

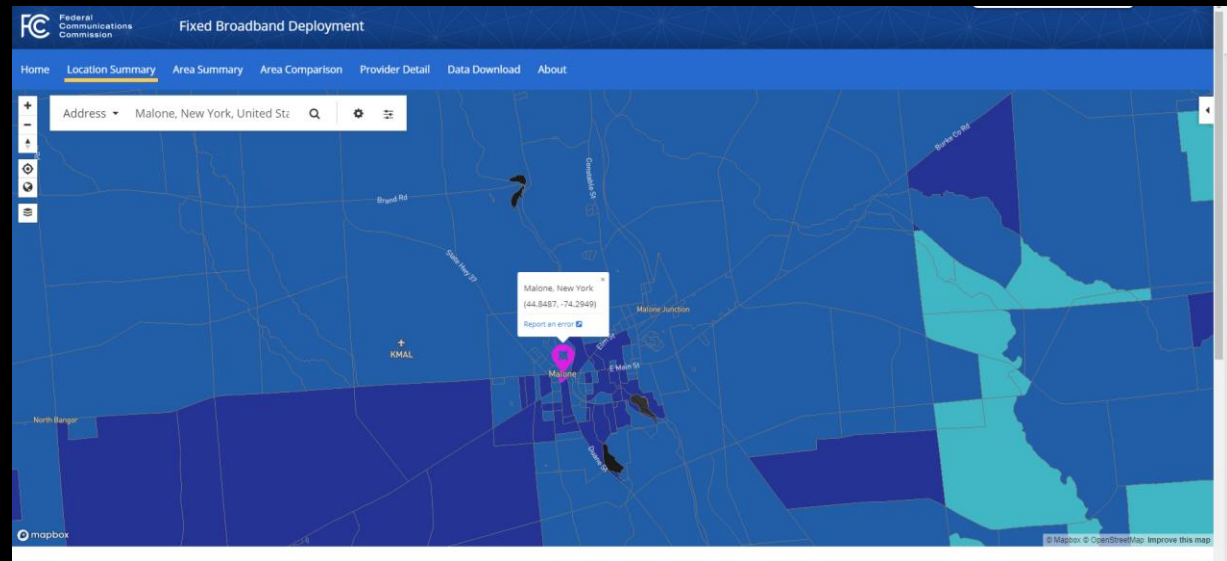


# Town of Malone and Unserved Broadband Areas

Prepared by CST Group Inc. ~ Lisa A Brown

# On the Agenda

- Franchise Agreement with Charter Communications – Resolution #92-2010
- Communications Act of 1934
- Governor Cuomo’s NY Broadband Initiative
- FCC Census Blocks
- Taking action



# Who am I and Why am I here?

## Who am I?

- CST Group provides technology services for small to medium businesses. We have been a Malone Town Business for twenty years. Our primary goal for every client is cyber security, managed services and vendor management. In a nutshell, we become SMB's IT which includes providing solutions to all technology challenges!

## Why am I here?

- CST has two clients located in the Town of Malone that are unable to get broadband service that is significantly impacting their business.
  - 5<sup>th</sup> Wheel Diesel located at 4289 State Route 11
  - MX Petroleum Corp located at 4360 State Route 11
- There is currently no broadband service provider offering service at their locations

## Problem:

- A total of 4.2 miles on State Route (US) 11 where businesses and residents have no access to high speed internet (100 Mbps or more).
- 2.7 of those miles are in the Town of Malone.
- In the 4.2 miles, there are approximately 10 businesses and 49 residents.
- Identify other areas that are unserved.

# The Franchise Agreement

- The Town of Malone entered into a franchise agreement with Charter Communications (Timewarner Cable) on March 11, 2011
- That agreement is coming up for renewal on July 22, 2021
- The agreement references The Communications Act of 1934 which is a 333-page document outlining “An ACT To provide for the regulation of interstate and foreign communications by wire or radio, and for other purposes.” but specifically references Sec 626, Sec. 621 and Sec. 624 (which have been provided to you in your packet).

# Communications Act of 1934

- Sec. 626 – Renewal. – clearly lists that identifying the future cable-related community needs and interests as well as reviewing the performance of the cable operator under the franchise during the then current franchise term.
- Sec. 624. – Regulation of Services, Facilities, and Equipment. – references a) Any franchising authority may not regulate the services, facilities, and equipment provided by a cable operator except to the extent consistent with this title.
- Sec. 621. – General Franchise Requirements. – states that 3) In awarding a franchise or franchises, a franchising authority shall assure that access to cable service is not denied to any group of potential residential cable subscribers because of the income of the residents of the local area in which such group resides AND (4) the franchising authority (A) shall allow the applicant's cable system a reasonable period of time to become capable of providing cable service to all households in the franchise area;

Please understand that this Act goes in depth to expectations of providing services and should be reviewed by an attorney who can better understand the legalities of the Act.

