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August 28, 2017

Ms. Patricia Van Gerpen
SD Public Utilities Commission
500 E. Capitol Ave.
Pierre, SD 57501

Re: TC17-044 - In the Matter of the Request of Clarity Telecom, LLC dba Vast
Broadband Study Area: ILEC - 391652 and CLEC - 399006 for Certification
Regarding its Use of Federal Universal Service Support

Dear Ms. Van Gerpen:

Clarity Telecom, LLC d/b/a Vast Broadband. ("Clarity") has had an opportunity to review Staff's Memorandum dated August 25, 2017 and is writing this letter in response thereto. In addition, Weldon Feightner, the Regional Vice President of Operations for Clarity Telecom, will be in attendance in person at the Commission meeting scheduled for August 29, 2017 and will be available for questions.

Clarity first wants to assure the Commission that it continues to remain committed to deploying a solution that will provide reliable and affordable broadband to its customers. With its current ability to provide broadband in its ILEC area, Clarity is excited to be able to offer service to many new broadband subscribers in the near future. Clarity believes it has found a reliable, state of the art solution to do so. Please find herein a hyperlink to an article that discusses the solution that will be utilized. The article was filed previously in the docket.

<https://knect365.com/5g-virtualisation/article/a4a1e5a9-687d-4fa0-9446-bfcc207d5afb/fixed-wireless-revival-4g-lte-for-broadband-in-rural-communities>

In reference to Staff's concern with the maps, the FCC Form 477 instructions ask a carrier to provide maximum advertised speeds per block (emphasis added). Clarity's DSL product is advertised as up to 8 Mbps maximum speed where available and can be lower depending on distance from a DSLAM cabinet.

[REDACTED]

To help the Commission understand what information the FCC is requesting on the Form 477, please find below information from an FCC Question and Answer on the Form 477:

Robert C. Riter, Jr
Margo D. Northrup

Darla Pollman Rogers
Lindsey Riter-Rapp

Jerry L. Wattier
Robert D. Hofer, Of Counsel




Advertised speeds: For purposes of this form, the terms “advertised speeds” or “advertised bandwidths” are to be distinguished from “theoretical capacity” or other engineering-based concepts that do not represent the downstream and upstream bandwidths that the end user reasonably may expect to receive. “Advertising” is not restricted to “on the web,” “in print,” “by broadcast,” “in person,” or any other specific format. Among other methods, a service is “advertised” to the end user when it is described at point of sale or when the end user is charged at a rate associated with a particular grade of service in the end user’s area. The grade of service may be characterized by, among other features, the downstream and upstream bandwidths that the end user may reasonably expect to receive. (*Clarification added December 5, 2016.*)

In reference to the concern by Staff regarding data caps, Clarity does not have any plans of applying data caps to our fixed wireless or wireline broadband offerings and is committed to not apply any data caps on our ILEC broadband for the A-CAM commitment period of 10 (ten) years. After the 10 (ten) year period Clarity would apply data caps only if it ever becomes the industry norm for caps to be used on land line broadband services. There is no intention of this in the near future.

Clarity looks forward to discussing these important issues with the Commission further at any time.

Very truly yours,

RITER, ROGERS, WATTIER &
NORTHROP, LLP

By: 
Margo D. Northrup

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enclosures