



Ms. Jade Piros de Carvalho
Kansas Office of Broadband Development
1000 SW Jackson Street, Ste 100
Topeka, KS 66612

August 26th, 2022

Re: Capital Projects Fund, Broadband Infrastructure Program;
MoKan Dial Antioch and Hillsdale-West Bucyrus Applications in Miami County

Dear Ms. Piros de Carvalho:

MoKan Dial, Inc. ("MoKan") hereby responds to the comments filed by Comcast Cable Communications, LLC ("Comcast") on MoKan's applications for Capitol Project Fund support in Antioch and Hillsdale-West Bucyrus, Miami County. As demonstrated below, Comcast's comments fail to meet all but one of the program's requirements. Accordingly, the comments should be stricken from the record and excluded from the Kansas Office of Broadband Development's ("KOBd") consideration of MoKan's application.

The program guidelines clearly state that for the KOBd to consider denying an applicant's proposal due to a project planned but not underway, public comment from the challenger **must** include the following:

- Provider commitment to completing construction of the broadband infrastructure and provides a broadband network to the proposed project area with speeds equal to or greater than 100/20 Mbps;
- Provider commitment that stated project will complete no later than 18 months after the date grant awards are made under the program and would be funded by the service provider;
- Current Federal Communications Commission (FCC) Form 477 and National Broadband Availability Map (NBAM) information for the proposed project service area;
- Minimum/maximum speeds available in the proposed project service area;
- A map in .kmz format detailing the proposed service area containing the following:
 - Number of serviceable locations each marked with an identifier within the proposed project area, including the speeds those serviceable locations are able to receive;
 - Street level data of customers receiving service within the proposed project area;
- Through the use of the project area map submitted by the applicant, a map indicating where the protested serviceable locations are within the proposed project area;



Yet, a review of Comcast's filing shows the absence of all but one of these criteria. There is no commitment by Comcast to complete construction and provide the requisite broadband network.¹ There is no commitment that the project will be completed within 18 months of the grant award dates.² There is no Form 477 or NBAM information. There is no information on the minimum and maximum speeds available in the proposed project service area. Although Comcast includes the required .kmz map marking serviceable locations, it does not include the speeds those serviceable locations are able to receive.

MoKan also notes that Comcast's proposed project will only serve approximately 54 locations out of 475 in Antioch and 12 locations out of 867 in Hillsdale-West Bucyrus – less than 5% of the locations included in MoKan's application. Denying MoKan's application would leave the remaining 95% without service, a result flatly contrary to the KOBD's stated goal of helping to ensure "all Kansans have the opportunity to live, work, learn and compete in a global economy by improving universal access to quality, reliable and affordable broadband."

For these reasons, the KOBD should strike Comcast's comments from the record and exclude them from its consideration of MoKan's applications. If you have any questions, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Chase Custer".

Chase Custer

VP and Director of Finance

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¹ MoKan notes that although Comcast claims its commitment "was publicly demonstrated during the Miami County Board of County Commissioners meeting on August 17th," the comments were apparently made by the Spring Hill City Staff, not Comcast.

² And indeed, to the best of MoKan's information and belief, Comcast has missed the one deadline it did commit to in its comments – to apply for the necessary permits with Miami County as of this week.