

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

ROBERT VON WOLFFRADT
CHIEF INFORMATION OFFICER

FINAL AGENCY DECISION

Docket No. 17OCIO004

May 11, 2017

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

Northern Iowa Telephone Company
c/o Ryan Boone
3391 1st Ave., NE
Sioux Center, IA 51250

Dear Ms. Kuster and Mr. Boone:

In response to the Notice of Appeal (“**Appeal**”) filed by Hospers Telephone Exchange, Inc., D/B/A HTC Communications (“**Appellant**”), pursuant to Iowa Administrative Code rule 129—20.5(1), and the additional evidence and information submitted by Northern Iowa Telephone Company, D/B/A Premier Communications (“**Intervenor**”) pursuant to Iowa Administrative Code rule 129—20.5(3), 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 in connection with the Appeal and otherwise available to the Office related to the census blocks forming the basis of this 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).

¹The Office will address the census blocks forming the basis of Appellant’s Appeal for which Intervenor has not “submit[ted] evidence and information in . . . opposition [there]to,” Iowa Administrative Code rule 129—20.5(3), in a separate decision—Docket No. 17OCIO003.

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).

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 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 . . . pursuant to [Iowa Code] section 8B.10 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 within 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

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

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.”).

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 Admin. Code r. 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 received 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. 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 the 289 census blocks be designated as non-TSAs.

The Office subsequently posted Appellant's Appeal online. *Id.*(3). On January 25, 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 Admin. Code r. 129—20.5(3), Intervenor submitted additional evidence and information in opposition to Appellant's claim as it relates to the following sixteen (16) census blocks⁴:

- 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

⁴The remaining 273 census blocks forming the basis of Appellant's Appeal have been addressed in a separate decision—Docket No. 17OCIO003—as Intervenor did not submit evidence or information in support of, or in opposition to, this portion of Appellant's Appeal. *Id.* (3)–(4) ("The office shall 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 [by the office], and any other information deemed relevant by the office.").

- 191414902002030 O'Brien
- 191414902002031 O'Brien

Intervenor's submission is attached as **Exhibit A**.

With respect to each of the sixteen (16) census blocks listed above, Intervenor asserted:

In Premier's review of the census blocks being appealed, it noticed that all of the census blocks are "split" census blocks. Premier uses the term "split" to denote that Premier's exchange boundaries in those census blocks do not perfectly match the census block boundaries, but in fact "split" the census block. In other words, HTC likely does provide broadband service in the census block, but ONLY within its Sheldon exchange; whereas, Premier is the ONLY broadband provider within its Matlock and Sanborn exchange boundary providing service to the remaining portion of the "split" census blocks.

Intervenor requested that these census blocks remain designated as TSAs.⁵

On March 10, the Office sent Appellant a Request for Information and Clarification ("**Request**"), attached as **Exhibit B**. 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

⁵Intervenor noted in its submission that it has already "received its property tax exemption certification from the OCIO for [certain] 2016 projects in [TSAs]. . . . noticed that 16 census blocks were flagged as currently under appeal," and further stated that it was "[Intervenor]'s understanding that even though these census blocks are currently under appeal, the certification received from OCIO certifies all census blocks in [its] application, including those under appeal." Notwithstanding these concerns, the legal status of Intervenor's prior certification is outside the scope of this Appeal, and is therefore not addressed in this Decision. That said, pursuant to Iowa Administrative Code rule 129—21.7:

[I]f at the time [an] application [for certification] is filed the office's determination of whether a particular census block forming the basis of such application, in whole or in part, is a targeted service area currently subject to challenge pursuant to the appeal and contested case procedures set forth in 129—Chapter 20, or the judicial review and appeal procedures outlined in Iowa Code sections 17A.19 and 17A.20, the office will issue a certification. *Notwithstanding the foregoing, the aspect(s) of the office's certification concerning census blocks forming the basis of the application for certification that is currently subject to such challenge shall be purely contingent and valid only to the extent the office's original determination is ultimately upheld at the end of the entire appeals process once final, including judicial review and any subsequent appeal.*

(Emphasis added.).

