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**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking to  
Consider Modifications to the California  
Advanced Services Fund.

Filed with  
California Public Utilities Commission  
December 3, 2012

RULEMAKING 12-10-012

**COMMENTS ON RULEMAKING 12-10-012**

**FROM**



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President

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The tentative conclusion that the CPUC has reached that would change the CASF eligibility requirements to include entities other than those that hold a CPCN or a WIR is seen as a positive step to closing the digital divide as it would enable Wireless Internet Service Providers (WISPs) to qualify for CASF funds.

WISPs utilize fixed wireless technology that is one of the most flexible and cost effective to provide broadband solutions for California's terrain and population distribution. WISPs are typically owned or operated by very small or small independent organizations lead by entrepreneurs with heavy community focus, and they are more inclined to invest resources into small and less-densely populated underserved, and unserved rural, communities.

Winters Broadband has been in business for over 10 years providing services to businesses and residences in Yolo and Solano County. Over the past 10 years we have seen the bandwidth of our connection to the Internet increase 100x while our customer base has increased by 10x. We brought broadband to the Winters area in 2002, before the introduction of DSL and cable TV broadband services over the following two years. Unable to compete with these companies we changed our focus to the rural unserved areas, areas which the major carriers still do not serve today.

In response to the Order Instituting Rulemaking , section 3.4 Request for Comments I would like to provide the following comments:

1. We would definitely consider participating in the CASF program if the eligibility requirements were changed.
  - a. We are currently in the process of upgrading our last mile facilities to have the capability of delivering broadband services with a download of 6 Mbps and an upload of 1.5 Mbps. We would use CASF funds to:
    - i. Upgrade our existing middle mile backbone links to support higher capacities.
    - ii. Deploy additional last mile facilities to address the unserved and underserved areas.
  - b. We use fixed wireless equipment utilizing the unlicensed spectrum in the 2.4 and 5.8 GHz ISM bands. Licensed fixed wireless equipment for use in backhaul links is planned for our middle mile facilities.
  - c. We provide services in Yolo and Solano Counties.

- d. Services are provided to rural businesses and residences. In addition we offer free services to schools, libraries, public safety and healthcare clinics as part of our community programs. We also offer our facilities to the county for emergency use.
3. We understand the Commissions concern with respect safeguards with respect to allocated CASF funds and would recommend that funds only be granted to existing companies who are financially viable and have a proven track record for providing broadband services in California. The specific rules and safeguards adopted in Resolution T-17233 should be reviewed in how they would be applied to WISPs, which are small businesses, which do not have the financial or manpower resources of large corporations.

I would like to thank the Commission for the opportunity to submit these comments.

Sincerely,

*/S/ Brian Horn*

Brian Horn

President

Winters Broadband LLC