

WINTER 2007

# CALCOM CONNECT

THE MAGAZINE OF THE CALIFORNIA COMMUNICATIONS ASSOCIATION



**spotlight**

## Ponderosa TELEPHONE

**plus**

- ⌘ **TECHNOLOGY:** Rural Subscribers Benefit from New Owners
- ⌘ **LEGAL:** Others Post, You Get Sued
- ⌘ **SECURITY:** Identify Spammers, Avoid Blacklists
- ⌘ **...and more!**

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## MESSAGE FROM THE PRESIDENT



At CalCom, it feels like the quiet before the storm. These past couple of months of lazy fall days gave us time to finalize this issue of CalCom Connect with stories that stretch from the horse and buggy days in California to today's broadband security issues. Just as we go to press, two important decisions fell out that will open the doors to broadband build-out to unserved areas in California.

First, California Commissioner Chong has issued a proposed decision to create the California Advanced Services Fund (CASF) from the remains of the outdated High Cost-B Fund. The CASF would allocate \$100 million in initial funding to encourage deployment of broadband facilities for use in provisioning advanced telecommunications (as well as voice) service in unserved and underserved high cost areas of California.

Second, the Joint Board on Universal Service just released its recommendation to reform the Universal Service Fund (USF) into three funds: the Broadband Fund, The Mobility Fund and The Provider of Last Resort Fund. The Broadband fund would be tasked primarily with disseminating broadband Internet services to unserved areas, with the support being expended as grants for the construction of new facilities in those unserved areas. A secondary purpose would be to provide grants for new construction to enhance broadband service in areas with substandard service. Another secondary purpose would be to provide continuing operating subsidies to broadband Internet providers serving areas where low customer density would suggest that a plausible economic case cannot be made to operate broadband facilities, even after receiving a substantial construction subsidy. The Broadband Fund would start out at \$300 million. The recommended speed is yet to be determined, but the Joint Board admitted that the old 200 KB per second definition is no longer useful. The grants would be managed by State agencies and would require matching funds of 20%.

Will these programs combine to bring more services to rural California? According to Christine Heckart of Microsoft, "We will be at critical mass some time next year. This is not going to take 10 years or even three to five years . . . we may be at critical mass for IPTV worldwide by next year." (Telephony Nov. 5, 2007). Well, at least for California, I think Ms. Heckart might be disappointed next year. But it does seem like the race to the finish for deployment may be just around the corner!

Maybe there is a broadband storm ahead for California. ☞

Sincerely,

Margaret C. Felts - PRESIDENT, CALCOM



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# **PONDEROSA TELEPHONE**

*Ponderosa Telephone looks forward to another 100 years as an independent rural provider. It's been a century since the Bigelow family began stringing telephone lines through the rugged foothills above Fresno, in Madera County.*



by > Wes  
Sander

**T**here have always been distances to cover in the countryside around O'Neals. The vehicles may travel faster than they did a century ago, but the roads still wind tightly around craggy boulders and oak trees, and stretch for miles between ranch homes.

*continued on next page >>>*



*Leota & Harmon Bigelow*



*Big Creek Home*



*Luanne Silkwood & Matt Boo*

Those homes sit on large acreages that, in spots, enjoy clear views of granite peaks, which catch the redness of late-day sunlight falling across the Central Valley and onto the Sierra Nevada's western edge.

It was in covering the distances in this pocket of the foothills that the grandfather of Luanne Silkwood, current president of Ponderosa Telephone, made much of the family money. The Bigelows were ranchers, but Harmon Bigelow ran more than cattle and sheep. He also ran a stagecoach line that connected this region of eastern Madera County with eastern Fresno County.

So it seemed a natural extension of the Bigelows' endeavors to find a way to shorten the distance between the home of Harmon and Leota Bigelow and that of Leota's mother, who lived about a mile away. The year was 1908, and the only way Leota could speak with her mother was by traveling the rugged mile by horseback or wagon. But with a new communication technology just around the corner, that distance was about to shorten considerably.