- 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 Connect Iowa, 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 C (“Response”)**. Therein, Appellant completed and returned an “Affirmation, Attestation, Certification of 2015” form, which contained the following responses as it relates to the sixteen (16) census blocks forming the basis of this Appeal:

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	
191670701001037, Sioux	<input checked="" type="checkbox"/> In Error	<input type="checkbox"/> Correct	<input type="checkbox"/> No Response	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Response
191670701001051, Sioux	<input checked="" type="checkbox"/> In Error	<input type="checkbox"/> Correct	<input type="checkbox"/> No Response	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Response
191670701001000, Sioux	<input checked="" type="checkbox"/> In Error	<input type="checkbox"/> Correct	<input type="checkbox"/> No Response	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Response
191670701001025, Sioux	<input checked="" type="checkbox"/> In Error	<input type="checkbox"/> Correct	<input type="checkbox"/> No Response	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Response
191670701001026, Sioux	<input checked="" type="checkbox"/> In Error	<input type="checkbox"/> Correct	<input type="checkbox"/> No Response	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Response
191670701001001, Sioux	<input checked="" type="checkbox"/> In Error	<input type="checkbox"/> Correct	<input type="checkbox"/> No Response	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Response
191670701001056, 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
191670701001031, Sioux	<input checked="" type="checkbox"/> In Error	<input type="checkbox"/> Correct	<input checked="" type="checkbox"/> No Response	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Response
191414902002055, O’Brien	<input type="checkbox"/> In Error	<input checked="" type="checkbox"/> Correct	<input type="checkbox"/> No Response	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Response
191414902002080, O’Brien	<input checked="" type="checkbox"/> In Error	<input type="checkbox"/> Correct	<input type="checkbox"/> No Response	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No Response
191414902002088, O’Brien	<input checked="" type="checkbox"/> In Error	<input type="checkbox"/> Correct	<input type="checkbox"/> No Response	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Response
191414902002053, O’Brien	<input type="checkbox"/> In Error	<input checked="" type="checkbox"/> Correct	<input type="checkbox"/> No Response	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Response
191414902002081, O’Brien	<input checked="" type="checkbox"/> In Error	<input type="checkbox"/> Correct	<input type="checkbox"/> No Response	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No Response
191414902002034, 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

191414902002030, 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
191414902002031, O'Brien	<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

In its Response Appellant clarified that with respect to all but four census blocks forming the basis of its Appeal, Appellant offered or facilitated 25/3 as of the operative date of July 1, 2015. 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-d-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 submitted by Appellant and Intervenor and otherwise available to the Office in connection with the census blocks forming the basis of this Appeal.

III. DECISION(S) AND REASONING.

- **BLOCK IDs:** 191670701001037, 191670701001051, 191670701001000, 191670701001025, 191670701001026, 191670701001001, 191670701001031, 191414902002055, 191414902002080, 191414902002088, 191414902002053, 191414902002081.
 - **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 blocks as of July 1, 2015.
 - **DETAILED RESPONSE:** With respect to these census blocks, designated as TSAs at the time of the filing of this Appeal, the Office has reviewed the evidence and information submitted by Appellant and Intervenor 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 non-TSAs.

First, 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 each of these census blocks. Specifically, with respect to each of these census blocks, FCC data shows Appellant offered or facilitated 25/3 to consumers therein, that Intervenor offered or facilitated 25/3 to businesses⁶ therein, or some combination of the foregoing.

Second, and most significantly, with respect to each of these census blocks Appellant affirmed, attested, and certified in its Response that it offered or facilitated

⁶As discussed in greater detail below, the Office generally affords less weight to business data previously reported to the FCC than it does to consumer data.

25/3 as of July 1, 2015. *See* Exhibit C; *see also* Iowa Code § 714.8(4) (“A person who does any of the following acts is guilty of a fraudulent practice: . . . Makes any entry in or alteration of any public records . . . knowing the same to be false.”). The Office considers Appellant’s intimate knowledge of its own networks and service capabilities to be strong evidence that clearly establishes that one or more Providers, namely Appellant, offered or facilitated 25/3 as of July 1, 2015, in these census blocks.

