

## Instructions for Completing FCC Form 505

### Connect America Phase II Challenge Process Form

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NOTICE: Any person or entity may file a challenge or a response to a challenge that a particular census block should be treated as served or unserved by an unsubsidized competitor for the purposes of price cap carrier eligibility to elect to receive Connect America Phase II support. Challenges and responses must be made using FCC Form 505 and attaching any relevant evidence. This collection of information stems from the Commission's authority under section 254 of the Communications Act of 1934, as amended, 47 U.S.C. § 254. The data in the form will be used by the Wireline Competition Bureau to determine which census blocks should be treated as unserved by an unsubsidized competitor, and thus potentially eligible for support under the offer of model-based support in Phase II of Connect America.

The Commission estimates that each response to this collection of information will take, on average, 10 hours. This estimate includes the time to read the instructions, examine existing records, gather the necessary information, and complete and submit the form. If you have any comments on this estimate, or how we can improve the collection and reduce the burden it causes you, please write to the Federal Communications Commission, AMD-PERF, Paperwork Reduction Project (3060-0986), Washington, D.C. 20554. We also will accept your comments via the Internet if you send them to Judith-B.Herman@fcc.gov. Please DO NOT SEND COMPLETED DATA COLLECTION FORMS TO THIS ADDRESS.

Remember – You are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid Office of Management and Budget (OMB) control number. This collection has been assigned an OMB control number of 3060-1188.

The Commission is authorized under the Communications Act of 1934, as amended, to collect the information requested in this form. Provided information will be used to determine what areas are eligible for model-based support under Phase II of Connect America. If the Commission believes there may be a violation or potential violation of a statute or a Commission regulation, rule, or order, your form may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation, or order. In certain cases, the information in your form may be disclosed to the Department of Justice, court, or other adjudicative body when (a) the Commission; (b) any employee of the Commission; or (c) the United States government, is a party to a proceeding before the body or has an interest in the proceeding.

Providing information on this form is voluntary.

The foregoing Notice is required by the Paperwork Reduction Act of 1995, P.L. No. 104-13, 44 U.S.C. § 3501, et seq.

## **Specific Instructions**

### **I. Introduction and Background**

The Commission provides funding to encourage the deployment of voice and broadband-capable networks through Phase II of Connect America. To be eligible for Phase II support, a census block must be in a price cap territory, have an average cost per location that falls at or above the Connect America Cost Model's funding threshold, but below an "extremely high cost" threshold, and be unserved by an unsubsidized competitor.<sup>1</sup> This form is used to supplement existing information sources, including the National Broadband Map and FCC Form 477, in determining what census blocks should be treated as unserved by an unsubsidized competitor. Ensuring that only census blocks unserved by an unsubsidized competitor receive support advances the Federal Communications Commission's (Commission) goal of using federal high-cost universal service funds in the most efficient and effective manner possible. Throughout this form, the term unsubsidized means not receiving money through the Commission's high-cost universal service support.

### **II. Any Person or Entity May File This Form**

You may choose to complete this form directly and submit it to the FCC. Alternatively, your attorney or agent may file this form on your behalf.

### **III. When Must Form Be Filed By**

The Wireline Competition Bureau (Bureau) will issue a Public Notice with a list of potentially eligible census blocks and announcing the start of the Connect America Phase II challenge process. Initial challenges must be submitted 45 days from release of that Public Notice.<sup>2</sup> The Bureau will compile a list of challenges that are facially complete and issue a second Public Notice listing the blocks subject to challenge. Responses must be submitted 45 days from the release of that second Public Notice.

### **IV. Filing Instructions**

All filers must submit this form to the FCC. Submissions to the Commission should be made via its Electronic Comment Filing System (ECFS), <http://apps.fcc.gov/ecfs/>, and must clearly reference WC Docket No. 10-90. Parties who choose to file by paper with the FCC must file an original and one copy of each filing.

- Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12<sup>th</sup> St., SW, Room TW-A325, Washington, DC 20554.

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<sup>1</sup> See *Connect America Fund et al.*, WC Docket Nos. 10-90, *et al.*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663, 17701, para. 103 (2011) (*USF/ICC Transformation Order*). An unsubsidized competitor is defined as a facilities-based provider of residential terrestrial fixed voice and broadband service that does not receive high-cost support. *Id.* at 17701, para. 103. For purposes of this form, unsubsidized competitor also includes any provider otherwise deemed to be an unsubsidized competitor by the Wireline Competition Bureau.

