191670701001095 | Sioux |
| 191670701001096 | Sioux |

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| 191670701001097 | Sioux |
| 191670701001098 | Sioux |
| 191670701001099 | Sioux |
| 191670701001100 | Sioux |
| 191670701001101 | Sioux |
| 191670701001102 | Sioux |
| 191670701001104 | Sioux |
| 191670701001107 | Sioux |
| 191670701001112 | Sioux |
| 191670701001113 | Sioux |
| 191670701002000 | Sioux |
| 191670701002001 | Sioux |
| 191670701002003 | Sioux |
| 191670701002005 | Sioux |
| 191670701002006 | Sioux |
| 191670701002010 | Sioux |
| 191670701002011 | Sioux |
| 191670701002012 | Sioux |
| 191670701002013 | Sioux |
| 191670701002014 | Sioux |
| 191670701002015 | Sioux |
| 191670701002016 | Sioux |
| 191670701002017 | Sioux |
| 191670701002018 | Sioux |
| 191670701002019 | Sioux |
| 191670701002020 | Sioux |
| 191670701002021 | Sioux |
| 191670701002022 | Sioux |
| 191670701002023 | Sioux |
| 191670701002025 | Sioux |
| 191670701002026 | Sioux |
| 191670701002027 | Sioux |
| 191670701002029 | Sioux |
| 191670701002030 | Sioux |
| 191670701002031 | Sioux |
| 191670701002032 | Sioux |
| 191670701002034 | Sioux |
| 191670701002035 | Sioux |

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| 191670701002036 | Sioux |
| 191670701002037 | Sioux |
| 191670701002038 | Sioux |
| 191670701002040 | Sioux |
| 191670701002041 | Sioux |
| 191670701002042 | Sioux |
| 191670701002043 | Sioux |
| 191670701002044 | Sioux |
| 191670701002045 | Sioux |
| 191670701002046 | Sioux |
| 191670701002047 | Sioux |
| 191670701002050 | Sioux |
| 191670701002052 | Sioux |
| 191670701002053 | Sioux |
| 191670701002054 | Sioux |
| 191670701002059 | Sioux |
| 191670701002060 | Sioux |
| 191670701002061 | Sioux |
| 191670701002062 | Sioux |
| 191670701002063 | Sioux |
| 191670701002064 | Sioux |
| 191670701002065 | Sioux |
| 191670701002067 | Sioux |
| 191670701002070 | Sioux |
| 191670701002072 | Sioux |
| 191670701002073 | Sioux |
| 191670701002074 | Sioux |
| 191670701002075 | Sioux |
| 191670701002076 | Sioux |
| 191670701002077 | Sioux |
| 191670701002078 | Sioux |
| 191670701002079 | Sioux |
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| 191670701002082 | Sioux |
| 191670701002083 | Sioux |
| 191670701002084 | Sioux |
| 191670701002085 | Sioux |

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| 191670701002086 | Sioux |
| 191670701002087 | Sioux |
| 191670701002088 | Sioux |
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| 191670701002090 | Sioux |
| 191670701002091 | Sioux |
| 191670701002092 | Sioux |
| 191670701002093 | Sioux |
| 191670701004018 | Sioux |
| 191670701004032 | Sioux |
| 191670701004033 | Sioux |
| 191670701004035 | Sioux |
| 191670701004036 | Sioux |
| 191670701004037 | Sioux |
| 191670701004045 | Sioux |
| 191670701004046 | Sioux |
| 191670701004047 | Sioux |
| 191670701004048 | Sioux |
| 191670701004049 | Sioux |
| 191670701004059 | Sioux |
| 191670701004060 | Sioux |
| 191670701004061 | Sioux |
| 191670701004063 | Sioux |
| 191670701004068 | Sioux |
| 191670701004069 | Sioux |
| 191670701004070 | Sioux |
| 191670705001006 | Sioux |
| 191670705001007 | Sioux |
| 191670705001025 | Sioux |

Exhibit C

| CENSUS BLOCK ID | PRIOR REPORTING TO CONNECTIOWA AND/OR FCC | | | 25/3 as of July 1, 2015 |
|--------------------------|--|---|---|--|
| 191414902002025, O'Brien | <input type="checkbox"/> In Error | <input checked="" type="checkbox"/> Correct | <input type="checkbox"/> No Response | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Response |
| 191414902002029, O'Brien | <input checked="" type="checkbox"/> In Error | <input type="checkbox"/> Correct | <input type="checkbox"/> No Response | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Response |
| 191414902002032, O'Brien | <input type="checkbox"/> In Error | <input checked="" type="checkbox"/> Correct | <input type="checkbox"/> No Response | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Response |
| 191414902002107, O'Brien | <input type="checkbox"/> In Error | <input type="checkbox"/> Correct | <input checked="" type="checkbox"/> No Response | <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No Response |
| 191414903002010, O'Brien | <input type="checkbox"/> In Error | <input type="checkbox"/> Correct | <input checked="" type="checkbox"/> No Response | <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No Response |
| 191414903002016, O'Brien | <input type="checkbox"/> In Error | <input type="checkbox"/> Correct | <input checked="" type="checkbox"/> No Response | <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No Response |
| 191414903002018, O'Brien | <input type="checkbox"/> In Error | <input type="checkbox"/> Correct | <input checked="" type="checkbox"/> No Response | <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No Response |
| 191434602002052, Osceola | <input checked="" type="checkbox"/> In Error | <input type="checkbox"/> Correct | <input type="checkbox"/> No Response | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No Response |
| 191670701001061, Sioux | <input type="checkbox"/> In Error | <input type="checkbox"/> Correct | <input checked="" type="checkbox"/> No Response | <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No Response |
| 191670701001073, Sioux | <input checked="" type="checkbox"/> In Error | <input type="checkbox"/> Correct | <input type="checkbox"/> No Response | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No Response |
| 191670701001074, Sioux | <input checked="" type="checkbox"/> In Error | <input type="checkbox"/> Correct | <input type="checkbox"/> No Response | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No Response |
| 191670705001028, Sioux | <input checked="" type="checkbox"/> In Error | <input type="checkbox"/> Correct | <input type="checkbox"/> No Response | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No Response |