Third, Intervenor has all but conceded that Appellant offered or facilitated 25/3 in these census blocks, stating in its submission: “In other words, HTC likely does provide broadband service in the census block, but ONLY within its Sheldon exchange; whereas, Premier is the ONLY broadband provider within its Matlock and Sanborn exchange boundary providing service to the remaining portion of the ‘split’ census blocks.” Exhibit A. Considering all of these factors together, the Office concludes one or more Providers offered or facilitated 25/3 in each of these census blocks as of July 1, 2015.

It is important to take a moment to note that Intervenor’s Appeal raises a primarily legal issue concerning so-called “split census blocks”: whether a census block is a non-TSA when a Provider offered or facilitated 25/3 as of July 1, 2015, to only a portion of the census block, as opposed to the entire census block. As a matter of law, Intervenor’s argument is without merit. Iowa Code section 8B.1(12) defines a TSA as: “[A] United States census bureau *census block* located in this state . . . *within which* no communications service provider offers or facilitates broadband service at or above [25/3] as of July 1, 2015.” (Emphasis added.). The plain language of this section clearly establishes the relevant unit of measure for purposes of designating underserved areas within the State: Census Blocks. *Id.* This language does not permit the Office to further divide or “split” census blocks into smaller increments. This unit was clearly chosen by the Iowa General Assembly to align the State with currently accepted data collection and reporting practices, thereby allowing it to identify underserved areas both with a reasonable degree of accuracy and in a cost-effective manner by taking advantage of data previously collected and analyzed. *See* Iowa Code § 8B.10(1) (“The determination of whether a [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.” (Emphasis added.)); *see also* Modernizing the FCC Form 477 Data Program, WC Docket No. 11-10, p. 18 (Fed. Comm’n Comm’n June 27, 2013), https://apps.fcc.gov/edocs_public/attachmatch/FCC-13-87A1.pdf (“At this time, we decline to gather fixed broadband deployment data at a level more granular than the census block because the added complexity and burden are unlikely . . . to provide a significant insight into how many residences and businesses lack access to service. Although some commenters advocate for address-level reporting, many providers do not maintain broadband network deployment data on an address-by-address basis. Also, rural areas where networks are deployed may not have ‘street’ addresses assigned. We are not persuaded that the benefits of requiring address-level data would outweigh the overall increase in the filing burden.” (Footnotes omitted.)). The Office acknowledges that a Provider “that reports deployment of a particular technology and bandwidth in a census

block may not necessarily offer that service everywhere in the block.” See Fed. Comm’n Comm’n, *Fixed Broadband Deployment Data from FCC Form 477: Who Files What?*, FCC.GOV <https://www.fcc.gov/general/broadband-deployment-data-fcc-form-477> (last updated Oct. 16, 2015). This is, however, the degree of granularity the law currently requires.

Having reviewed the evidence and information submitted by Appellant and Intervenor, in conjunction with the maps and data sources originally utilized in determining whether these census blocks are or are not TSAs, and in light of the applicable law, the Office concludes these census blocks should be designated as non-TSAs.

- **BLOCK IDs: 191670701001056, 191414902002034, 191414902002030, 191414902002031.**
 - **SUMMARY: APPEAL DENIED.** These blocks will remain TSAs as the maps and data sources originally utilized in determining whether these census blocks are or are not TSAs do not support the conclusion one or more providers offered or facilitated 25/3 as of July 1, 2015, in these blocks, and Appellant has not provided sufficient evidence to overcome the Office’s original determination.
 - **DETAILED RESPONSE:** With respect to these census blocks, designated as TSAs at the time of the filing of this Appeal, the Office has reviewed the evidence and information submitted by Appellant and Intervenor 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 concludes these census blocks should remain designated as TSAs. With respect to each of these census blocks, the Office does not possess sufficient evidence or information to conclude that one or more Providers offered or facilitated 25/3 as of July 1, 2015.