<sup>2</sup> Dates and deadlines in these instructions will be computed using the same method as the Commission's existing rules on the computation of time. 47 C.F.R. § 1.4.

The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.

- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Dr., Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12<sup>th</sup> St., SW, Washington DC 20554.

Filers must also submit a copy of their form in its native format to the Commission, either by email to a designated Commission staff member or by delivery of storage media to a designated Commission staff member or the Commission Secretary. The Bureau will designate the appropriate Commission staff member in the Public Notice announcing the start of the challenge process.

### **Cover Sheet**

All filers must fill out the cover sheet.

Filing Entity: The name of the person or entity submitting the form. If submitted by an agent or attorney, include in parenthesis the name of the person on whose behalf the form is submitted.

FRN (if applicable): The FCC Registration Number of the entity filing the form, if the entity has such a number. If you are unsure if you have an FRN or do not know your FRN, please visit <http://www.fcc.gov/help/getting-fcc-registration-number-frn-universal-licensing-system-uls>.

Name of Person Filling Out Form: The name of the individual entering the data into the form.

Mailing Address of Person Filling Out Form: The mailing address of the individual entering the data into the form. A business address or P.O. Box may be used in this field. Providing this information will help in resolving any questions that arise in relation to the submission, and will aid respondents that wish to provide notice of their responses on the challenger.

Email Address of Person Filling Out Form: The email address of the individual entering the data into the form. Providing this information will help in resolving any questions that arise in relation to the submission, and will aid respondents that wish to provide notice of their responses on the challenger.

Phone Number of Person Filling Out Form: The phone number of the individual entering the data into the form. If the person is an employee of the entity filing the form, the phone number of the main line of the entity is sufficient. Providing this information will help in resolving any questions that arise in relation to the submission.

Name of Person Certifying Data within Form: The name of the individual certifying as to the accuracy of the data into the form.

Mailing Address of Person Certifying Data within Form: The mailing address of the individual certifying as to the accuracy of the data in the form. A business address or P.O. box may be used in this field. Providing this information will help in resolving any questions that arise in relation to the submission.

Email Address of Person Certifying Data within Form: The email address of the individual certifying as to the accuracy of the data in the form. Providing this information will help in resolving any questions that arise in relation to the submission.

Phone Number of Person Certifying Data within Form: The phone number of the individual certifying as to the accuracy of the data in the form. If the person is an employee of the entity filing the form, the phone number of the main line of the entity is sufficient. Providing this information will help in resolving any questions that arise in relation to the submission.

### **Served to Unserved Challenge**

You must complete the Served to Unserved Challenge sheet if you wish to contend that a census block that the Bureau is currently treating as served by an unsubsidized competitor should instead be treated as unserved. You must fill out one row for each census block you wish to challenge. If more than one entity is shown as an unsubsidized competitor for a census block, you must fill out one row for each entity.

**Census Block 15 Digit FIPS Code:** The 15 digit Federal Information Processing Standard code for the census block that is being challenged. This information is necessary to identify the area at issue.

**State:** The two letter abbreviation for the state, commonwealth, district, or territory in which the census block is located. This information will aid respondents in identifying if census blocks of interest to them are at issue.

**Provider Name as Listed in the National Broadband Map:** The name of the entity currently shown as providing service to that census block. This information can be found at <http://www.broadbandmap.gov/>. This information will aid respondents in identifying if census blocks of interest to them are at issue and will assist the Bureau in matching challenges to responses.

**Insert X if Speed Criteria Not Met:** Place an X in this box if no unsubsidized competitor is offering residential terrestrial fixed broadband meeting the Commission's speed requirement of 4 Mbps downstream and 1 Mbps upstream in the census block.

**Insert X if Usage Allowance Criteria Not Met:** Place an X in this box if no unsubsidized competitor is offering residential terrestrial fixed broadband with a usage allowance at or above the Commission's required minimum usage allowance in the census block. The Bureau will specify the minimum usage allowance prior to the start of the challenge process.

**Insert X if Latency Criteria Not Met:** Place an X in this box if no unsubsidized competitor is offering residential terrestrial fixed broadband with latency at or below the Commission's required latency standard in the census block. The Bureau will specify the required latency prior to the start of the challenge process.