Exhibit D

HTC Communications and Premier Communications

| | |
|-----------------|---------|
| 191670701001037 | Sioux |
| 191670701001051 | Sioux |
| 191670701001000 | Sioux |
| 191670701001025 | Sioux |
| 191670701001026 | Sioux |
| 191670701001001 | Sioux |
| 191670701001056 | Sioux |
| 191670701001031 | Sioux |
| 191414902002055 | O'Brien |
| 191414902002080 | O'Brien |
| 191414902002088 | O'Brien |
| 191414902002053 | O'Brien |
| 191414902002081 | O'Brien |
| 191414902002034 | O'Brien |
| 191414902002030 | O'Brien |
| 191414902002031 | O'Brien |

Exhibit E

Request for Information and Clarification

TERRY E. BRANSTAD, GOVERNOR
KIM REYNOLDS, LT. GOVERNOR

ROBERT VON WOLFRADT
CHIEF INFORMATION OFFICER

**RESPONSE REQUESTED
WITHIN 10 DAYS OF RECEIPT**

March 10, 2017

Office of the Chief Information Officer of the State of Iowa
c/o Matt Behrens
1305 E. Walnut Street, Level B
Des Moines, IA 50309

Hospers Telephone Exchange, Inc.
c/o Ruth Kuster
PO Box 142
Hospers, IA 51238

Dear Ms. Kuster:

The Office of The Chief Information Officer of the State of Iowa (“OCIO”) is in the process of reviewing your appeal related to the Iowa Broadband Availability Map (“Broadband Map”).¹ At this time, OCIO requests you both clarify an aspect of your appeal, and provide information with respect to the census blocks listed in Exhibit A, attached hereto.

First, you generally claim your appeal is supported both by the interactive map at <http://www.connectiowa.org> (“Interactive Map”) and Federal Communications Commission (“FCC”) Form 477 data. Specifically, you assert these data sources “very accurately reflect[] fiber optic infrastructure, and therefore broadband availability, at or above 25Mbps/3Mbps in HTC’s service area of Hospers, Sheldon, Ashton, Sibley, and Ocheyedan.” However, you do not clearly specify the date as of which you are claiming such service was available. Iowa Code § 8B.1(12) (defining a Targeted Service Area (“TSA”) as “[A] United States census bureau census block located in this state, including any crop operation located within the census block, within which no communications service provider [(“Provider”)] offers or facilitates broadband service at or above twenty-five megabits per second of download speed and three megabits per second of upload speed [(“25/3”)] ***as of July 1, 2015***” (emphasis added)). Accordingly, we respectfully request that you clarify whether you are claiming 25/3 was available ***as of July 1, 2015*** in all of the census blocks forming the basis of your appeal. *Id.*

Second, assuming you are claiming 25/3 was available as of July 1, 2015, we would request the following with respect to the census blocks listed in Exhibit A:

- a. While you generally assert your appeal is supported both by the Interactive Map and FCC Form 477 data, you do not specify the particular aspects of the Interactive Map or the version of the FCC Form 477 data upon which you rely in support of your appeal. We would request you:
 - i. Clearly specify how the Interactive Map supports your claim (*e.g.*, by providing screen shots); and

¹Currently available at <https://ocio.iowa.gov/broadband>.

- ii. Specify the version of the FCC Form 477 data (available at <https://www.fcc.gov/general/broadband-deployment-data-fcc-form-477>) upon which you rely, and separate therefrom the specific data supporting your claim.
- b. Complete and return the “Affirmation, Attestation, Certification of 2015” form, attached as **Exhibit B**. We have pre-populated the form for your convenience. Pursuant to this form, OCIO requests that a representative with legal authority to bind your company:
- i. Confirm whether your company either correctly or erroneously reported to either ConnectIowa, LLC, or the FCC data or information regarding availability and/or advertised upload/download speeds for June-July of 2015; and/or
 - ii. Confirm whether your company did or did not offer or facilitate 25/3 as of July 1, 2015.
- c. Finally, to the extent *your company* provided 25/3 in the census blocks listed in Exhibit A as of July 1, 2015, please provide us with any additional evidence available to you supporting the conclusion that, as of July 1, 2015, your company offered or facilitated 25/3, such as bills or invoices to customers (which indicate applicable upload/download speeds provisioned by your company). The office generally considers bills and invoices to be strong evidence of prior service.

Please note that you are under no legal obligation to respond to this request for information. However, the burden is on the appellant to “provide the office with all evidence and information necessary to support [its] appeal.” Iowa Admin. Code r. 129—20.5(1)(b). If we do not receive input from you by **10 DAYS FROM DATE OF YOUR RECEIPT OF THIS LETTER**, OCIO will make a final decision based on the evidence and information currently available to it.

OCIO strives at all times to produce and disseminate accurate information. We appreciate your assistance in helping us achieve our statutory mandate. Please contact Tom Slaughter at (515) 322-1128 or by email at matt.behrens@iowa.gov if you have any question about this request.

Sincerely



Matt Behrens
Deputy Chief Information Officer
State of Iowa

cc:

Tom Slaughter, Business Services Division, Office of the Chief Information Officer

Exhibit A

Census Blocks for which Additional Clarification/Information is Requested

| | |
|-----------------|---------|
| 191414902001061 | O'Brien |
| 191414902001084 | O'Brien |
| 191414902001087 | O'Brien |
| 191414902001088 | O'Brien |
| 191414902001160 | O'Brien |
| 191414902001162 | O'Brien |
| 191414902001164 | O'Brien |
| 191414902001165 | O'Brien |
| 191414902001166 | O'Brien |
| 191414902001190 | O'Brien |
| 191414902001191 | O'Brien |
| 191414902001192 | O'Brien |
| 191414902001193 | O'Brien |
| 191414902001214 | O'Brien |
| 191414902002011 | O'Brien |
| 191414902002015 | O'Brien |
| 191414902002022 | O'Brien |
| 191414902002025 | O'Brien |
| 191414902002029 | O'Brien |
| 191414902002030 | O'Brien |
| 191414902002032 | O'Brien |
| 191414902002034 | O'Brien |
| 191414902002042 | O'Brien |
| 191414902002043 | O'Brien |
| 191414902002047 | O'Brien |
| 191414902002051 | O'Brien |
| 191414902002053 | O'Brien |
| 191414902002055 | O'Brien |
| 191414902002082 | O'Brien |
| 191414902002086 | O'Brien |
| 191414902002087 | O'Brien |
| 191414902002088 | O'Brien |
| 191414902002102 | O'Brien |
| 191414902002103 | O'Brien |
| 191414902002107 | O'Brien |
| 191414902002109 | O'Brien |
| 191414902002124 | O'Brien |
| 191414902002126 | O'Brien |
| 191414903001001 | O'Brien |
| 191414903001002 | O'Brien |
| 191414903001007 | O'Brien |
| 191414903001029 | O'Brien |
| 191414903001030 | O'Brien |