First, the maps and data sources originally utilized in determining whether these census blocks are or are not TSAs do not list any Providers as satisfying the 25/3 threshold to attain non-TSA status. These maps and data sources provided by Connect Iowa are “widely accepted for accuracy,” Iowa Admin. Code r. 129—20.3, and were generated following “several planned and ongoing phases [of] verification . . . , including provider verification, consumer verification, and field verification,” *see* <http://www.connectiowa.org/mapping/faqs>. The Office’s conclusion with respect to the status of these census blocks based on these maps and data sources is presumptively final, and the burden is on the Appellant to overcome this determination. Iowa Admin. Code r. 129—20.4 (“As of November 30, 2016, [TSA] designations as shown on the statewide map shall be considered the office’s final determination and finding of whether a particular census block constitutes a [TSA], unless a person or party successfully challenges the office’s determination pursuant to the appeals and contested case process outlined in this chapter, in which case the office will update the statewide map to reflect the outcome of such challenge(s)”; *see also* Iowa Code § 17A.19(8)(a) (“The burden of

demonstrating the required prejudice and the invalidity of agency action is on the party asserting invalidity.”).

Second, as with the census blocks discussed above, FCC data shows Appellant offered or facilitated 25/3 or greater to consumers therein, that Intervenor offered or facilitated 25/3 or greater to businesses therein, or some combination of the foregoing. However, and critically, unlike the other census blocks discussed above, with respect to each of these census blocks Appellant either did not affirm, attest, or certify in its Response that it offered or facilitated 25/3 as of July 1, 2015, or affirmatively indicated that it did not offer or facilitate 25/3 as of July 1, 2015, and in each of these cases indicated that its prior reporting to the FCC was in error.

And Intervenor, by the very nature of its position in this Appeal (applying for a tax credit in these census blocks, intervening into this matter, and asserting these census blocks should remain designated as TSAs), has implicitly signaled that its prior reporting to the FCC or Connect Iowa as it relates to businesses in these census blocks was in error and that it did not offer or facilitate 25/3 in these census blocks as of July 1, 2015. Moreover, the Office has historically taken the view based on information provided by Connect Iowa and other industry experts that business data reported to the FCC is not as reliable as consumer data. This is so because businesses are generally willing to pay higher prices for high-speed broadband service. Thus, Providers may generally advertise higher speeds to businesses than they would actually be able to offer or facilitate within a reasonable period of time upon receiving a request for such service on the premise that if a business is willing to pay a high enough rate, the Provider will find a way to get there. Thus, the office generally affords less weight to business data previously reported to the FCC.

While admittedly a close call, in light of:

- 1) The general presumption that the maps and data sources originally utilized in determining whether these census blocks are or are not TSAs are correct;
- 2) The absence of Appellant’s affirmation, attestation, and certification that it offered or facilitated 25/3 as of July 1, 2015 in these census blocks, or affirmative indication that it did not offer or facilitate 25/3 as of July 1, 2015;
- 3) Intervenor’s implicit indication that its prior reporting to the FCC or Connect Iowa was in error, and that it did not offer or facilitate 25/3 in these census blocks as of July 1, 2015;
- 4) The less weight business data is generally afforded by the Office; and
- 5) The general purpose of the Exemption, which is to increase access to broadband across the State;

the Office concludes these census blocks will remain 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
Intervenor's Submission



339 1st Avenue NE • Sioux Center, IA 51250
PHONE: 712-722-3451 • FAX: 712-722-1113 • WWW.MYPREMIERONLINE.COM

January 25, 2017

Office of the Chief Information Officer
Hoover State Office Building, Level B
1305 E. Walnut Street
Des Moines, IA 50319

RE: HTC Communications Notice of Appeal

To Whom It May Concern:

Northern Iowa Telephone Company d/b/a Premier Communications (“Premier”) is submitting this letter and accompanying documents as an interested party to the notice of appeal submitted by HTC Communications (“HTC”) in reference to certain census blocks included in that appeal but currently listed as eligible on the OCIO’s Broadband Availability Map.

