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Attachments

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ATTACHMENT - LINE 112

**Five-Year Network Improvement Plan and
Progress Report**

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Clarity Telecom LLC DBA Vast Broadband demonstration of complying with applicable service quality standards and consumer protection rules for voice and broadband services:

In establishing this certification in its *2005 ETC Order*,¹ the FCC found that an ETC must make “a specific commitment to objective measures to protect consumers.”² The Commission found that for wireless ETCs, compliance with CTIA’s Consumer Code for Wireless Service would satisfy this requirement” and that the sufficiency of other commitments would be considered on a case-by-case basis.³ In this context, the FCC stated, “to the extent a wireline or wireless ETC applicant is subject to consumer protection obligations under state law, compliance with such laws may meet our requirement.”⁴

Clarity Telecom LLC DBA Vast Broadband (“Vast”) hereby certifies that it is in compliance with applicable service quality standards and consumer protection rules. Knology is subject to consumer protection obligations under both federal and South Dakota state law. These obligations include, but are not limited to, the following: (1) filing a Local Exchange Tariff pursuant to the requirements of the South Dakota Administrative Rule 20:10:27:07 which discloses rates, terms and conditions of service to customers; (2) adherence to state requirements that the Company satisfies and certifies annually that it complies with consumer protection and service quality standards pursuant to South Dakota Administrative Rules (20:10:32:54.06), including South Dakota Administrative Rules regarding transmittal of bills (20:10:07:03), billing requirements (20:10:34:09), billing disputes

¹ *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, FCC 05-46 (rel. Mar. 17, 2005) (“*2005 ETC Order*”).

² *Id.* at para. 28.

³ *Id.* The FCC noted that under the CTIA Consumer Code, wireless carriers agree to: “(1) disclose rates and terms of service to customers; (2) make available maps showing where service is generally available; (3) provide contract terms to customers and confirm changes in service; (4) allow a trial period for new service; (5) provide specific disclosures in advertising; (6) separately identify carrier charges from taxes on billing statements; (7) provide customers the right to terminate service for changes to contract terms; (8) provide ready access to customer service; (9) promptly respond to consumer inquiries and complaints received from government agencies; and (10) abide by policies for protection of consumer privacy.” *Id.* at n. 71.

⁴ *Id.* at n. 72.

(20:10:07:04), refunds for service interruptions (20:10:07:05) service quality standards for local exchange companies (20:10:33), and notification of adverse changes in rates, terms, or conditions (South Dakota Codified Law 49-31- 12.8); (3) truth-in-billing requirements, and (4) CPNI, Red Flag Rules and other applicable federal and state requirements governing the protection of customers' privacy.

Vast is subject to consumer protection obligations for broadband services under federal law. These obligations include, but are not limited to, the following: public disclosure of accurate information regarding network management practices, performance, and commercial terms of broadband internet access services; as a means of providing sufficient information for consumers to make informed choices regarding use of such services, and for content, application, service and device providers to develop, market, and maintain internet offerings as specified in 47 CFR § 8.3. The Company furthermore will comply with all requirements set forth in the *2015 Open Internet Order* when it becomes effective.

Clarity Telecom LLC DBA Vast Broadband

Functionality in Emergency Situations for both voice and broadband

Clarity Telecom LLC DBA Vast Broadband ("Vast") hereby certifies that it is able to function in emergency situations as set forth in 47 C.F.R. § 54.202(a)(2) and South Dakota Administrative Rule 20:10:32:54.07. Vast's voice and broadband network is designed to remain functional in emergency situations without an external power source, is able to reroute traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency situations as required by Section 54.202(a)(2). Vast can change call routing translations as needed to reroute traffic around damaged facilities. Changing call routing translations will also allow Vast to manage traffic spikes throughout its network, as emergency situations require. Vast maintains a contingency plan to prevent or minimize service interruptions due to the catastrophic loss of a central office switch, toll switching office, or tandem switching office, pursuant to South Dakota Administrative Rule 20:10:33:18. The plan is available for review upon request.

Specifically, each central office building is supplied with standby generators and battery back-up that enable the central office to keep running until power is restored so long as fuel is available, or until system changes are made to reroute traffic. As required by South Dakota Administrative Rule 20:10:33:19, Vast's central office can maintain 8 hours, plus or minus 15 percent, of battery reserve rated for peak traffic load requirements, and a permanent auxiliary or mobile power unit is installed which can be delivered and connected within four hours. Vast has battery backup at all office locations and in its electronic equipment sites capable of running for a minimum of 8 hours, plus or minus 15 percent, in compliance with the State rules. Length of run time is determined by the equipment serving the area and the number of customers working out of the equipment. Generators are installed at all Central Office locations. They will continue to run as long as Vast has access to fuel. Vast tests the batteries at least once per year.

FCC 47 C.F.R. § 54.202 Additional requirements for Commission designation of eligible telecommunications carriers.

(a) In order to be designated an eligible telecommunications carrier under section 214(e)(6), any common carrier in its application must:

(2) Demonstrate its ability to remain functional in emergency situations, including a demonstration that it has a reasonable amount of back-up power to ensure functionality without an external power source, is able to reroute traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency situations.

Company complies with the FCC's backup requirements, effective October 16, 2016.

Clarity Telecom, LLC dba Vast Broadband (SAC 391652)

Response to Line 3010 – Milestone Certification (47 CFR §54.313(f)(1)(i))

Clarity Telecom, LLC dba Vast Broadband hereby certifies that throughout 2015, it took reasonable steps to provide upon reasonable request broadband service at actual speeds of at least 10 Mbps downstream/1 Mbps upstream, with latency suitable for real-time applications, including Voice over Internet Protocol, and usage capacity that is reasonably comparable to comparable offerings in urban areas and that requests for such service are met within a reasonable amount of time. If a request for broadband service at actual speeds of at least 10 Mbps downstream/1 Mbps upstream is unreasonable, and offering broadband service at actual speeds of at least 4 Mbps downstream/1 Mbps upstream is reasonable, the Company offers broadband service at actual speeds of at least 4 Mbps downstream/1 Mbps upstream.

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ATTACHMENT - LINE 3026

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