| | |
|-----------------|---------|
| 191414903001032 | O'Brien |
| 191414903001037 | O'Brien |
| 191414903001038 | O'Brien |
| 191414903002001 | O'Brien |
| 191414903002008 | O'Brien |
| 191414903002009 | O'Brien |
| 191414903002010 | O'Brien |
| 191414903002016 | O'Brien |
| 191414903002017 | O'Brien |
| 191414903002018 | O'Brien |
| 191414903002022 | O'Brien |
| 191414903002087 | O'Brien |
| 191414902002031 | O'Brien |
| 191414902002080 | O'Brien |
| 191414902002081 | O'Brien |
| 191434601003001 | Osceola |
| 191434601004133 | Osceola |
| 191434602002052 | Osceola |
| 191670701001026 | Sioux |
| 191670701001030 | Sioux |
| 191670701001031 | Sioux |
| 191670701001039 | Sioux |
| 191670701001050 | Sioux |
| 191670701001051 | Sioux |
| 191670701001056 | Sioux |
| 191670701001057 | Sioux |
| 191670701001061 | Sioux |
| 191670701001070 | Sioux |
| 191670701001073 | Sioux |
| 191670701001074 | Sioux |
| 191670701001076 | Sioux |
| 191670701001081 | Sioux |
| 191670701001083 | Sioux |
| 191670701001084 | Sioux |
| 191670701001088 | Sioux |
| 191670701001089 | Sioux |
| 191670701001091 | Sioux |
| 191670701001094 | Sioux |
| 191670701001095 | Sioux |
| 191670701001096 | Sioux |
| 191670701001097 | Sioux |
| 191670701001098 | Sioux |
| 191670701001099 | Sioux |
| 191670701001100 | Sioux |
| 191670701001101 | Sioux |
| 191670701001102 | Sioux |
| 191670701001104 | Sioux |
| 191670701001107 | Sioux |
| 191670701001112 | Sioux |
| 191670701001113 | Sioux |
| 191670701002000 | Sioux |

| | |
|-----------------|-------|
| 191670701002001 | Sioux |
| 191670701002003 | Sioux |
| 191670701002005 | Sioux |
| 191670701002006 | Sioux |
| 191670701002010 | Sioux |
| 191670701002011 | Sioux |
| 191670701002012 | Sioux |
| 191670701002013 | Sioux |
| 191670701002014 | Sioux |
| 191670701002015 | Sioux |
| 191670701002016 | Sioux |
| 191670701002017 | Sioux |
| 191670701002018 | Sioux |
| 191670701002019 | Sioux |
| 191670701002020 | Sioux |
| 191670701002021 | Sioux |
| 191670701002022 | Sioux |
| 191670701002023 | Sioux |
| 191670701002025 | Sioux |
| 191670701002026 | Sioux |
| 191670701002027 | Sioux |
| 191670701002029 | Sioux |
| 191670701002030 | Sioux |
| 191670701002031 | Sioux |
| 191670701002032 | Sioux |
| 191670701002034 | Sioux |
| 191670701002035 | Sioux |
| 191670701002036 | Sioux |
| 191670701002037 | Sioux |
| 191670701002038 | Sioux |
| 191670701002040 | Sioux |
| 191670701002041 | Sioux |
| 191670701002042 | Sioux |
| 191670701002043 | Sioux |
| 191670701002044 | Sioux |
| 191670701002045 | Sioux |
| 191670701002046 | Sioux |
| 191670701002047 | Sioux |
| 191670701002050 | Sioux |
| 191670701002052 | Sioux |
| 191670701002053 | Sioux |
| 191670701002054 | Sioux |
| 191670701002059 | Sioux |
| 191670701002060 | Sioux |
| 191670701002061 | Sioux |
| 191670701002062 | Sioux |
| 191670701002063 | Sioux |
| 191670701002064 | Sioux |
| 191670701002065 | Sioux |
| 191670701002067 | Sioux |
| 191670701002070 | Sioux |

| | |
|-----------------|-------|
| 191670701002072 | Sioux |
| 191670701002073 | Sioux |
| 191670701002074 | Sioux |
| 191670701002075 | Sioux |
| 191670701002076 | Sioux |
| 191670701002077 | Sioux |
| 191670701002078 | Sioux |
| 191670701002079 | Sioux |
| 191670701002080 | Sioux |
| 191670701002081 | Sioux |
| 191670701002082 | Sioux |
| 191670701002083 | Sioux |
| 191670701002084 | Sioux |
| 191670701002085 | Sioux |
| 191670701002086 | Sioux |
| 191670701002087 | Sioux |
| 191670701002088 | Sioux |
| 191670701002089 | Sioux |
| 191670701002090 | Sioux |
| 191670701002091 | Sioux |
| 191670701002092 | Sioux |
| 191670701002093 | Sioux |
| 191670701004018 | Sioux |
| 191670701004032 | Sioux |
| 191670701004033 | Sioux |
| 191670701004035 | Sioux |
| 191670701004036 | Sioux |
| 191670701004037 | Sioux |
| 191670701004045 | Sioux |
| 191670701004046 | Sioux |
| 191670701004047 | Sioux |
| 191670701004048 | Sioux |
| 191670701004049 | Sioux |
| 191670701004059 | Sioux |
| 191670701004060 | Sioux |
| 191670701004061 | Sioux |
| 191670701004063 | Sioux |
| 191670701004068 | Sioux |
| 191670701004069 | Sioux |
| 191670701004070 | Sioux |
| 191670705001006 | Sioux |
| 191670705001007 | Sioux |
| 191670705001025 | Sioux |
| 191670705001028 | Sioux |
| 191670701001000 | Sioux |
| 191670701001001 | Sioux |
| 191670701001025 | Sioux |
| 191670701001037 | Sioux |

Exhibit B

Affirmation, Attestation, Certification of 2015

TERRY E. BRANSTAD, GOVERNOR
KIM REYNOLDS, LT. GOVERNOR

ROBERT VON WOLFFRADT
CHIEF INFORMATION OFFICER

Affirmation, Attestation, Certification of 2015
ConnectIowa/FCC Data Submission Error

A. COMPANY INFORMATION

Company Name: Hospers Telephone Exchange, Inc.