Today Premier received its property tax exemption certification from the OCIO for its 2016 projects in targeted service areas (“TSA”) and noticed that 16 census blocks were flagged as currently under appeal. It is Premier’s understanding that even though these census blocks are currently under appeal, the certification received from the OCIO certifies all census blocks in our application, including those under appeal; however, out of an abundance of caution, Premier submits this letter to provide clarification surrounding the census blocks being appealed by HTC.

In Premier’s review of the census blocks being appealed, it noticed that all of the census blocks are “split” census blocks. Premier uses the term “split” to denote that Premier’s exchange boundaries in those census blocks do not perfectly match the census block boundaries, but in fact “split” the census block. In other words, HTC likely does provide broadband service in the census block, but ONLY within its Sheldon exchange; whereas, Premier is the ONLY broadband provider within its Matlock and Sanborn exchange boundary providing service to the remaining portion of the “split” census blocks.

Premier has included two supporting documents along with this letter:

- Exchange Boundary Map – The first document is a screen shot of a Google Earth map including the GPS exchange boundaries for Premier’s Matlock and Sanborn exchanges (lines in red). It also shows the census blocks within those two



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exchanges and visually explains how some of the census blocks are both within and outside of Premier's exchange boundaries (i.e. "split" census blocks).

- **Appealed Census Blocks** – The Excel spreadsheet simply includes the census blocks being appealed by HTC and included in Premier's 2016 TSA and the OCIO's property tax exemption certification with the explanation of "split block" and the corresponding Premier exchange.

Thank you for taking the time to review this letter and corresponding documents. Please do not hesitate to contact me with any follow-up questions.

Sincerely,

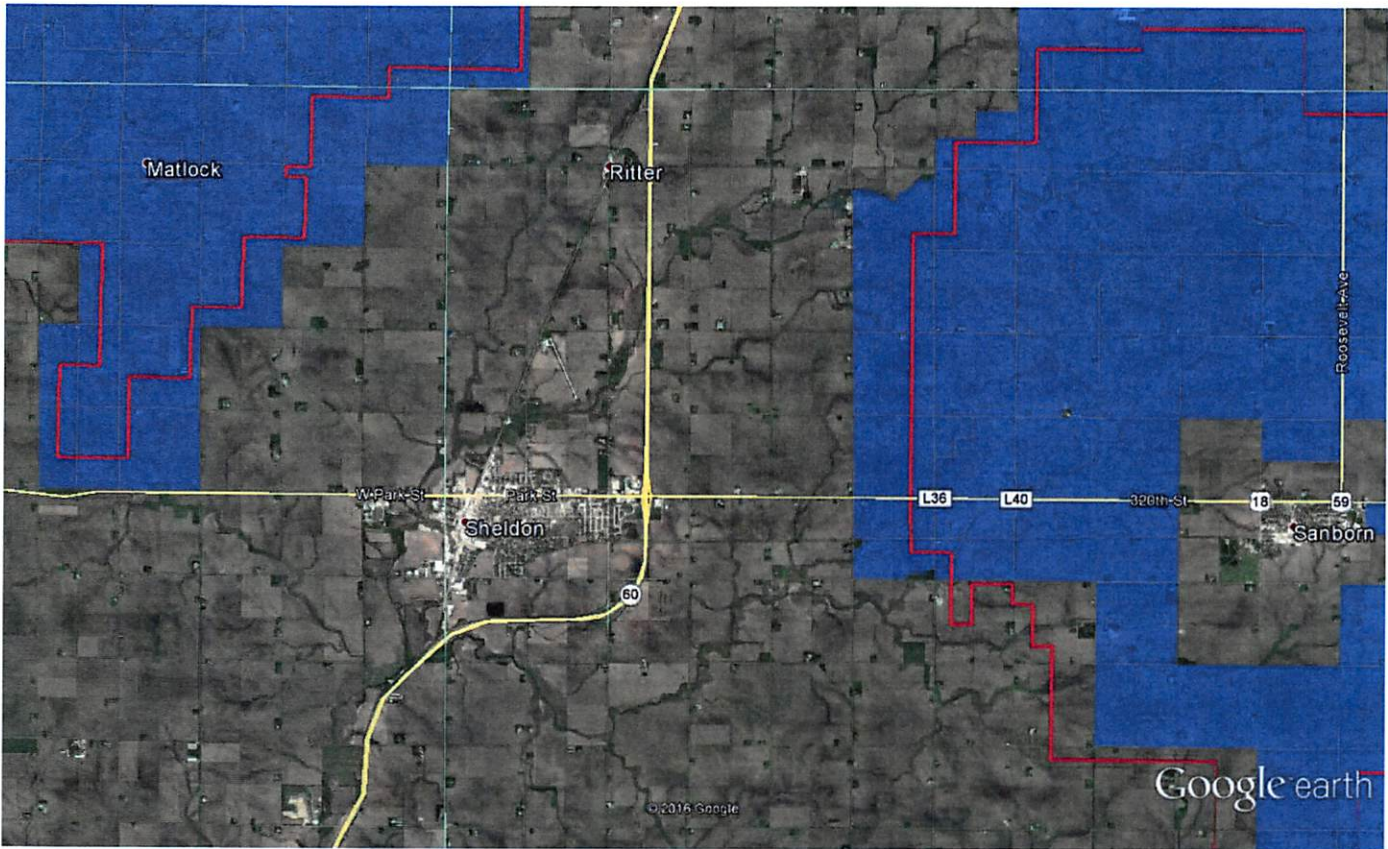
A handwritten signature in blue ink, appearing to read 'R. Boone', with a long horizontal flourish extending to the right.