<https://transition.fcc.gov/Reports/1934new.pdf>

# Governor Cuomo's NY Broadband Initiative

- “In 2015, Governor Cuomo made the largest and most ambitious state broadband investment in the nation, \$500 million, to achieve statewide broadband access by 2018.”
- “Governor Cuomo has now secured high-speed Internet upgrades for approximately 2.42 million locations statewide, which means 99.9 percent of New Yorkers will have access to broadband.”

<https://www.ny.gov/programs/broadband-all>

# Funding Guidelines through Gov. Cuomo's Broadband Program

<https://www.ny.gov/programs/broadband-all>

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## THE NEW NY BROADBAND PROGRAM

# Creating a Broadband Infrastructure Network

### Matching Private Sector Investments

The \$500 million program, funded through capital resources from bank settlements, incentivized the private sector to expand high-speed broadband access in underserved and unserved areas.

### Unprecedented Broadband Speed

The program called for applications for funding to provide access to broadband at speeds of at least 100 megabits per second (Mbps) (download) in most places, and 25 Mbps (download) in the most remote, unserved parts of the State. Priority was given to applications that will provide broadband to unserved communities, libraries, and Educational Opportunity Centers.

### Closing the Final Gap

Round III of the New NY Broadband Program has provided the last mile funding needed to bring high-speed internet access to New Yorkers in every corner of the state for the first time in history.

PROGRAM COMPLETION



## Round III of Nation-Leading New NY Broadband Program

On January 31, 2018, Governor Cuomo announced Round III of the Nation-Leading Broadband Program to include \$341 million to reach his goal of 99% of New Yorkers will have access to high-speed broadband with speeds of 100 Mbps or greater.

The North Country received approximately \$103.5 million in Phase III but did not receive any funding in Phase I or II.

<https://www.governor.ny.gov/news/governor-cuomo-announces-round-iii-nation-leading-new-ny-broadband-program-bring-high-speed>

# The FCC & Census Blocks

The FCC manages broadband utilities by Census Blocks. Provider's bid on a census block if they are willing/able to provide service in that area.

“All facilities-based broadband providers are required to file data with the FCC twice a year (Form 477) on where they offer Internet access service at speeds exceeding 200 kbps in at least one direction. Fixed providers file lists of census blocks in which they can or do offer service to at least one location, with additional information about the service.”

Data Download Page: <https://www.fcc.gov/general/broadband-deployment-data-fcc-form-477>

Resources page: <https://www.fcc.gov/general/form-477-resources-filers>

<https://opendata.fcc.gov/Wireline/Fixed-Broadband-Deployment-Data-Jun-2019-Status-V1/sgz3-kiqt>

There are over 3,150 FCC Census Blocks in Franklin County alone!

# FCC Census Blocks for locations in question:

Go to <https://broadbandmap.fcc.gov/#/>

4289 State Route (US) 11

The screenshot shows the FCC Fixed Broadband Deployment map interface. The address search bar contains "4289 State Route 11, Malone". The map displays a census block outlined in pink. A green circle highlights the "All Providers Reporting Service" panel on the right, which includes a table of providers and their service details.

**All Providers Reporting Service**

Census block ID: 360339504001002

Number of Fixed Residential Broadband Providers: 0 1 2 3 4 6 12 or more

**Broadband**

Technology: ADSL, Cable, Fiber, Fixed Wireless, Satellite, Other

Speed:  $\geq 25/3$  Mbps

Date: 1/18/2019 (latest public release)

Provider	Tech	Down (Mbps)	Up (Mbps)
Charter Communications	Cable	940	35
ViaSat, Inc.	Satellite	35	3
Hughes Network Systems, LLC	Satellite	25	3
King Street Wireless, LP	Fixed Wireless	10	2
Verizon Communications Inc.	ADSL	5	0.768
VSAT Systems, LLC	Satellite	2	1.3

# 4360 State Route (US) 11

**Federal Communications Commission** Fixed Broadband Deployment

Home **Location Summary** Area Summary Area Comparison Provider Detail Data Download About