Address: _____

City: _____ State: _____ Zip: _____

B. DESIGNATED CONTACT INFORMATION

Contact Name _____ Phone # (____) ____ - ____ Email: _____

C. CERTIFICATION/ATTESTATION/AFFIRMATION

In signing and submitting this form, the above-listed company, and its duly authorized representative signing on behalf thereof, hereby affirms, attests, and certifies under penalty of perjury that:

- As selected below, the data the above-listed company submitted to either ConnectIowa, LLC, or the Federal Communications Commission as it relates to available and/or advertised broadband speeds for June-July of 2015 was either in error or correct; and
- As selected below, the above-listed company did or did not offer or facilitate broadband service at or above twenty-five megabits per second of download speed and three megabits per second of upload speed ("25/3") as of July 1, 2015.

| CENSUS BLOCK ID | PRIOR REPORTING TO CONNECTIOWA AND/OR FCC | | | 25/3 as of July 1, 2015 | | |
|-----------------|---|----------------------------------|--------------------------------------|------------------------------|-----------------------------|--------------------------------------|
| | <input type="checkbox"/> In Error | <input type="checkbox"/> Correct | <input type="checkbox"/> No Response | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> No Response |
| 191414902001061 | <input type="checkbox"/> In Error | <input type="checkbox"/> Correct | <input type="checkbox"/> No Response | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> No Response |
| 191414902001084 | <input type="checkbox"/> In Error | <input type="checkbox"/> Correct | <input type="checkbox"/> No Response | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> No Response |
| 191414902001087 | <input type="checkbox"/> In Error | <input type="checkbox"/> Correct | <input type="checkbox"/> No Response | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> No Response |
| 191414902001088 | <input type="checkbox"/> In Error | <input type="checkbox"/> Correct | <input type="checkbox"/> No Response | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> No Response |

TERRY E. BRANSTAD, GOVERNOR
KIM REYNOLDS, LT. GOVERNOR

ROBERT VON WOLFFRADT
CHIEF INFORMATION OFFICER

| | | | | |
|-----------------|-----------------------------------|----------------------------------|--------------------------------------|---|
| 191414902001160 | <input type="checkbox"/> In Error | <input type="checkbox"/> Correct | <input type="checkbox"/> No Response | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Response |
| 191414902001162 | <input type="checkbox"/> In Error | <input type="checkbox"/> Correct | <input type="checkbox"/> No Response | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Response |
| 191414902001164 | <input type="checkbox"/> In Error | <input type="checkbox"/> Correct | <input type="checkbox"/> No Response | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Response |
| 191414902001165 | <input type="checkbox"/> In Error | <input type="checkbox"/> Correct | <input type="checkbox"/> No Response | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Response |
| 191414902001166 | <input type="checkbox"/> In Error | <input type="checkbox"/> Correct | <input type="checkbox"/> No Response | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Response |
| 191414902001190 | <input type="checkbox"/> In Error | <input type="checkbox"/> Correct | <input type="checkbox"/> No Response | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Response |
| 191414902001191 | <input type="checkbox"/> In Error | <input type="checkbox"/> Correct | <input type="checkbox"/> No Response | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Response |
| 191414902001192 | <input type="checkbox"/> In Error | <input type="checkbox"/> Correct | <input type="checkbox"/> No Response | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Response |
| 191414902001193 | <input type="checkbox"/> In Error | <input type="checkbox"/> Correct | <input type="checkbox"/> No Response | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Response |
| 191414902001214 | <input type="checkbox"/> In Error | <input type="checkbox"/> Correct | <input type="checkbox"/> No Response | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Response |
| 191414902002011 | <input type="checkbox"/> In Error | <input type="checkbox"/> Correct | <input type="checkbox"/> No Response | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Response |
| 191414902002015 | <input type="checkbox"/> In Error | <input type="checkbox"/> Correct | <input type="checkbox"/> No Response | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Response |
| 191414902002022 | <input type="checkbox"/> In Error | <input type="checkbox"/> Correct | <input type="checkbox"/> No Response | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Response |
| 191414902002025 | <input type="checkbox"/> In Error | <input type="checkbox"/> Correct | <input type="checkbox"/> No Response | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Response |
| 191414902002029 | <input type="checkbox"/> In Error | <input type="checkbox"/> Correct | <input type="checkbox"/> No Response | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Response |
| 191414902002030 | <input type="checkbox"/> In Error | <input type="checkbox"/> Correct | <input type="checkbox"/> No Response | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Response |
| 191414902002032 | <input type="checkbox"/> In Error | <input type="checkbox"/> Correct | <input type="checkbox"/> No Response | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Response |
| 191414902002034 | <input type="checkbox"/> In Error | <input type="checkbox"/> Correct | <input type="checkbox"/> No Response | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Response |
| 191414902002042 | <input type="checkbox"/> In Error | <input type="checkbox"/> Correct | <input type="checkbox"/> No Response | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Response |
| 191414902002043 | <input type="checkbox"/> In Error | <input type="checkbox"/> Correct | <input type="checkbox"/> No Response | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Response |
| 191414902002047 | <input type="checkbox"/> In Error | <input type="checkbox"/> Correct | <input type="checkbox"/> No Response | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Response |
| 191414902002051 | <input type="checkbox"/> In Error | <input type="checkbox"/> Correct | <input type="checkbox"/> No Response | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Response |