It was then that Leota Bigelow ordered two telephone sets from a mail-order catalogue, and set her son, Jesse, to string the wire that connected them between the two homes. That is the event now considered the birth of Ponderosa Telephone.

Driving Madera County Road 200 into the foothills from Fresno, you barely notice the town of O'Neals. Glimpsing it requires a turn onto Road 201, a short stretch that rejoins the main road about a mile on. The route curves around large oak trees and tops a small rise while passing several buildings owned by the Bigelow family, including the present headquarters of Ponderosa Telephone.

On the right, just after the Ponderosa building (constructed in 1984), sits the home of Silkwood, who is Jesse Bigelow's daughter. On the left stands a large house that was once a saloon and restaurant, a place for customers to await their stagecoaches.

The ticket office was across the street, next door to the Ponderosa building; it was there, after a renovation, that Silkwood lived after she married.

The town of O'Neals has always been a settlement of the Bigelow family, having hardly grown much from the handful of buildings it was when Harmon and his son Jesse began stringing telephone lines.

By today's standards, those early telephones had terrible sound quality. They were sensitive to all manner of electrical charge in the atmosphere, which produced loud noises in the open-wire lines. But Harmon Bigelow loved them. So he ordered more.

"Grandpa thought (the telephones) were pretty good," says Silkwood. "He could call grandma and say, I'll be late for dinner, or someone's coming home with me." With help from Jesse, Harmon Bigelow began connecting various points among the foothills, much as he'd done with the stage line. He connected O'Neals with surrounding settlements like North Fork, Bass Lake and Friant.



Friant, about 15 minutes away by modern travel, was home to the nearest Western Union office. It was a full-day affair for Jesse to ride his horse there, send a telegram, then wait around for a response. But now, Harmon could phone his own telegrams from home. The future had arrived.

Soon the Bigelows' telephone lines had reached the town of Clovis—now part of the sprawl of the Fresno area, back then an outlying Central Valley farming town—and that's where it attached to an existing phone grid. That caused the state Railroad Commission, which regulated the nascent telephone industry, to take notice and turn the Bigelows' informal venture into an official one.

"They said, 'you're in the telephone business,' and gave us a territory and rates," Silkwood says. It was 1912, and the Bigelows' community network of phone lines became the Bigelow Telephone Company. The Commission assigned the new entity a two-county service territory of 650 square miles.

Until then, the phone business hadn't been a business at all. The Bigelows had simply strung wires through the hills for the convenience of their widely scattered community. There was never any charge for using it.

It wasn't until 1957 when the company's name changed. The Public Utilities Commission disapproved of telephone companies carrying family names, Silkwood remembers, so Bigelow Telephone became The Ponderosa Telephone Co. The company's original territory has since expanded to nearly 2,000 square miles, and later jumped to almost 4,000 square miles with the addition of a second territory in Southern California.

The combined territory serves less than 10,000 customers. It's a residential area, with few business accounts. Added to the fact that a single service call can involve hours of driving, it all tends to ensure that providing telephone service is a high-cost prospect.

With transportation so efficient these days—driving to Fresno takes about a half-hour—Ponderosa's territory has mostly become a region of commuters who enjoy varying lifestyles. "I don't think this lifestyle is an accident," says Eric Vargas, Ponderosa's customer operations director. "You pretty much choose to live up here."

"We don't have a center of commerce around here," Vargas says. "Over those 2,000 square miles, we've got customers all over. To go from end to end in our network could be a whole day's travel."

For these reasons the company relies heavily on California's High Cost Fund A (CHCF-A), which helps defray the high cost of providing service for rural ILECs. Dan Douglas, Ponderosa's financial director, routinely makes trips to Sacramento and San Francisco, where he helps communicate the needs of independent carriers in the ongoing discussions over continuation of CHCF-A, whose current version sunsets in January 2009.

