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January 7, 2015

Executive Director
Kansas Corporation Commission
1500 Arrowhead Rd
Topeka, KS 66604

RE: Update to Application
Docket No. 15-GCIT-203-ETC

Dear Executive Director:

Attached for filing please find Giant Communications, Inc.'s update to its original November 11, 2014 Application in this docket. By this update, Giant informs the Commission that it was a successful bidder for Rural Broadband Experiment funds, as announced by the FCC's Wireline Competition Bureau on December 5, 2014.

If you have any further questions, please don't hesitate to let me know.

Cordially yours,



Colleen R. Jamison

Cc: Diane Thompson
Mike Neeley
Hal Baumhardt

**BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

In the Matter of the Application of Giant)	
Communications, Inc. for Provisional)	Docket No. 15-GCIT-203-ETC
Designation as an Eligible)	
Telecommunications Carrier.)	

NOTICE OF RURAL BROADBAND EXPERIMENT GRANT AWARD

COMES NOW Giant Communications, Inc. (Giant), and notifies the Commission, as follows:

1. On November 11, 2014, Giant filed an application in this docket requesting the Commission designate it as an ETC for purposes of possible receipt of a Rural Broadband Experiment (RBE) grant. Giant requested provisional ETC designation in that if it were not a successful bidder, it would no longer require ETC designation.

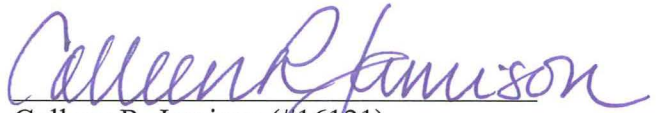
2. On December 5, 2014, the Federal Communications Commission's Wireline Competition Bureau released a Public Notice, DA 14-1772, attached, in which it announced the provisionally-selected entities. Giant was one of the entities awarded a grant. See DA 14-1772, attached.

3. Paragraph 8.e. of the November 11, 2014 application indicated that the effect on the Universal Service Fund was not known. The effect on the Universal Service Fund is now know. See DA 14-1772, attached.

WHEREFORE, Giant requests the Commission consider this update, and for such other and further relief as the Commission deems just and equitable.

Respectfully submitted,

JAMES M. CAPLINGER, CHARTERED



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VERIFICATION

STATE OF KANSAS)
) ss:
COUNTY OF SHAWNEE)

I, Colleen R. Jamison, of lawful age, being first duly sworn upon her oath states:

That she is an attorney for Giant Communications, Inc., that she has read the above and foregoing Update, and upon information and belief, states that the matters therein appearing are true and correct.



Colleen R. Jamison

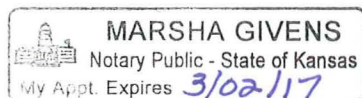
SUBSCRIBED AND SWORN to before me this 8th day of January, 2015.



Notary Public

My Commission Expires:

March 2, 2017



CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing Application was served by electronic mail this 8th day of January, 2015, to the following:

Mike Neeley, Litigation Counsel
Kansas Corporation Commission
1500 Arrowhead Rd
Topeka, KS 66604
m.neeley@kcc.ks.gov


Colleen R. Jamison



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 14-1772

Released: December 5, 2014

WIRELINE COMPETITION BUREAU ANNOUNCES ENTITIES PROVISIONALLY SELECTED FOR RURAL BROADBAND EXPERIMENTS; SETS DEADLINES FOR SUBMISSION OF ADDITIONAL INFORMATION

WC Docket No. 10-90

On November 7, 2014, the Federal Communications Commission closed the application window for the rural broadband experiments. By this date, applicants were required to complete FCC Form 5610 and attach project bid forms, a descriptive data form listing all of their proposed projects, and certain other project information.¹ Subsequently, the FCC Auction System ranked the submitted bids meeting requirements for the rural broadband experiments from the most cost-effective to the least cost-effective within each funding category.

This Public Notice announces the bidders that have been provisionally selected for funding in each category, subject to the post-selection review process. Each identified bidder must complete certain steps in order to be authorized to receive Connect America Fund support for its rural broadband experiment.

Attachment A provides summary information concerning the provisionally selected bidders, including the number of project bids, the states in which these proposed projects are located, the total amount of support requested for these projects, and the total number of census blocks covered by these projects.² These bidders are seeking support to serve diverse geographic areas with different cost characteristics. Collectively, they have bid on support to cover 26,867 census blocks in 25 states and Puerto Rico³:

¹ *Wireline Competition Bureau Announces Application Process for Entities Interested in Participating in the Rural Broadband Experiments*, WC Docket No. 10-90, Public Notice, 29 FCC Rcd 10016, 10020, 10028-29, paras. 16-17, 36 (Wireline Comp. Bur. 2014).

² Additional information about the proposals of the provisionally selected bidders will be released at a future date.