TERRY E. BRANSTAD, GOVERNOR
KIM REYNOLDS, LT. GOVERNOR

ROBERT VON WOLFFRADT
CHIEF INFORMATION OFFICER

| | | | | |
|-----------------|-----------------------------------|----------------------------------|--------------------------------------|---|
| 191414902002053 | <input type="checkbox"/> In Error | <input type="checkbox"/> Correct | <input type="checkbox"/> No Response | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Response |
| 191414902002055 | <input type="checkbox"/> In Error | <input type="checkbox"/> Correct | <input type="checkbox"/> No Response | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Response |
| 191414902002082 | <input type="checkbox"/> In Error | <input type="checkbox"/> Correct | <input type="checkbox"/> No Response | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Response |
| 191414902002086 | <input type="checkbox"/> In Error | <input type="checkbox"/> Correct | <input type="checkbox"/> No Response | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Response |
| 191414902002087 | <input type="checkbox"/> In Error | <input type="checkbox"/> Correct | <input type="checkbox"/> No Response | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Response |
| 191414902002088 | <input type="checkbox"/> In Error | <input type="checkbox"/> Correct | <input type="checkbox"/> No Response | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Response |
| 191414902002102 | <input type="checkbox"/> In Error | <input type="checkbox"/> Correct | <input type="checkbox"/> No Response | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Response |
| 191414902002103 | <input type="checkbox"/> In Error | <input type="checkbox"/> Correct | <input type="checkbox"/> No Response | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Response |
| 191414902002107 | <input type="checkbox"/> In Error | <input type="checkbox"/> Correct | <input type="checkbox"/> No Response | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Response |
| 191414902002109 | <input type="checkbox"/> In Error | <input type="checkbox"/> Correct | <input type="checkbox"/> No Response | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Response |
| 191414902002124 | <input type="checkbox"/> In Error | <input type="checkbox"/> Correct | <input type="checkbox"/> No Response | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Response |
| 191414902002126 | <input type="checkbox"/> In Error | <input type="checkbox"/> Correct | <input type="checkbox"/> No Response | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Response |
| 191414903001001 | <input type="checkbox"/> In Error | <input type="checkbox"/> Correct | <input type="checkbox"/> No Response | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Response |
| 191414903001002 | <input type="checkbox"/> In Error | <input type="checkbox"/> Correct | <input type="checkbox"/> No Response | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Response |
| 191414903001007 | <input type="checkbox"/> In Error | <input type="checkbox"/> Correct | <input type="checkbox"/> No Response | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Response |
| 191414903001029 | <input type="checkbox"/> In Error | <input type="checkbox"/> Correct | <input type="checkbox"/> No Response | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Response |
| 191414903001030 | <input type="checkbox"/> In Error | <input type="checkbox"/> Correct | <input type="checkbox"/> No Response | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Response |
| 191414903001032 | <input type="checkbox"/> In Error | <input type="checkbox"/> Correct | <input type="checkbox"/> No Response | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Response |
| 191414903001037 | <input type="checkbox"/> In Error | <input type="checkbox"/> Correct | <input type="checkbox"/> No Response | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Response |
| 191414903001038 | <input type="checkbox"/> In Error | <input type="checkbox"/> Correct | <input type="checkbox"/> No Response | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Response |
| 191414903002001 | <input type="checkbox"/> In Error | <input type="checkbox"/> Correct | <input type="checkbox"/> No Response | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Response |
| 191414903002008 | <input type="checkbox"/> In Error | <input type="checkbox"/> Correct | <input type="checkbox"/> No Response | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Response |

TERRY E. BRANSTAD, GOVERNOR
KIM REYNOLDS, LT. GOVERNOR

ROBERT VON WOLFFRADT
CHIEF INFORMATION OFFICER

| | | | | |
|-----------------|-----------------------------------|----------------------------------|--------------------------------------|---|
| 191414903002009 | <input type="checkbox"/> In Error | <input type="checkbox"/> Correct | <input type="checkbox"/> No Response | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Response |
| 191414903002010 | <input type="checkbox"/> In Error | <input type="checkbox"/> Correct | <input type="checkbox"/> No Response | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Response |
| 191414903002016 | <input type="checkbox"/> In Error | <input type="checkbox"/> Correct | <input type="checkbox"/> No Response | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Response |
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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 attach additional pages and supporting documentation.)

TERRY E. BRANSTAD, GOVERNOR
KIM REYNOLDS, LT. GOVERNOR

ROBERT VON WOLFRADT
CHIEF INFORMATION OFFICER

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E. SIGNATURE

| | |
|------------------------------------|--------------------|
| Authorized Signature: _____ | Date: _____ |
| Printed Name: _____ | |

DISCLAIMER: By submitting this form you may be certifying to OCIO that you previously misreported data to ConnectIowa, LLC, and/or the Federal Communications Commission as it relates to a particular census block(s) listed herein. Depending on other data and information available to OCIO with respect to the census block in question, your certification may or may not result in a change of status from a targeted service area to a non-targeted service area, or a non-targeted service area to a targeted service area, as defined by Iowa Code section 8B.1(12). OCIO makes no guarantees as to whether the information supplied by you will result in a change of status. Further, OCIO makes no representations and disclaims all liability and responsibility with respect to your potential prior misreporting. This form, as completed, and any attachments hereto, 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.

Return To:

Office of the Chief Information Officer of the State of Iowa
c/o Matt Behrens
1305 E. Walnut Street, Level B
Des Moines, IA 50309

Exhibit F

Response to Request for Information and Clarification

***Note:** The Office has redacted sensitive information or other information that could reasonably be considered a trade secret from this Exhibit. If a full copy is requested, the Office will conduct a more formal analysis consistent with Iowa Code chapter 22, and may provide potentially adversely affected parties with reasonable notice and opportunity to file for injunctive relief.



HTC COMMUNICATIONS

107 2ND AVENUE SOUTH
PO BOX 142, HOSPERS, IOWA 51238
PHONE 712-752-8100 FAX 712-752-8280

April 5, 2017

HTC Communications
107 2nd Avenue South
Hospers, IA 51238

Office of the Chief Information Officer of the State of Iowa
c/o Matt Behrens
1305 E Walnut Street, Level B
Des Moines, IA 50309

Dear Matt,

Thank you for the opportunity to clarify HTC Communications' previous appeal related to the Iowa Broadband Availability Map.

I've enclosed multiple documents in support of our claims and am hopeful that this is sufficient information. However, if you are in need of anything further, please don't hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ruth Kuster'. The signature is fluid and cursive, with the first name 'Ruth' being more prominent than the last name 'Kuster'.

Ruth Kuster
Assistant Manager
HTC Communications

TERRY E. BRANSTAD, GOVERNOR
KIM REYNOLDS, LT. GOVERNOR

ROBERT VON WOLFRADT
CHIEF INFORMATION OFFICER

Affirmation, Attestation, Certification of 2015
ConnectIowa/FCC Data Submission Error

A. COMPANY INFORMATION

Company Name: Hospers Telephone Exchange, Inc.