"It's always the largest item on our mind," Douglas says. "If we didn't have that funding, we would have to look hard at our ability to provide service. Some of the benefits of regulation allow us to provide as good, if not better, service than our competitors. (But) there can be such a thing as too much regulation. In this case, the cost of regulation exceeds the benefit to our customers."

"In an industry dominated by larger players serving metro areas, state regulatory requirements often overlook the nuances of running a rural service," says General Manager Matt Boos. "It's a more intimate side of the industry," he says, "when a customer calls Ponderosa, a service specialist answers the phone."

Ponderosa's decades-old expertise is so rurally oriented that, when the company decided to add territory, it acquired one of the most rural areas possible. In 1992, Ponderosa took over an existing territory in eastern San Bernardino County and began servicing an area that had never enjoyed telecommunications.

The territory sits in the Mojave Desert and consists mostly of the Mojave National Preserve. Ponderosa serves this sparsely settled region with a fixed-wireless system, a workable alternative to the higher cost of installing landlines despite the lower reliability and sound quality. Even with High Cost Fund A, installing lines in the area would never pencil out.

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*The combined territory serves less than 10,000 customers. It's a residential area, with few business accounts. Added to the fact that a single service call can involve hours of driving, it all tends to ensure that providing telephone service is a high-cost prospect.*

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"We're used to dealing with that sort of territory," Boos says. "We've been doing it since 1908. So it was just natural for us to look for another rural territory."

The company has opted against branching into peripheral services—like wiring homes for such services as security systems, as other companies have done. "When you're our size, you've got to calculate what you do well," Douglas says.

As Eric Vargas puts it: "perhaps someday customers will be faxing themselves from place to place. That would seem the perfect extension for a business with strong roots in transportation and communication."

When Luanne Silkwood was young, it took all day to drive to Fresno, down the hill on the Central Valley floor. Now it takes a half-hour, and she often makes the trip for football and basketball games at California State University, Fresno.

Her mother—who met her father, Jesse, over the telephone lines that the family strung through the hills—was in Fresno State's first graduating class. Ponderosa's roots run deep, and Silkwood says she runs the company as though it will remain an independent foothill provider for yet another century.

"We have no interest in selling out," she says. "And we've been approached several times. Our interest is exceeding our customers' expectations." 

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# UPDATE: Rural Subscribers Benefit from New Owners

by > Mitch Drake



**On August 25th, 2005 Sebastian Enterprises Incorporated (SEI), purchased Foresthill Telephone Company (FTC), a small 3200 line rural exchange 17 miles northeast of Auburn, California. Prior to the acquisition, a team of dedicated employees completed due diligence on the property and discovered an opportunity that would bring many benefits to the residents of Foresthill.**

**T**wenty-five months have passed since the acquisition took place and customers have benefited from many new services including: custom calling features, long distance services, and High Speed Internet (DSL). Furthermore, the community is now served by a new, significantly larger, commercial office. The old office had 144 square feet that was shared between customers and service representatives.

New market-driven bundles have been introduced to meet the pent-up demand for service. At the heart of the bundle is the High-Speed Internet (DSL) product. The DSL penetration level in Foresthill meets or exceeds industry averages after only two years of availability. In fact, FTC will surpass 1200 DSL customers before the end of the year. The explosive growth of DSL illustrates the need rural communities have for high-speed access to the Internet. Dial-up connectivity was the only Internet access option available to the Foresthill community prior to the acquisition.

Significant network upgrades have enabled broadband access to approximately 99 percent of access lines in the exchange area. This figure represents a penetration rate of 37 percent of total Foresthill households. FTC expects to add 300 subscribers in 2008 which will push FTC's overall penetration level to 55 percent of total households. In an effort to facilitate growth and subscriber retention, FTC plans to increase broadband access speeds up to 8 Mbps (from the current 1.5Mbps)

across the majority of the service territory.