³ A number of the census blocks that provisionally selected bidders seek to serve are the subject of a pending challenge in the Phase II challenge process. *See id.* at 10035-36, paras. 64-66. The Wireline Competition Bureau is currently reviewing the challenges and responses received in the Phase II challenge process to determine whether a census block or blocks that a selected bidder proposed to serve should be deemed ineligible for rural broadband experiment funding. In the event that census blocks are deemed ineligible for rural broadband experiment funding, support for any project selected for funding that includes such census blocks will be adjusted proportionally. *See Connect America Fund; ETC Annual Reports and Certifications*, WC Docket Nos. 10-90, 14-58, Report and Order and Further Notice of Proposed Rulemaking, 29 FCC Rcd 8769, 8786-87, para. 51 (2014) (*Rural Broadband Experiments Order*).

- 19 entities seeking support to build networks that are capable of delivering 100 Mbps downstream and 25 Mbps upstream to all locations⁴ in the project census blocks in Arkansas, California, Colorado, Delaware, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Puerto Rico, and Texas.⁵
- 12 entities seeking support to build networks capable of delivering 10 Mbps downstream and 1 Mbps upstream to all locations in the project census blocks in Colorado, Idaho, Iowa, Kansas, Kentucky, Michigan, North Carolina, Ohio, Tennessee, Texas, Virginia, and Washington.
- 9 entities seeking support to build networks capable of delivering 10 Mbps downstream and 1 Mbps upstream to all locations in project census blocks that are extremely costly to serve in California, Illinois, Maryland, Michigan, North Dakota, Kansas, South Dakota, and Texas.

With the release of this Public Notice, the post-selection review process for these bidders now begins. The Bureau is required to determine whether each selected applicant has demonstrated that it has the technical and financial qualifications to successfully complete the proposed project within the required timeframes and is in compliance with all statutory and regulatory requirements for the universal service support that the applicant seeks.⁶ We emphasize that selected bidders are required to deliver the required minimum speeds to all locations within the funded census blocks.⁷

Attachment B provides instructions for these entities on how to complete FCC Form 5620 and upload their post-selection review attachments. The identified bidders are required, within 10 business days of this Public Notice, to submit the most recent three consecutive years of audited financial statements, including balance sheets, net income, and cash flow, and to submit a description of the technology and system design used to deliver voice and broadband service, including a network diagram, which must be certified by a professional engineer.⁸ Entities proposing to use wireless technologies also must provide a description of spectrum access in the areas for which the applicant seeks support.⁹ The bidders identified in Attachment A are required to submit these materials by **Friday, December 19, 2014 at 11:59p.m. EST**. Failure to submit the requested materials by this deadline will constitute a default, and the bidder will no longer be considered for the identified rural broadband experiment.

Finally, we note that three bidders that initially appeared on the provisionally selected bidders list for funding category one submitted project bids that were facially non-compliant with the requirements

⁴ For purposes of this Public Notice and the associated attachments, “all locations” refers to all price cap locations in each census block.

⁵ Bidders in this category must offer at least one service plan that provides 25 Mbps downstream/5 Mbps upstream to all locations within the selected census blocks. *See Rural Broadband Experiments Order*, 29 FCC Rcd at 8779-80, para. 26.

⁶ *Id.* at 8787, para. 52.

⁷ Under the Commission’s rules, recipients of support are required annually to provide the results of network performance tests pursuant to the methodology and in the format determined by the Wireline Competition Bureau, Wireless Telecommunications Bureau, and Office of Engineering and Technology. 47 C.F.R. § 54.313(a)(11). The Wireline Competition Bureau, Wireless Telecommunications Bureau, and the Office of Engineering and Technology (together, the Bureaus) recently sought comment to further develop the record on a proposed methodology for high-cost recipients to measure and report speed and latency performance to fixed locations. The Bureaus have proposed that recipients be required to perform tests at least once an hour during peak period over a four-week period, with 95% of the observations at or above the required minimum speed. *See Wireline Competition Bureau, Wireless Telecommunications Bureau, and the Office of Engineering and Technology Seek Comment on Proposed Methodology for Connect America High-Cost Universal Service Support Recipients to Measure and Report Speed and Latency Performance to Fixed Locations*, WC Docket No. 10-90, Public Notice, DA 14-1499 (rel. Oct. 16, 2014).

⁸ *See Rural Broadband Experiments Order*, 29 FCC Rcd at 8787-88, para. 54.

⁹ *Id.*

for this category.¹⁰ Those three bidders were removed from consideration, and the FCC Auction System produced the provisionally selected bidders shown on Attachment A.

One of these bidders, ViaSat, Inc., sought a waiver of the Commission's 100 millisecond (ms) latency standard for categories one and two. We deny ViaSat's waiver request for the rural broadband experiments, without prejudice to ViaSat's submission of this request into the docket for further consideration for the Phase II competitive bidding process that will occur to the extent price cap carriers decline the offer of Phase II model-based support. We are not convinced that ViaSat has demonstrated that special circumstances warrant a deviation of the rural broadband experiment rules established for categories one and two, and that waiving the rules for categories one and two would serve the public interest.¹¹ ViaSat's petition raises issues that warrant further consideration with public input for the Phase II competitive bidding process, which remains pending, but we conclude that waiving one of the core requirements for one bidder in the rural broadband experiments without public input after the close of the filing window would be prejudicial to the integrity of the competitive bidding process.¹²

For additional information on this proceeding, contact Ian Forbes (Ian.Forbes@fcc.gov) of the Wireline Competition Bureau, Telecommunications Access Policy Division, (202) 418-7400.

