

Paul Foley

From: Dan Vortherms [dvortherms@opencape.com]
Sent: Wednesday, February 20, 2013 11:50 PM
To: foley@mvcommission.org
Cc: london@mvcommission.org
Subject: NStar/Comcast Hybrid Undersea Cable (DRI 641)

Mr. Foley,

I just recently became aware of the Martha's Vineyard Commission public hearings held on February 7, 2013 on the subject matter. I would like to provide the following comments.

In 2010, OpenCape Corporation was awarded a \$32 million Broadband Technology Opportunity Program (BTOP) grant to build a middle mile fiber optic and microwave network supporting the Cape and Islands. The planning for the project began in 2006 when the Cape Cod Community College, Woods Hole Oceanographic Institution, Cape Cod Technology Council, and others held a meeting to discuss the lack of broadband options serving the Cape and Islands. Despite the prestige of these local organizations, sufficient broadband connectivity at competitive pricing to meet the needs of these organizations was not available. The effort to bring the concept to reality was also supported by the Commonwealth of Massachusetts, which provided an early grant to explore solutions to the problem and a subsequent matching grant of \$5 million to support construction of the network. Barnstable County also provided an in-kind match of \$750,000 to support the project.

In the early planning, a fiber optic connection between the Cape and Martha's Vineyard was considered as part of the OpenCape network design. The fiber connection was deemed impractical within the 3 year time constraints of the federal ARRA BTOP program and represented a financial challenge for obtaining the 20% matching funding required for the BTOP program. OpenCape currently has a microwave connection planned between Falmouth and Martha's Vineyard, providing a capacity of 1.2 Gbps designed for 99.999% availability. The connection will support the Dukes County Sheriff's Department and Woods Hole Oceanographic Institution.

During the round 2 BTOP grant period, OpenCape provided a letter in full support of another organization attempting to obtain BTOP round 2 funding to provide a fiber connection to Martha's Vineyard. OpenCape remains supportive of independent efforts to bring fiber optic connections to Martha's Vineyard.

Though OpenCape remains fully supportive of additional fiber optic connections to Martha's Vineyard, certain aspects of the OpenCape network and the BTOP program may be relevant in the Martha's Vineyard Commission consideration of the NStar/Comcast proposal.

1. OpenCape is developing a Municipal Regional Area Network (RAN) specifically in support of local towns. Specific fiber assets of the network are dedicated to connecting multiple town entities together in a shared network. Towns will be able to utilize the network as an extension of their individual town networks, as well as using the network connections to Providence and Brockton to obtain Internet connectivity. Similarly, in consideration for the \$5 million state grant, OpenCape is providing 10-12 fibers over a majority of the OpenCape for state use through an agreement with ITD and EOPS. Initially, OpenCape will connect 72 community anchor institutions, and has requested permission from the National Telecommunications and Information Administration (NTIA) (the grant program office) to add network connections for an additional 34 locations. Through an additional agreement, OpenCape has access to 1 Gbps Internet connectivity exclusively for RAN use, and 1 Gbps Internet 2 access for educational institutions. OpenCape is continuing additional engineering design of the RAN to support municipal use.

We suggest that the Martha's Vineyard Commission require NStar/Comcast make available 6 fibers on the proposed fiber route exclusively for municipal connectivity. Martha's Vineyard towns utilizing the connection

could be connected to the Municipal RAN, providing improved connectivity to educational, governmental, and public safety services through a connection to the Municipal RAN. The OpenCape network will consist of fiber with diverse routes through Falmouth and Woods Hole area, providing an opportunity for connectivity with the proposed fiber route as an extension of the Municipal RAN to Martha's Vineyard via fiber.

2. One component of the BTOP grant program that OpenCape is subject to is that the network must be operated as an open access network. That does not mean that access is free of charge, but means that fiber must be made available at competitive commercial rates to any entity that desires use of the network. In the case of OpenCape and its outsource network operator CapeNet LLC, this requirements means the CapeNet would be required to provide access under commercial terms to any entity desiring to utilize the network. This includes any entity that may actually compete with CapeNet in any or all of the commercial services offered by CapeNet. Such entities could be Comcast, Verizon, local ISPs, other fiber network operators, etc. The purpose of this requirement is to foster competition among telecommunications service providers. Competition promotes lower pricing and better services as compared to a monopolistic situation.

We suggest that the Martha's Vineyard Commission require NStar/Comcast to make available 12 strands of fiber on the proposed fiber route as an open access network as defined by NTIA for the BTOP program. Clearly, the NStar/Comcast proposal is not funded through the BTOP program, but the concepts of an open access network would be beneficial to the residents of Martha's Vineyard. Competition in services would greatly benefit the citizens of Martha's Vineyard and an open access network could spur local entrepreneurs to develop new business models that might not otherwise be practical.

I understand that the public hearings on the subject request are due to close tomorrow, February 21, 2013. If it pleases the Martha's Vineyard Commission, if the proceedings were to be extended through next week, I would be available to discuss the above points in more detail. Additionally, we would have some time to evaluate the possible connection points between the OpenCape network in the Falmouth/Woods Hole area that would be supportive of a fiber connection from Martha's Vineyard to the Municipal RAN being developed on the Cape and SE Massachusetts. Unfortunately, at this time I'm out of the area on personal business and unavailable for such discussions. However, I will be back on the Cape next week.

Thank you for your consideration.

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