In order to increase network capacity, FTC constructed a 17 mile fiber-optic cable between Foresthill and Auburn. Prior to the acquisition, the only available communications to the outside world was via an antiquated microwave radio that had limited growth capabilities.

Other products available include five new long-distance offerings and voice mail services which were rolled out in 2006. The voice mail system provides customers with the benefit of having a centralized voice mail system.

In May of 2007, FTC opened the new commercial office located on Foresthill Road. The new commercial building has nearly 1000 square feet of commercial office and lobby space and currently houses four customer service personnel. Other office space has been renovated for accounting and billing support employees and will soon be the new home for the 10 person plant operations team.

This facility is wired with fiber-optic cable which supports WAN access to Kerman Telephone Company (KTC), located just west of Fresno, California. FTC customer support personnel are now connected to a common operating support system (OSS), which facilitates better customer service through increased service efficiencies. The system provides real-time access to customer accounts which speeds transaction time and is remotely supported from Kerman.

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The creation of a network between KTC and FTC in late 2005 has significantly aided in the ability to leverage resources by supporting remote data sharing between networks. With the help of KTC Commercial Operations, Foresthill customers now have access to 24-hour repair answering service, 411 information services, and operator services.

FTC Plant Operations will continue to be supported by departments located in Kerman.

The primary goal from a plant operations standpoint is to create a single network with a common set of objectives, standards, and overall operational procedures. This will enable a higher degree of OSS standardization and help minimize the need for multiple types of equipment, resulting in long-term cost reductions. The Plant Operations team will continue to build a carrier class network capable of offering new technologies and applications to the community of Foresthill.

Many new products and services have been introduced in Foresthill over the past few years. We hope to have improved the quality of life in the community through the dedication and hard work of FTC and KTC employees that have made these positive changes possible. We will continue to invest in our employees and the communities we serve by fulfilling our core purpose:

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# PERSPECTIVE:

## Others Post, You Get Sued

by Eric J. Sinrod

Previously published by  
CNET NEWS.com and  
Findlaw.com



**T**he stakes are enormous. The question is serious. Under what circumstances will the law hold interactive computer services liable for content posted by others on their sites?

This issue surfaced recently in a dispute involving Roommates.com, a Web site where applicants complete online questionnaires to locate roommates. In a federal lawsuit, the Fair Housing Councils of San Fernando Valley and San Diego in California complained that the Web site violated the Fair Housing Act and certain state laws.

A federal appellate court was called upon to determine whether the site was entitled to immunity under the terms of the Communications Decency Act. The CDA provides that "(no) provider...of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider."

The federal appellate court concluded that Roommates indeed was a content provider and therefore was not entitled to immunity.

The key point is that interactive computer services are granted legal immunity with respect to content created by others. Indeed, the grant of immunity applies to a defendant that is the "provider...of an interactive computer service" and that is being sued "as the publisher or speaker of any information provided by" another.

In this particular case, the parties agreed that the defendant, Roommates, is an interactive computer service provider. However,

the CDA doesn't extend immunity from liability when a site operates as an information content provider. The statute defines a content provider as "any person or entity that is responsible, in whole or in part, for the creation or development of information provided through the Internet."

Under current law, Roommates would not be liable if it simply published content provided by third parties. On the other hand, if it actually was responsible, at least in part, for the creation or development of the information at issue, Roommates would be deemed a content provider and thus not afforded immunity under the CDA.

After considering the arguments, the federal appellate court concluded that Roommates indeed was a content provider and therefore was not entitled to immunity. The court reasoned that the company created and developed the questionnaires and potential answer choices for subscribers. It thus was, to some extent, responsible for the information provided.

An argument can be made that this was not the right decision. After all, the members themselves provided the true content about themselves and their preferences, while Roommates simply provides a forum.

Furthermore, even though the site does provide a mechanism and channels for people to potentially discriminate (which plainly is not a good thing and violates the law), the site does not dictate the



*Has the site gone so far as to be deemed a content provider, with respect to information supplied by subscribers? Based upon the facts submitted for its review, the federal appellate court ruled in the affirmative.*

ultimate descriptions and preferences submitted.