Ryan Boone
COO

Premier Communications

Email: rboone@mypremieronline.com

Phone: 712-722-3451



Google earth



Exhibit B

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
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191670701002047	Sioux
191670701002050	Sioux
191670701002052	Sioux
191670701002053	Sioux
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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
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191670701002081	Sioux
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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
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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
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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
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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
191414903002017	<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
191414903002018	<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
191414903002022	<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
191414903002087	<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
191414902002031	<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
191414902002080	<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
191414902002081	<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
191434601003001	<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
191434601004133	<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
191434602002052	<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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Exhibit C

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.



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", written in a cursive style.

Ruth Kuster
Assistant Manager
HTC Communications

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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.

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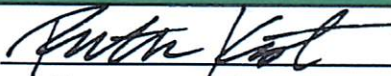
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D. ADDITIONAL EXPLANATION (To the extent you believe additional explanation is required to ensure that you are communicating full and accurate information, please use the below space to further explain, qualify, or substantiate your above certification/attestation/affirmation.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

See Attachment

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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 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

[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

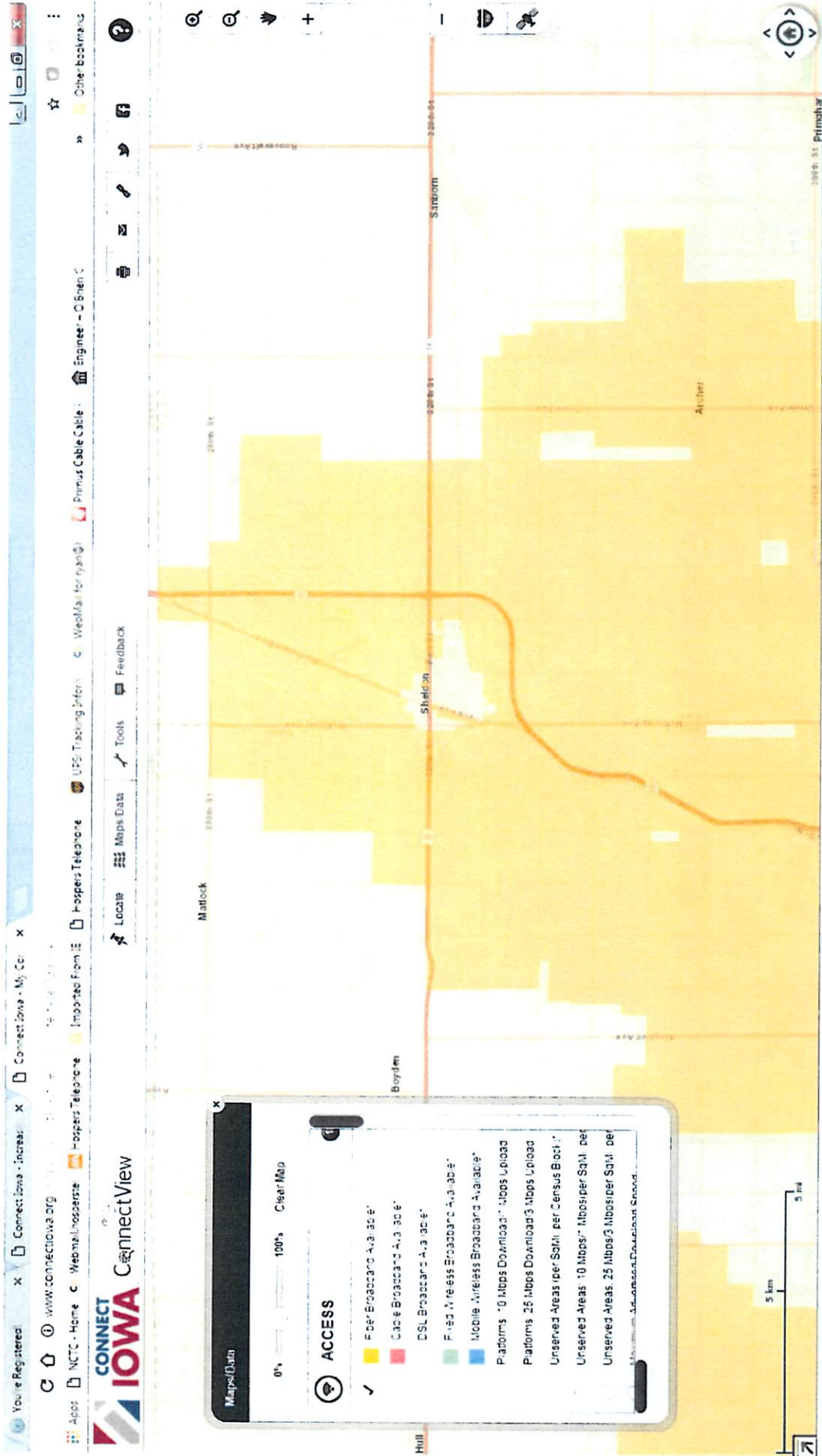
Enclosed you will find additional information that supports this company's claim that 25M/3M broadband was available in the indicated census blocks as of July 1, 2015 and that the status of those census blocks should be changed from Targeted Service Area to non-TSA.

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, therefore 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.