Address: 107 2nd Avenue South, PO Box 142

City: Hospers State: IA Zip: 51238

B. DESIGNATED CONTACT INFORMATION

Contact Name Ruth Kuster Phone # (712)752-8100 Email: ruth@hosperstel.com

C. CERTIFICATION/ATTESTATION/AFFIRMATION

In signing and submitting this form, the above-listed company, and its duly authorized representative signing on behalf thereof, hereby affirms, attests, and certifies under penalty of perjury that:

- As selected below, the data the above-listed company submitted to either ConnectIowa, LLC, or the Federal Communications Commission as it relates to available and/or advertised broadband speeds for June-July of 2015 was either in error or correct; and
- As selected below, the above-listed company did or did not offer or facilitate broadband service at or above twenty-five megabits per second of download speed and three megabits per second of upload speed ("25/3") as of July 1, 2015.

| CENSUS BLOCK ID | PRIOR REPORTING TO CONNECTIOWA AND/OR FCC | | | 25/3 as of July 1, 2015 |
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TERRY E. BRANSTAD, GOVERNOR
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TERRY E. BRANSTAD, GOVERNOR
KIM REYNOLDS, LT. GOVERNOR

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TERRY E. BRANSTAD, GOVERNOR
KIM REYNOLDS, LT. GOVERNOR

ROBERT VON WOLFRADT
CHIEF INFORMATION OFFICER

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TERRY E. BRANSTAD, GOVERNOR
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TERRY E. BRANSTAD, GOVERNOR
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TERRY E. BRANSTAD, GOVERNOR
KIM REYNOLDS, LT. GOVERNOR

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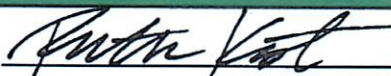
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D. ADDITIONAL EXPLANATION (To the extent you believe additional explanation is required to ensure that you are communicating full and accurate information, please use the below space to further explain, qualify, or substantiate your above certification/attestation/affirmation.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

See Attachment

TERRY E. BRANSTAD, GOVERNOR
KIM REYNOLDS, LT. GOVERNOR

ROBERT VON WOLFFRADT
CHIEF INFORMATION OFFICER

| E. SIGNATURE | |
|---|----------------|
| Authorized Signature:  | Date: 4-5-2017 |
| Printed Name: RUTH KUSTER | |

DISCLAIMER: By submitting this form you may be certifying to OCIO that you previously misreported data to ConnectIowa, LLC, and/or the Federal Communications Commission as it relates to a particular census block(s) listed herein. Depending on other data and information available to OCIO with respect to the census block in question, your certification may or may not result in a change of status from a targeted service area to a non-targeted service area, or a non-targeted service area to a targeted service area, as defined by Iowa Code section 88.1(12). OCIO makes no guarantees as to whether the information supplied by you will result in a change of status. Further, OCIO makes no representations and disclaims all liability and responsibility with respect to your potential prior misreporting. This form, as completed, and any attachments hereto, 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.

Return To:

Office of the Chief Information Officer of the State of Iowa
c/o Matt Behrens
1305 E. Walnut Street, Level B
Des Moines, IA 50309

[Faint, illegible text]



HTC COMMUNICATIONS

107 2ND AVENUE SOUTH
PO BOX 142, HOSPERS, IOWA 51238
PHONE 712-752-8100 FAX 712-752-8280

D. Additional Explanation

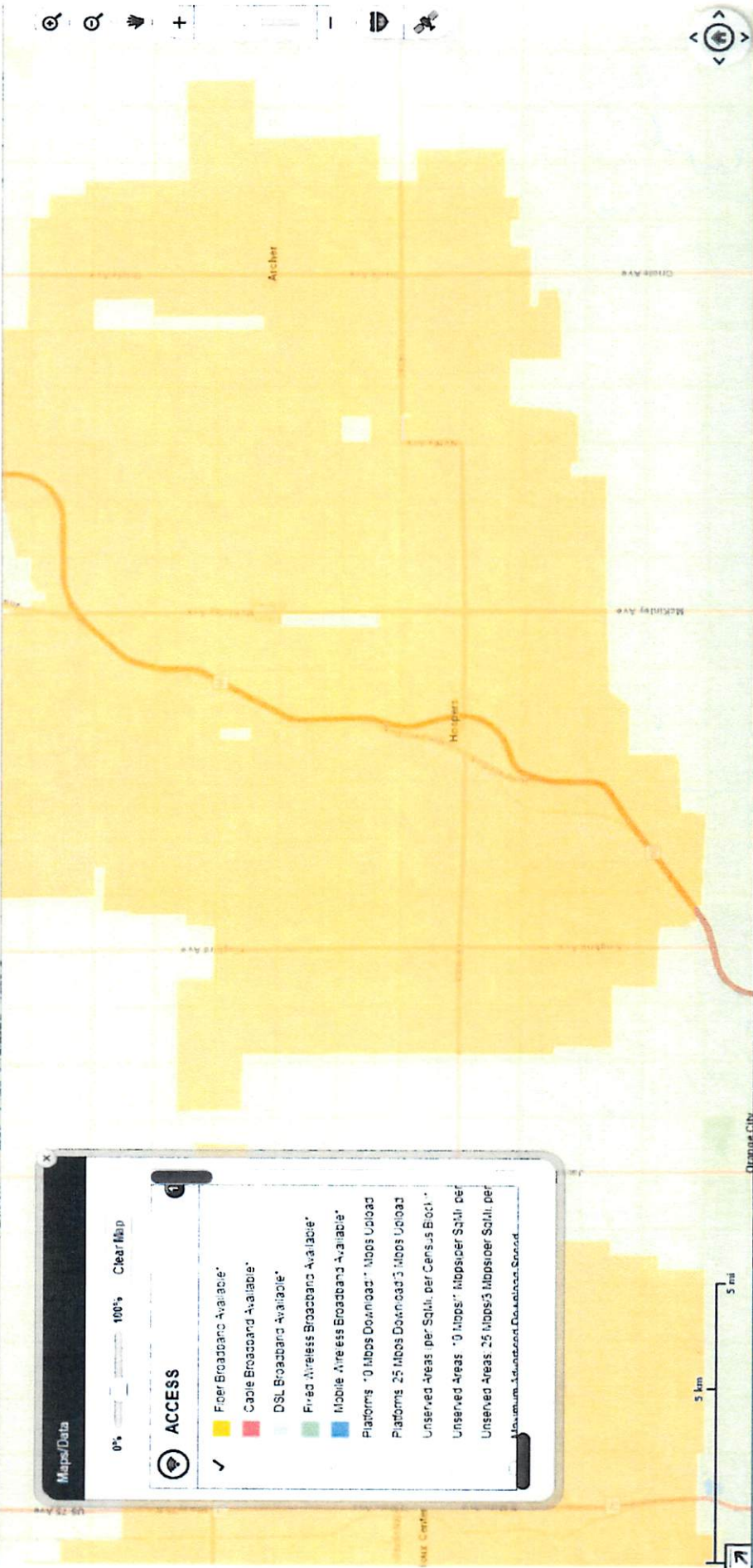
Enclosed you will find additional information that supports this company's claim that 25M/3M broadband was available in the indicated census blocks as of July 1, 2015 and that the status of those census blocks should be changed from Targeted Service Area to non-TSA.