Consider also that Roommates contains approximately 150,000 active listings at a time. Should the site be deemed potentially liable for discriminatory postings among these listings and be forced to police those postings on a constant basis?

Congress enacted the immunity safe harbor contained in the CDA to protect Internet commerce. The law shields interactive computer service providers from liability when it comes to third-party content. But where does one draw the line?

In this case, Roommates facilitates the process so that people looking for roommates can provide descriptions and preferences. Sometimes, the content submitted may be discriminatory in nature.

Has the site gone so far as to be deemed a content provider, with respect to information supplied by subscribers? Based upon the

facts submitted for its review, the federal appellate court ruled in the affirmative.

Now it's going to be up to other courts to grapple with the reach of CDA immunity.

*Update: October 25, 2007:*

In my column above, I asked whether the site has gone so far as to be deemed a content provider, with respect to information supplied by subscribers. As I explained, based on the facts submitted, the initial three-judge appellate panel ruled in the affirmative. But, as it turns out, that is not the end of the story. Not necessarily. Indeed, based on a very recent vote of a majority of the judges of the federal appellate court, this decision has been vacated pending en banc review.

What does that mean? It means that an eleven-judge panel will be called upon to resolve the issues. Given that the decision by the three-judge panel has been vacated, it is very possible that the eleven-judge panel will come to a different conclusion with respect to CDA immunity in this case. Stay tuned. **II**

**About the Author:** Eric J. Sinrod is a partner in the San Francisco office of Duane Morris LLP. His focus includes information technology, intellectual property and commercial disputes. He can be contacted at [ejsinrod@duanemorris.com](mailto:ejsinrod@duanemorris.com) or 415-957-3019. To receive his weekly Cyberlaw columns, please send an e-mail with "Subscribe" in the subject line to [ejsinrod@duanemorris.com](mailto:ejsinrod@duanemorris.com).

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"Engineering News-Record, "Top 500 Design Firms", April 23, 2007; "Top 500 Design Firms Sourcebooks", 2002 through 2007.



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## IDENTIFY SPAMMERS, AVOID BLACKLISTS New Technology Gives Insight into Subscriber Activity

by > David Messina

Since the company's incorporation in 1911, the owners and employees at Kerman Telephone have always been focused on two things to ensure success: building a state-of-the-art communications network and providing the highest-quality service for their subscribers. Almost 100 years later, Kerman has established itself as a prominent communications company in Central California with more than 130 employees who provide services to over 6,500 customers in an area of 175 square miles.

Tom Dominico, information systems manager, is part of the Kerman team responsible for engineering the company's broadband infrastructure as well as for maintaining services that offer subscribers a high quality of experience. "In the increasingly competitive world of telecommunications, I believe that responsive customer service can be a strong differentiator," states Dominico. "Our technology team is directly tied to achieving this vision by ensuring that our network infrastructure is sound and that all problems affecting customers are remedied quickly."

Dominico's team, in collaboration with the operations group, collectively wears many different hats, and there is no typical day. The team might be handling subscriber escalations or internal end-user problems, tightly managing Kerman's connections to upstream ISPs, working on integration projects with the recently-acquired Foresthill Telephone, or exploring newer technologies, like IPTV. "As the company grows, we are always searching for tools that can improve our operational effectiveness," says Dominico.

### Fast Growth, New Challenges

Kerman has witnessed tremendous growth in its broadband subscriber base, which has increased by 25 percent in the past

couple of years. And with fast growth comes new challenges. Most notably, the company experienced a recurring situation in which broadband subscribers began to flood the Kerman support desk with complaints about their email service—specifically, emails were bouncing back or their targeted recipients were just simply not getting their emails. Dominico recognized these symptoms – spammers were leveraging some of his subscribers' Internet and email services. These unsanctioned actions were adversely affecting all other subscribers because the Kerman mail domain in its entirety was placed on a number of key "blacklists." Being blacklisted will keep subscribers from communicating via email, which can have dire consequences – especially given that many of Kerman's customers are small-business owners.