**Insert X if Price Criteria Not Met:** Place an X in this box if no unsubsidized competitor is offering residential terrestrial fixed broadband and voice for a price that satisfies the Commission's requirement for reasonable comparably pricing in the census block. The Bureau will specify what is considered as reasonably comparable prior to the start of the challenge process.

**Insert X if Voice Criteria Not Met:** Place an X in this box if no unsubsidized competitor is offering residential terrestrial fixed voice service satisfying the Commission's requirements in the census block.

**Type of Supporting Evidence:** Provide a description referring to the actual evidence submitted along with the form. This reference must be specific enough to allow the person reviewing the form to identify and locate the piece of evidence in your accompanying submission. Note that you should not insert your actual evidence in this box – rather, just a reference to that evidence (e.g., Exhibit #3, Affidavit of Corporate Officer, Customer Billing Statement).

**Additional Comments:** Any other information you believe is pertinent to assessing the challenge for the census block.

### **Unserved to Served Challenge**

You must complete the Unserved to Served Challenge sheet if you wish to contend that a census block that the Bureau is currently treating as unserved by an unsubsidized competitor should instead be treated as served. You must fill out one row for each census block you wish to challenge.

Census Block 15 Digit FIPS Code: The 15 digit Federal Information Processing Standard code for the census block that is being challenged. This information is necessary to identify the area at issue.

State: The two letter abbreviation for the state, commonwealth, district, or territory in which the census block is located. This information will aid respondents in identifying if census blocks of interest to them are at issue.

Name of Entity Providing Service: The name of the entity that you contend is providing service for that census block.

FRN used to File Form 477 (if challenge being filed by the service provider): If you are filing on behalf of the entity that you contend is providing service, enter the entity's FCC Registration Number in this box. If you do not know the entity's FRN, please visit <http://www.fcc.gov/help/getting-fcc-registration-number-frn-universal-licensing-system-uls>. If the entity has not previously filed a Form 477 or otherwise does not have an FRN, but you still contend that the entity provides broadband and voice meeting the Commission's standards, please explain in the "Additional Comments" section. You may still file an unserved to served challenge even if you do not represent the entity providing service; in those circumstances, you do not need to include the providing entity's FRN and may instead leave this space blank.

Insert an X if you certify that this census block is served by unsubsidized broadband and voice services meeting the Commission's performance and pricing criteria: Place an X in this box if you certify, to the best of your knowledge, that an unsubsidized entity is providing residential terrestrial fixed voice and broadband services meeting the Commission's performance and pricing criteria, and thus the census block should be treated as served for the purposes of the offer of model-based support in Connect America Phase II. The Bureau will adopt the specific performance and pricing criteria prior to the start of the challenge process.

Type of Supporting Evidence: An identifier that serves as a reference to the actual evidence submitted along with the form. This reference must be specific enough to allow the person reviewing the form to identify and locate the piece of evidence in your accompanying submission. Note that you do not put your actual evidence in this box – rather, just a reference to that evidence (e.g., Exhibit #3, Affidavit of Corporate Officer, Customer Billing Statement).

Additional Comments: Any other information you believe is pertinent to assessing the challenge for the census block.

### **Response to Challenge**

You must complete the Response to Challenge sheet if you wish to respond to a challenge that was made in the initial round of challenges. You must fill out one row for each census block you wish to challenge.

Census Block 15 Digit FIPS Code: The 15 digit Federal Information Processing Standard code for the census block that was challenged. This information is necessary to identify the area at issue.

State: The two letter abbreviation for the state, commonwealth, district, or territory in which the census block is located.

Name of Entity Making Initial Challenge: The name of the person or entity that filed the initial challenge. This information can be found on the challenger's cover sheet.

Insert X if Speed Criteria is at Issue: Place an X in this box if the challenger contended that no unsubsidized competitor is offering residential terrestrial fixed broadband meeting the Commission's speed requirement of 4 Mbps downstream and 1 Mbps upstream in the census block OR you wish to counter a challenger's assertion that an unsubsidized competitor is offering residential terrestrial fixed broadband meeting the Commission's speed requirement of 4 Mbps downstream and 1 Mbps upstream in the census block.

Insert X if Usage Allowance Criteria is at Issue: Place an X in this box if the challenger contended that no unsubsidized competitor is offering residential terrestrial fixed broadband with a usage allowance at or above the Commission's required minimum usage allowance in the census block OR you wish to counter a challenger's assertion that an unsubsidized competitor is offering residential terrestrial fixed broadband meeting the Commission's usage allowance requirement in the census block. The Bureau will specify the minimum usage allowance prior to the start of the challenge process.