– FCC –

¹⁰ Two of these bidders proposed to offer service not meeting the required speeds for category one.

¹¹ See 47 C.F.R. § 1.3; *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

¹² Because ViaSat submitted its waiver request in its FCC Form 5610 submitted into the FCC Auction System, rather than separately in the docket, other bidders and the general public have not had the opportunity to provide input on the request.

ATTACHMENT A
PROVISIONALLY SELECTED BIDDERS

Category One

Bidder Name	State(s)	Selected Bids	Support Requested for Selected Bids	Census Blocks Covered by Selected Bids	Selected Bid Project IDs
Airmorth Communications, Inc.	MI	16	\$1,990,400.00	1,187	1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18
Brainstorm Internet Inc.	CO	1	\$1,737,648.00	332	3
Broad Valley Micro Fiber Networks Inc.	DE	1	\$110,000.00	33	1
Cricelli, Inc.	CA	3	\$522,300.00	666	1, 2, 3
Donnell, Michael D. (d/b/a San Joaquin Broadband)	CA	4	\$14,833,187.00	2,585	1, 3, 4, 5
Halstad Telephone Company	ND	1	\$303,760.00	72	2
Lake County d/b/a Lake Connections	MN	1	\$3,499,965.00	847	1
Liberty Cablevision of Puerto Rico, LLC	PR	2	\$41,831.15	3	3, 15
LTD Broadband LLC	IA, MN	1	\$20,000,000.00	10,122	1
NCRESA	MI	1	\$500,000.00	328	1
New Lisbon Telephone Company	IN	1	\$37,695.60	7	3
Northeast Rural Services, Inc.	OK	6	\$1,029,274.00	107	1, 4, 6, 8, 10, 12
Rural Broadband Services Corporation, Inc.	OK	1	\$17,500,648.00	2,829	1
Skybeam, LLC	IA, NE, IL, KS, TX	7	\$8,839,194.00	2,839	2, 3, 4, 7, 8, 10, 11
Southwest Arkansas Telephone Cooperative	AR	2	\$17,420.00	2	1, 2
Terastream Broadband (USA), Inc.	NM	1	\$1.00	149	1
Tower Communications LLC	AR	1	\$3,191,090.40	727	1
Valley Electric Association, Inc.	NV	2	\$527,326.00	35	1, 2
Wichita Online, Inc.	OK	1	\$314,633.00	55	1
	Totals	53	\$74,996,373.15	22,925	

Category Two

Bidder Name	State(s)	Selected Bids	Support Requested for Selected Bids	Census Blocks Covered by Selected Bids	Selected Bid Project IDs
Agile Network Builders, LLC	OH	1	\$3,224,400.00	687	3
Airnorth Communications, Inc.	MI	2	\$420,000.00	199	8, 9
Allamakee-Clayton Electric Cooperative, Inc.	IA	4	\$1,453,593.00	209	1, 2, 3, 4
Big Bend Telecom, LTD	TX	1	\$14,800.00	2	8
Chaffee County Telecom, LLC	CO	2	\$2,586,882.00	563	3, 4
Cloudwyze Inc.	NC	1	\$23,000.00	1	1
Crystal Broadband Networks, Inc.	KY	1	\$427,361.00	34	1
Declaration Networks Group, Inc.	VA	3	\$1,246,052.00	470	1, 2, 3
First Step Internet, LLC	ID, WA	1	\$415,855.00	116	1
Giant Communications, Inc.	KS	1	\$650,000.00	85	1
Mercury Wireless, Inc.	KS	1	\$4,450,000.00	910	1
Meriweather Lewis Electric Cooperative	TN	1	\$41,600.00	5	3
	Totals	19	\$14,953,543.00	3,281	

Category Three

Bidder Name	State(s)	Selected Bids	Support Requested for Selected Bids	Census Blocks Covered by Selected Bids	Selected Bid Project IDs
Big Bend Telecom, LTD	TX	4	\$163,625.00	13	7, 9, 11, 13
Consolidated Communications Networks, Inc.	ND	1	\$3,096,810.00	103	2
De Novo Group	CA	2	\$609,600.00	24	2
Delta Communications LLC	IL	1	\$2,196,000.00	78	108, 109
Last Mile Broadband LLC	MD	2	\$260,000.00	8	3, 4
Lennon Telephone Company	MI	1	\$60,000.00	2	3
Mercury Wireless Inc.	KS	1	\$250,000.00	141	2
Northern Valley Communications, LLC	SD	1	\$2,022,120.00	258	2
Worldcall Interconnect Inc.	TX	1	\$850,000.00	34	9
	Totals	14	\$9,508,155.00	661	