#2

Connect Iowa - Inezar X Connect Iowa - My Cor X

www.connectiowa.org

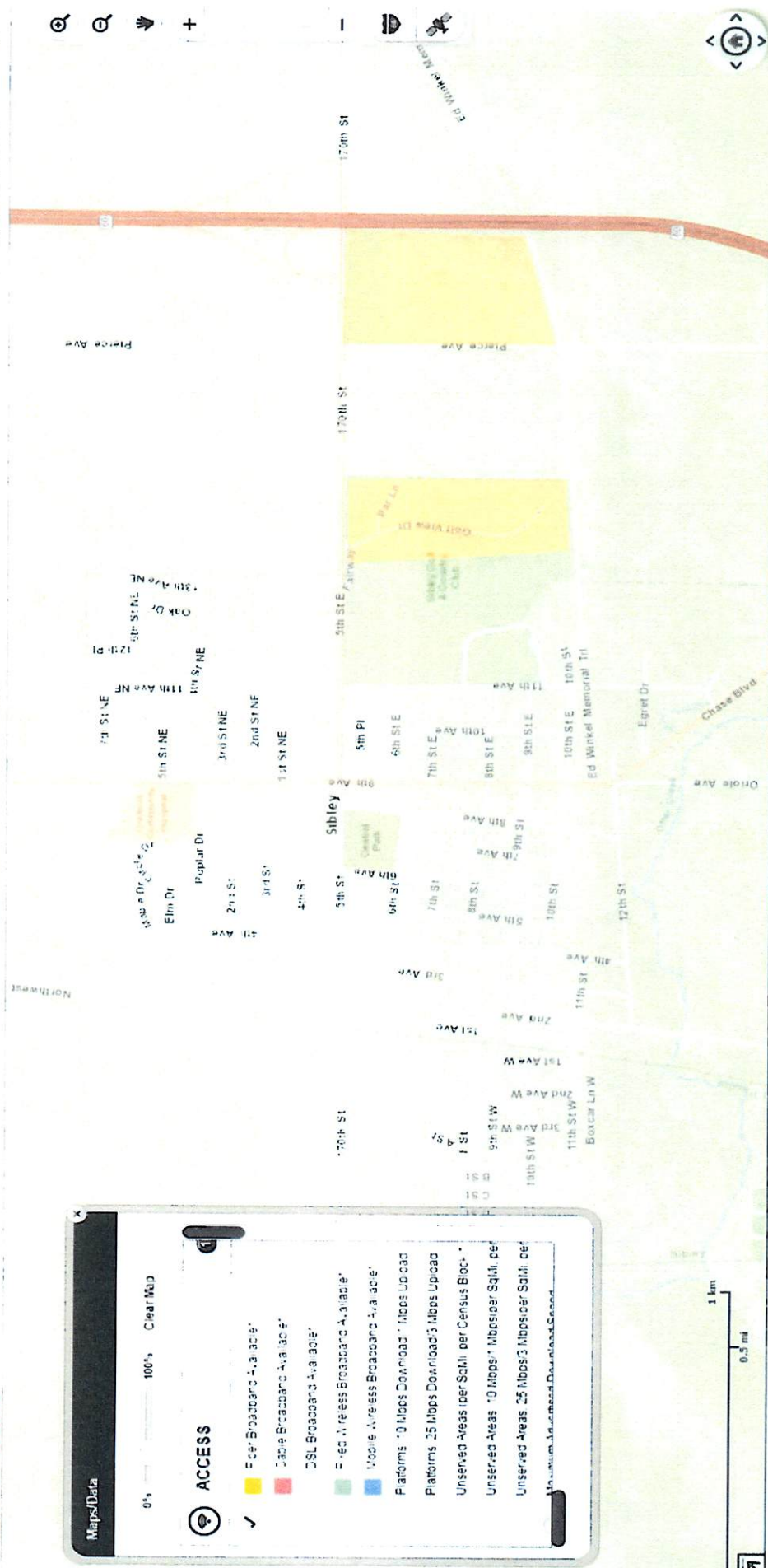
Home Webmail/roster Hoppers Telephone Hoppers From IE Imported From IE

UPS Tracking Inform WebMail for jn@ Primus Cable Cable Engineer - C Bran

Maps Data Tools Feedback

Locate

CONNECT IOWA Map **ConnectView**



#3

CONNECT IOWA ConnectView

0% Maps/Data 100% Clear Map

Broadband Growth 2010-2015

BTOE Projects Processed

List of Providers by County (PDF)**

List of Providers by County (XLS)**

Data Current as of 5/25/15

*Based on data as of 2/3 Mbps download/768 Kbps upload

**Data Current as of 10/01/14

ADOPTION

USE

EDUCATION DATA

#4

CUSTOMER STATEMENT

Page 1

Summary

HTC COMMUNICATIONS
107 2ND AVE S
statement 617.57
HOSPERS IA 51238
05/13/2015 617.57

Balance \$0.00

Visit us on the web for more information
hosperstel.com

122.45

172.14

For All Billing Inquiries, call 750-1005

314.95

3.91

Account Number:

10.32

Account Name:

1.74

Bill Date:

June 01, 2015

Service

12.07

Due Date:

20TH OF MNTH

\$637.58

\$637.58

Account

Last Month
Balance from last
Payment Received

Thank You

This Month
Telephone Charges
Long Distance Charges
Internet Charges
FEDERAL TAX
IOWA STATE TAX
SIBLEY LOCAL TAX
Federal Universal
Charge
Current Charges

Total Amount Due

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								

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