Address 4360 State Route 11, Malone, MA

**All Providers Reporting Service**  
Census block ID: 360339504001001

**Number of Fixed Residential Broadband Providers**

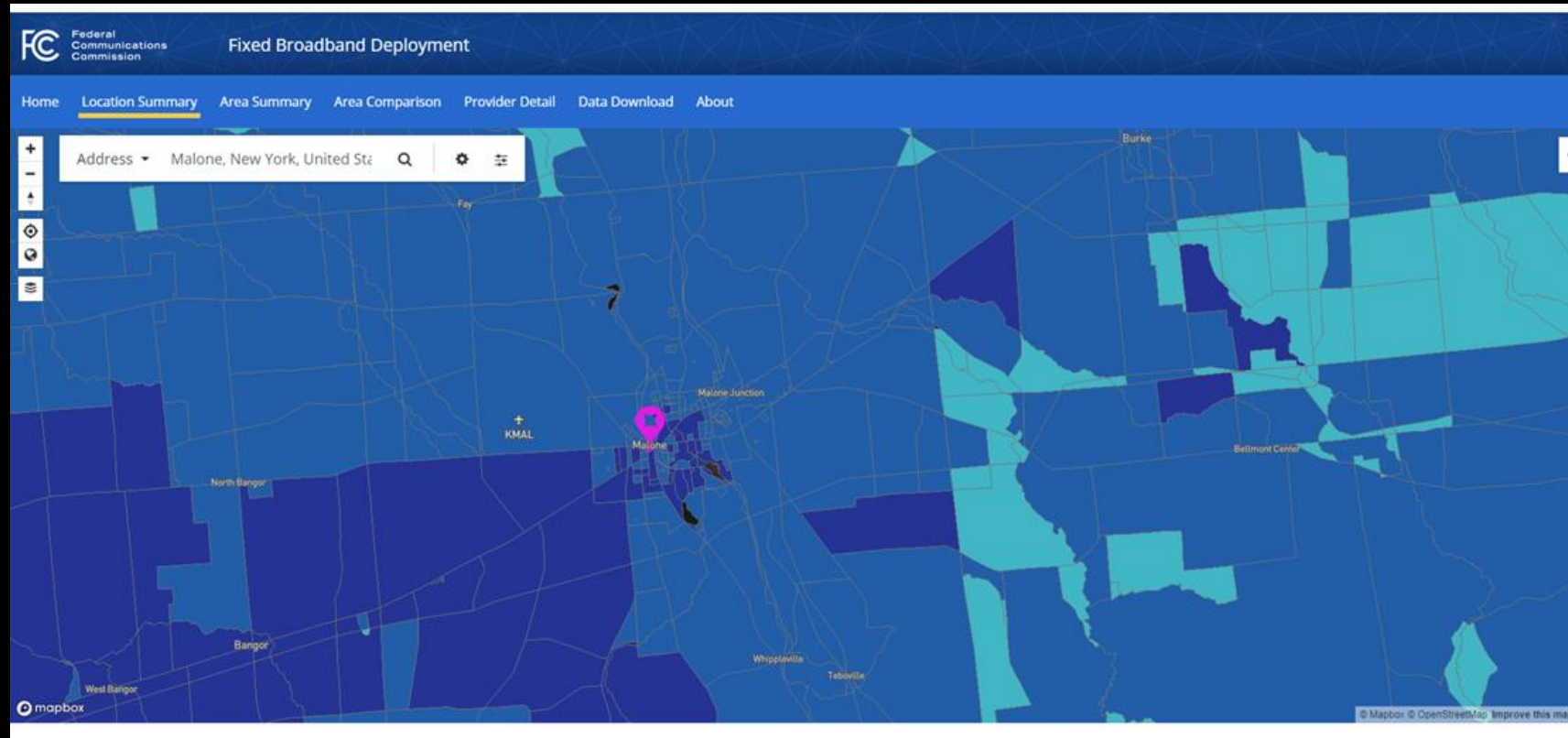
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# FCC Census Blocks for Malone, NY



- The Dark Blue areas are those that have two or more Broadband providers of speeds exceeding 100 Mbps (usually Charter Comm. /Nicholville Telephone (SLIC) and/or Westelcom Network)
- The light blue areas are those that have one broadband provider
- The Aqua areas are those that have NO high-speed provider

## On Behalf of the Businesses that are currently unserved on US Route 11, we are requesting?

- The Town of Malone review the current Franchise Agreement with Charter Communications/TimeWarner Cable to better understand the lack of service in the Census Block areas they are listed as providing services.
- Research the possibility of other Broadband providers willing to service unserved area(s).
- Resolve the issue of Broadband access to unserved areas in the Town of Malone as a whole.
- Request residents file complaints to the FCC, Governor Andrew Cuomo's Office, the Attorney General's Office as well as local political leaders.

# How can you help?

- To determine the FCC Census Block provider(s) for your address go to <https://broadbandmap.fcc.gov/#/>
- Individuals/Businesses need to File a Complaint with the FCC detailing their unserved service area as well as their Census Block information to <https://consumercomplaints.fcc.gov/hc/en-us>
- File a complaint with the State Attorney General's Office with the same detailed information: <https://ag.ny.gov/complaint-forms>
- Contact Governor Andrew M. Cuomo's office: <https://www.governor.ny.gov/content/governor-contact-form>
- Contact Assemblyman, Billy Jones: <https://nyassembly.gov/mem/Billy-Jones/contact/>