September 29, 2022

Ms. Jade Piros de Carvalho

Director

Kansas Office of Broadband Development

1000 SW Jackson Street, Ste 100

Topeka, KS 66612

**RE: Response to Challenge of Spectrum Mid-America, LLC’s Leavenworth County 4 Grant Application**

Dear Ms. Piros de Carvalho:

Spectrum Mid-America, LLC, by its manager Charter Communications, Inc. (“Charter”) filed an application (“Application”) on August 19, 2022 seeking funding from the Kansas Capital Projects Fund – Infrastructure Grant Program (‘Program”) to provide high speed broadband services in Leavenworth County, Kansas.

On September 9, 2022, Charter received notice of a challenge by Midco to its Leavenworth County 4 Application. The Challenge information provided indicates that Midco currently provides broadband internet service to approximately thirty-five (35) retail locations, and intends to provide broadband internet service to retail customers at one area with approximately twenty (20) locations overlapping with the proposed project area and two additional areas with approximately one-hundred-twenty (120) locations overlapping with the proposed project area. The total passings where construction is planned is one-hundred-forty (140).

These challenges and overlaps should be resolved consistent with program rules and guidelines. According to the program guidelines, the department requires an Affidavit from Midco’s construction personnel having knowledge of the project affirming completion of construction of the broadband infrastructure providing broadband internet service to retail customers at one hundred forty (140) locations at speeds greater than 100/20 Mbps with a completion date of 18 months after the date grant awards are made.

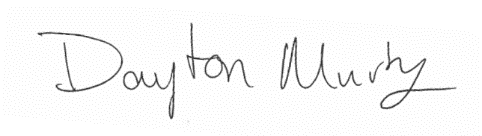
Moreover, because Charter provided Form 477 and National Broadband Availability Map (“NBAM”)data showing the proposed project area for the Application is currently unserved or underserved, the Office of Broadband Development requires Midco to provide speed test results or customer testimonials for a majority of the project area demonstrating that the thirty-five (35) locations identified by Midco to be served are actually receiving adequate service (speeds of at least 100/20 Mbps).

Regarding Midco’s Program Application to serve a small area overlapping Charter’s Application, , this should be treated as a competing application, not a challenge or protest, and the Office of Broadband Development (“Office”) should determine which application is better positioned to provide broadband service to the residents of Leavenworth County 4consistent with program guidelines.

With verification from the Office of Broadband Development that sufficient evidence was provided that Midco’s project will be complete before the deadline for CPF Grant Project completion, as required by the program guidelines, and that the residents identified as served are currently receiving adequate broadband, Charter is willing to amend our Application to remove the one-hundred-seventy-five (175) overlapping addresses

Thank you for your consideration. Please feel free to contact me if you have any questions.

Sincerely,



Dayton Murty

Sr. Manager, Government Affairs