First, our claim is supported by the ConnectIowa Interactive Map at connectiowa.org/interactive-map. (See enclosed screen shots.) After launching the map and selecting the location, e.g. Hospers 51238, I used the "Maps/Data" tab at the top of the screen to open the pop up box. From the "Access" dropdown menu I chose to highlight "Fiber Broadband Available". The yellow highlighted area that appears on the map corresponds to where our company had built fiber optic facility and subsequently reported that construction to ConnectIowa, LLC. (See screen shots #1, 2, and 3) Upon closely reviewing the Census Blocks listed in Exhibit A, I do see that a few errors were made in that reporting, as indicated in Exhibit B. Note also screen shot #4 where the map indicates "Data Current as of 6/26/15". This also supports our claim of broadband availability as of July 1, 2015.

Secondly, in the appeal we cited information taken from FCC Form 477. To clarify, we took information from the "Fixed Broadband Deployment" portion of the June 30, 2015 version of FCC Form 477. As you know, that form specifies Optical i.e. fiber optic *customers* by census block. It is of course possible that fiber optic facility, therefor 25M/3M broadband availability, exists in census blocks where HTC Communications has no customers.

Next, per your suggestion I've included an archived, partial customer statement dated June 1, 2015. This is a bill to a business customer for 50M/5M broadband service. The customer is located in Census Block 191434601004133. This further supports our claims, albeit in just one census block.

Finally, I've included construction maps of the Hospers Exchange dated 2010, when HTC Communications built FTTP to the entire Hospers Exchange. Although I do not have a map in a format suitable to submit to OCIO, a similar map of the entire *rural* portion of the Sheldon Exchange, dated 2011, is used in this office. These maps further substantiate our claim that 25M/3M broadband was facilitated prior to July 1, 2015 in the census blocks in question.



Maps/Data | 0° | 100% | Clear Map

ACCESS

- Fiber Broadband Available
- Cable Broadband Available
- DSL Broadband Available
- Fixed Wireless Broadband Available
- Mobile Wireless Broadband Available
- Platforms: 0 Mbps Download, 0 Mbps Upload
- Platforms: 25 Mbps Download, 3 Mbps Upload
- Unserved Areas per Squi, per Census Block
- Unserved Areas: 0 Mbps, 0 Mbps or Squi, per
- Unserved Areas: 25 Mbps, 3 Mbps or Squi, per

Maximum: 34,400,000 Downloads, Second

#1

CONNECT IOWA ConnectView

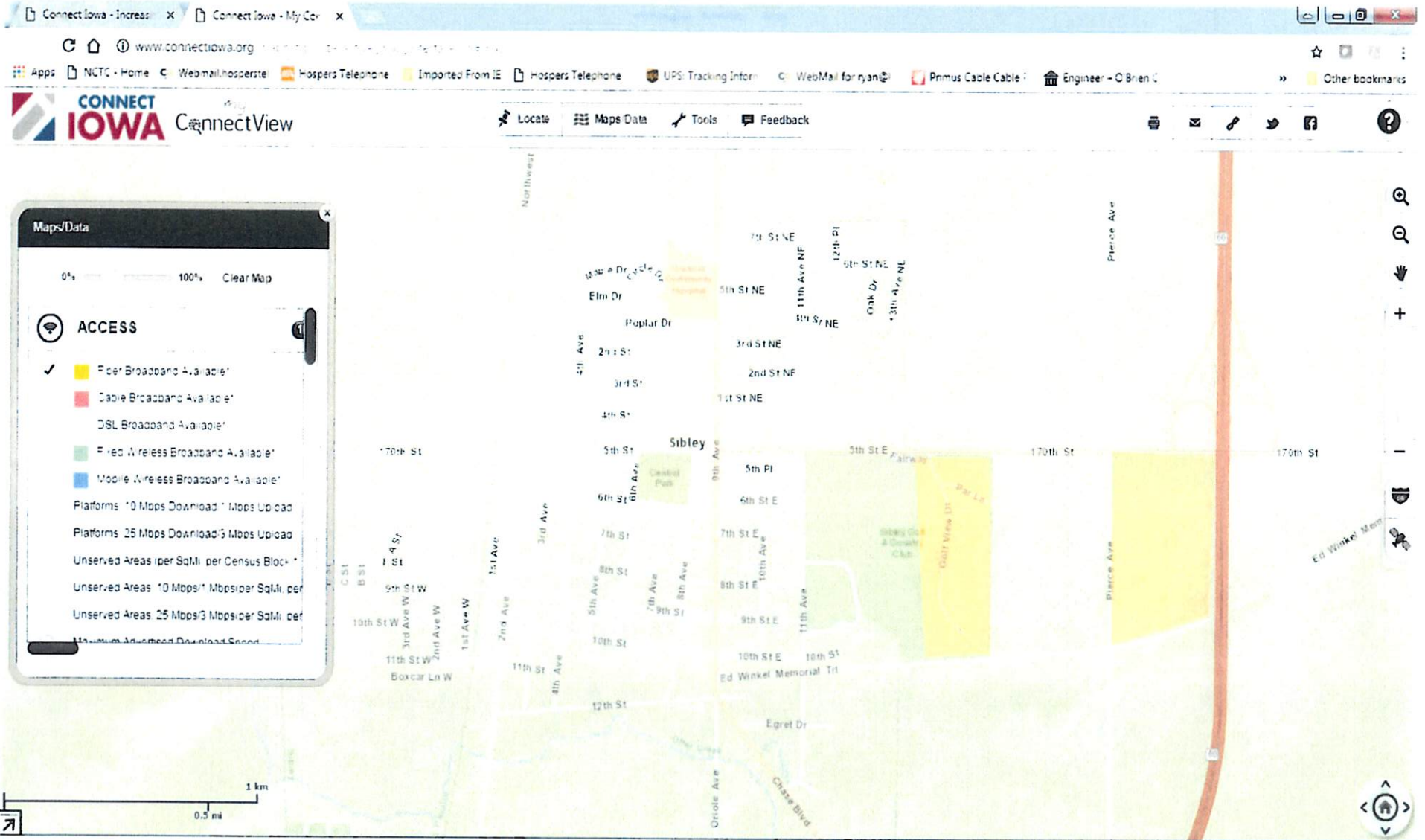
ACCESS

- Fiber Broadband Available
- Cable Broadband Available
- DSL Broadband Available
- Fixed Wireless Broadband Available
- Mobile Wireless Broadband Available
- Platforms: 10 Mbps Download/3 Mbps Upload
- Platforms: 25 Mbps Download/3 Mbps Upload
- Unserved Areas: 10 Mbps per SqM per Census Block
- Unserved Areas: 25 Mbps per SqM per Census Block

