

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA

Approval of Funding for the Grant  
Application of Race Telecommunications, Inc.  
(U7060-C), from The California Advanced  
Services Fund (CASF) in the amount of  
\$3,426,357.00 for the Kern County City of  
Boron.

DRAFT RESOLUTION T-17416

**RACE TELECOMMUNICATIONS, INC REPLY COMMENTS TO  
COMMENTS SUBMITTED BY VERIZON CALIFORNIA INC**

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**DATED: October 11, 2013**

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Race Telecommunications, Inc. (“Race”), hereby submits its reply comments to the Verizon California Inc (“Verizon”) comments concerning the proposed approval of \$3,426,357.00 from the California Advanced Services Fund (“CASF”) of Race’s Kern County City of Boron Fiber to the Home Project.

Verizon of California recently submitted a comment letter (October 9, 2013) recommending that Resolution T-17416 be reviewed and amended. While we recognize and acknowledge this was not a formal challenge of the Race Telecommunications, Inc. application, and that the Verizon letter was not compliant with the format of a formal comment letter, we feel compelled to respond since the letter recommends denial of our application.

The Verizon letter specifically references a “Race Technologies” CASF application for Boron. We question the validity of the information Verizon has gathered in regard to our application as they clearly show their inaccuracies by commenting on the wrong applicant. The “Kern County City of Boron” application was submitted by Race Telecommunications, Inc. (U-7060-C). More importantly, the comment letter also incorrectly cites “there is wireless broadband in Boron at speeds in excess of 6 mbps download and 1.5 mbps upload”, suggesting the Boron area is not underserved, and further requests that price not be a consideration.

We find Verizon’s assertions to be inaccurate in contending that there is widespread availability of wireless broadband in the Boron area resulting in speeds in excess of 6 mbps down and 1.5 mbps up. Our own tests<sup>1</sup> using the CPUC’s CalSpeed mobile application tool on two separate visits revealed a very different result than the July data submitted by Verizon. As shown in our results on August 15, 2013, a month and a half after the submittal deadline for the Round 8 data referenced by Verizon, measurements were recorded at seven locations within the project area. In all seven measurements, Verizon’s wireless broadband

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<sup>1</sup> Available at [http://www.race.com/calspeed\\_results/Boron\\_calspeed\\_field\\_test\\_results.xls](http://www.race.com/calspeed_results/Boron_calspeed_field_test_results.xls)

service did not meet the CPUC's minimum requirements, failing to achieve either 1.5 Mbps upload or 6 Mbps download speed. Test results were uploaded to the CPUC server.

We also call attention to the fact that in the comments submitted by Verizon they reference a Test Point at Row 9625<sup>2</sup> of the "Round 3" Mobile Field Test Results, which is not in the Race Telecommunications, Inc. proposed service area.

Finally, Verizon requests that, "the discussion relating to price should be deleted." This request is entirely disingenuous. When Verizon applied for a CASF grant and was challenged by another ISP that charged significantly more for inferior service, the challenge was denied, partly on the basis of price, as stated in Resolution T- 17350<sup>3</sup>:

"CD staff found it problematic to uphold a challenge that essentially is incompatible with the CASF mission of providing broadband access to those currently lacking it. Upholding the challenge may discourage consumers in Crowley Lake and Swall Meadows from receiving advanced communication services, and the economic and social benefits that flow from such services, because their best option is not at a price they can afford."

Pricing was a valid criterion when Verizon was applying for a CASF grant and remains valid today. We ask the CPUC to disregard the Verizon request and, again, deeply consider economics in all evaluations.

We recall the objectives and policies articulated by the State Legislature in the California Public Utility Code Section 709<sup>4</sup>, which are the underpinnings of the CASF initiative:

- To continue our universal service commitment by assuring the continued affordability and widespread availability of high-quality telecommunications services to all Californians.
- To encourage the development and deployment of new technologies and the equitable provision of services in a way that efficiently meets consumer need and encourages the ubiquitous availability of a wide choice of state-of-the-art services.
- To assist in bridging the "digital divide" by encouraging expanded access to state-of-the-art technologies for rural, inner-city, low-income, and disabled Californians.

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<sup>2</sup> See row 8696 and 9625 in the excel file available at [http://www.cpuc.ca.gov/NR/rdonlyres/A174769D-06B5-48B6-B5C2-22D9F8A48861/0/Third\\_Field\\_Test\\_Results\\_v\\_1\\_Public.xls](http://www.cpuc.ca.gov/NR/rdonlyres/A174769D-06B5-48B6-B5C2-22D9F8A48861/0/Third_Field_Test_Results_v_1_Public.xls)

<sup>3</sup> Resolution T- 17350 Approval of Funding for the Grant Application of Verizon California Inc. (U-1002-C) from the California Advanced Services Fund (CASF) Amounting to \$286,398.45 for the Crowley Lake and Swall Meadows Unserved and Underserved Broadband Project at <http://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M026/K218/26218718.PDF>

<sup>4</sup> Available at [http://www.dgs.ca.gov/portals/6/Gallery/documents/Public%20Utilities%20Code%20Section%20709\(d\).pdf](http://www.dgs.ca.gov/portals/6/Gallery/documents/Public%20Utilities%20Code%20Section%20709(d).pdf)

- To promote lower prices, broader consumer choice, and avoidance of anticompetitive conduct.
- To remove the barriers to open and competitive markets and promote fair product and price competition in a way that encourages greater efficiency, lower prices, and more consumer choice.

In conclusion, we ask the CPUC to set aside the Verizon comments. Denying the Race application will only further reinforce the so-called “digital divide,” limit consumers’ competitive access to advanced technologies, and stifle innovation.

Race will cooperate and meet with the CASF staff concerning any matter or issues raised in these reply comments to ensure its positions are fully understood and consistent with CASF grant funding requirements and Draft Resolution T-17416.

Respectfully submitted,

/s/ Raul Alcaraz

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## Certificate of Service

I, Raul Alcaraz, hereby certify that copies of a true and correct Adobe Acrobat PDF copy was E-mailed to those parties on the official electronic service list for DRAFT RESOLUTION T-17416, foregoing "RACE TELECOMMUNICATIONS, INC. reply comments to comments submitted by VERIZON CALIFORNIA INC." this 11<sup>th</sup> day of October, 2013 at Burlingame, California.

/s/ Raul Alcaraz

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