Insert X if Latency Criteria is at Issue: Place an X in this box if the challenger contended that no unsubsidized competitor is offering residential terrestrial fixed broadband with latency at or below the Commission's required latency standard in the census block OR you wish to counter a challenger's assertion that an unsubsidized competitor is offering residential terrestrial fixed broadband meeting the Commission's latency requirement in the census block. The Bureau will specify the required latency prior to the start of the challenge process.

Insert X if Price Criteria is at Issue: Place an X in this box if the challenger contended that no unsubsidized competitor is offering residential terrestrial fixed broadband and voice for a price that satisfies with the Commission's requirement for reasonably comparable pricing in the census block OR you wish to counter a challenger's assertion that an unsubsidized competitor is offering residential terrestrial fixed broadband and voice for a price that is in line with the Commission's requirement for reasonably comparable pricing in the census block. The Bureau will specify what is considered as reasonably comparable prior to the start of the challenge process.

Insert X if Voice Criteria is at Issue: Place an X in this box if the challenger contended that no unsubsidized competitor is offering residential terrestrial fixed voice service in this census block OR you wish to counter a challenger's assertion that an unsubsidized competitor is offering residential terrestrial fixed voice service in this census block.

Type of Supporting Evidence: An identifier that serves as a reference to the actual evidence submitted along with the form. This reference must be specific enough to allow the person reviewing the form to identify and locate the piece of evidence in your accompanying submission. Note that you do not put your actual evidence in this box – rather, just a reference to that evidence (e.g., Exhibit #3, Affidavit of Corporate Officer, Customer Billing Statement).

Additional Comments: Any other information you believe is pertinent to assessing the response for the census block.

### **Certifications and Additional Requirements**

In addition to the above requirements, filers must separately attach any supporting evidence when submitting the form. There are no specified formats for these attachments.

Accuracy and Due Diligence Certification: All challenges and responses must include a certification that the filing party has engaged in due diligence to verify the statements in the challenge and that such statements are accurate to the best knowledge of the filer, subject to the penalties imposed under 18 U.S.C. §1001.

Certifier's Initials: The initials of the person making the certification. Placing initials in this box serves the same function as a written signature. By placing his or her initials in this box, the person is certifying that all statements contained in the attached Form 505 are true and accurate to the best of the person's knowledge, and that the person certifies that he or she has undertaken due diligence to obtain knowledge regarding these claims.

Date: The date the certification is made.

Notice of Challenge Certification: All challenges must include a certification that notice of the challenge was served on the interested party or parties, or alternatively, a certification that the challenger made a

good faith attempt to provide notice on the interested party or parties but was unable to do so. For an unserved to served challenge, the interested party is the price cap carrier in whose territory the census block falls. For a served to unserved challenge, the interested party is the entity listed under in "Provider Name as Listed in National Broadband Map." No notice certification is required for responses. If you were able to provide service of notice on all interested parties, you must fill out the first set of responses under "Service of Notice Successful." If you were unable to provide service of notice on all interested parties after a good faith effort to do so, you must fill out the second set of responses under "Service of Notice Unsuccessful." If you were able to serve notice on some but not all interested parties, fill out the "Service of Notice Unsuccessful."

Service of Notice Successful: Fill out this section if you were able to provide notice of your challenge on all interested parties.

Certifier's Initials: The initials of the person making the certification. Placing initials in this box serves the same function as a written signature. By placing his or her initials in this box, the person is certifying that notice of this challenge has been served on all interested parties.

Date: The date the certification is made.

Service of Notice Unsuccessful: Fill out this section if you were unable to provide notice of your challenge on all interested parties due to an inability to find a valid address to provide notice to following a good faith effort to locate information regarding such an address.

Certifier's Initials: The initials of the person making the certification. Placing initials in this box serves the same function as a written signature. By placing his or her initials in this box, the person is certifying that he or she made a good faith effort to provide notice of the challenge to all interested parties but was ultimately unable to provide such notice due to a lack of information regarding the address of one or more interested parties.

Name of Party/Parties that Could Not Be Served: The name of the interested party that to which you were not able to provide notice of the challenge. For challenges involving multiple interested parties, it is presumed you were able to provide notice to any interested party not listed in this box.

Date: The date the certification is made.