Map Scale: 0", 100%, Clear Map

Map Data

#2



#3

CONNECT IOWA ConnectView

0% 100% Clear Map

US 2017-2018 US 2017-2018 2018-2019

Broadband Growth 2010-2015

TOP Projects Processed

List of Providers by County (PDF)**

List of Providers by County (XLS)**

Data Current as of 5/25/15

**Based on data 2.3 Mbps download/166 Mbps upload

**Data Current as of 10/01/14

ADOPTION

USE

EDUCATION DATA

5 km 5 mi

4:57 PM 4/8/2017

#4

CUSTOMER STATEMENT

Page 1

| Summary | Account |
|--|-----------------------|
| HTC COMMUNICATIONS | Last Month |
| 107 2ND AVE S | Balance from last |
| statement 617.57 | Payment Received |
| HOSPERS IA 51238 | |
| 05/13/2015 617.57 | Thank You |
| Balance \$0.00 | This Month |
| Visit us on the web for more information | Telephone Charges |
| hosperstel.com | Long Distance Charges |
| 122.45 | Internet Charges |
| 172.14 | FEDERAL TAX |
| For All Billing Inquiries, call 750-1005 | IOWA STATE TAX |
| 314.95 | SIBLEY LOCAL TAX |
| 3.91 | Federal Universal |
| Account Number: [REDACTED] | Charge |
| 10.32 | Current Charges |
| Account Name: [REDACTED] | Total Amount Due |
| 1.74 | |
| Bill Date: June 01, 2015 | |
| Service 12.07 | |
| Due Date: 20TH OF MNTH | |
| \$637.58 | |
| \$637.58 | |

ALL PAYMENTS ARE DUE ON OR BEFORE THE 20TH OF THE MONTH. A LATE FEE WILL BE ADDED TO ALL PAYMENTS RECEIVED AFTER THE 20TH OF EACH MONTH. ACCOUNTS NOT PAID BY THE 20TH ARE CONSIDERED PAST DUE AND CAN BE DISCONNECTED. A RECONNECT FEE WILL BE REQUIRED. INTERNET TECH SUPPORT: 1-800-205-1110



HTC COMMUNICATIONS

PO BOX 142

HOSPERS IA 51238

FOR CHANGE OF ADDRESS: Please check

here

and complete form on reverse.

AccountkNumber: 



Bill Date: June 01, 2015



Due Date: 20TH OF MNTH



Phone Number: 712-754-3742

Remit To:

HTC COMMUNICATIONS

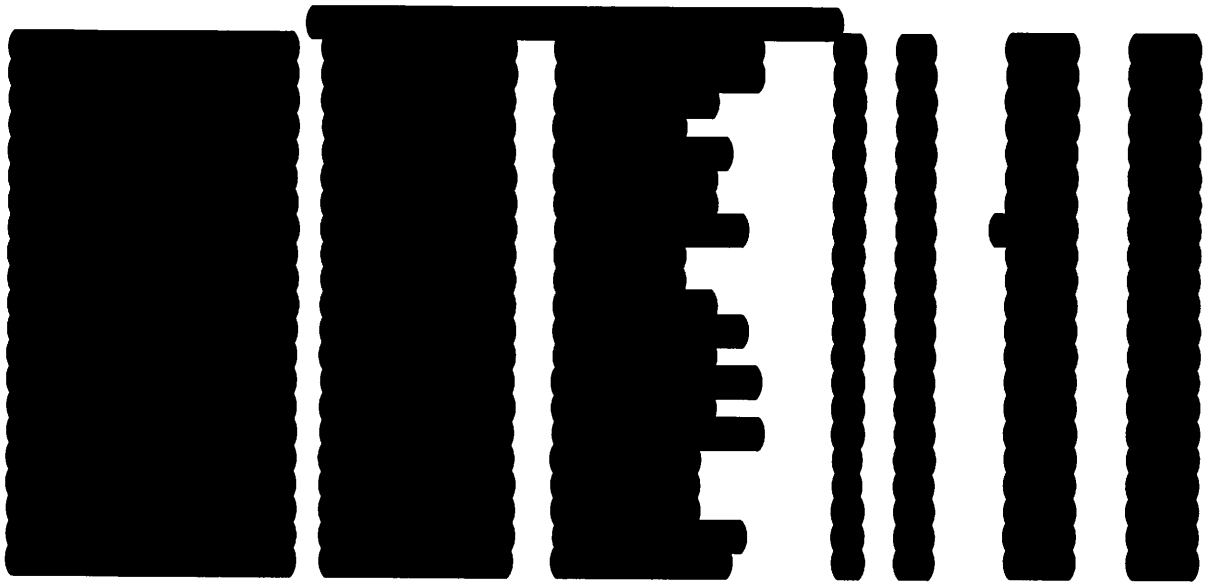
PO BOX 142

HOSPERS IA 51238-0142

Balance Due - Please

Remit: \$637.58

Amount



♀



Total BUNDLED LONG DISTANCE

| Total | International Calls Seq # | Date | Time | Number | Location | Perio | Type | Min | Charge |
|-------|------------------------------|------|------|--------|----------|-------|------|-----|--------|
| | From | City | | | | | | | |
| | | | | | | | | | |
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| | | | | | | | | | |

Current Internet Service

Internet ID [REDACTED]

Monthly Charges

| Service | Amount | Total | Dates | Duration | Qty |
|---------------------------|--------|--------|-------------------|----------|-----|
| DSL REGULATED 20M & UP | 32.59 | 32.59 | 06/01/15-06/30/15 | 1 MONTH | 1 |
| DSL B-50/5M NON-REGULATED | 267.36 | 267.36 | 06/01/15-06/30/15 | 1 MONTH | 1 |
| IP ADDRESSES/6 | 15.00 | 15.00 | 06/01/15-06/30/15 | 1 MONTH | 1 |

Subtotal Monthly Charges
\$314.95

Total

| Taxes, Surcharges & Fees | |
|--------------------------|-----------------------------------|
| Tax | |
| 0.17 | FEDERAL TAX |
| 0.34 | IOWA STATE TAX |
| 0.06 | SIBLEY LOCAL TAX |
| 5.67 | Federal universal service charge |
| \$6.24 | Subtotal Taxes, Surcharges & Fees |

Construction Maps Redacted

Construction Maps Redacted