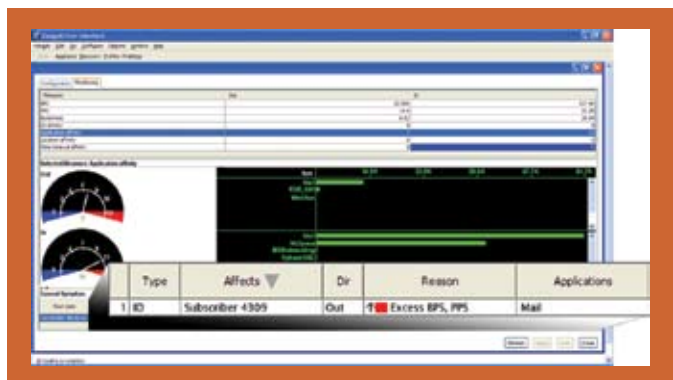
"Our burning issue was to be able to identify these spammers on the network, and we were actively seeking solutions to help us pinpoint the troublemakers," notes Dominico. At stake was the satisfaction of the company's customers, who found these blacklisting situations very frustrating given that they—not Kerman—were the first to know about them. As a result, calls to the help desk would pour in.

Kerman's only recourse was to spend several days contacting the appropriate people at the various ISPs to have its domain removed from the blacklists while simultaneously fielding a mountain of email-related trouble tickets. Eventually, Dominico started to search for a tool that could identify the spammers on his network and provide more insight into subscriber activity.

### Finding a Solution

Dominico's investigation led him to Xangati, which provides a solution that is focused on understanding the application experi-






ence of every endpoint in an infrastructure. This granular approach seemed to be what Dominico needed to catch the problematic spammers on his network. Within a few hours after the Xangati appliance arrived, it was in place and already capturing relevant information from the network. "I was surprised by how easy it was to install and integrate the Xangati appliance, and by the fact that we didn't have to modify our network," noted Dominico. "We were able to instantly and explicitly track down which users were the offending spammers." The product showed him who the most active users of email were, and in the drill-down screens, the evidence was clear that the offending subscribers were exchanging traffic with literally hundreds of SMTP mail gateways.

Seeing that the Xangati solution delivered on its promise, Kerman Telephone purchased the solution, and Dominico and his team are now able to identify spammers before the mail domain is blacklisted and other subscribers are affected. They are beginning to explore other benefits of the Xangati solution and have started to rely on it daily to dramatically shrink the time it takes to troubleshoot network issues.

Xangati's rapid problem identification (RPI) solution has helped Kerman resolve many types of network problems such as incomplete backups and the degradation of applications, and has helped the company determine if a problem is truly a network problem or if it is a subscriber-side problem. "The biggest value is that we can immediately isolate network problems from customer problems," says Dominico. "The Xangati solution can quickly direct my team to the origin of the problem and thus save a lot of time and money."

### Reducing Time to Resolution

The Xangati solution is having a great affect on Kerman's ability to either fix a problem or inform the customer that the problem is not its issue. In the past, the process for handling these so-called slow network complaints was often time consuming. For example, a problem that would take one person eight hours to track down manually can now be done in less than an hour with Xangati—that's \$50 vs. \$400 to solve one issue. And five customer complaints now cost \$250 vs. \$2,000 to identify. "Those numbers add up quickly," states Dominico. "Xangati is showing itself to be a powerful tool—it is driving Kerman to be even more responsive to customers and is giving us time to focus on providing and supporting the latest technology." 

***About the author:** David Messina is the vice president of marketing for Xangati. The company offers a rapid problem identification (RPI) solution that allows ILEC network managers to better understand their subscriber behaviors so they can proactively detect and control network- and application-related problems.*

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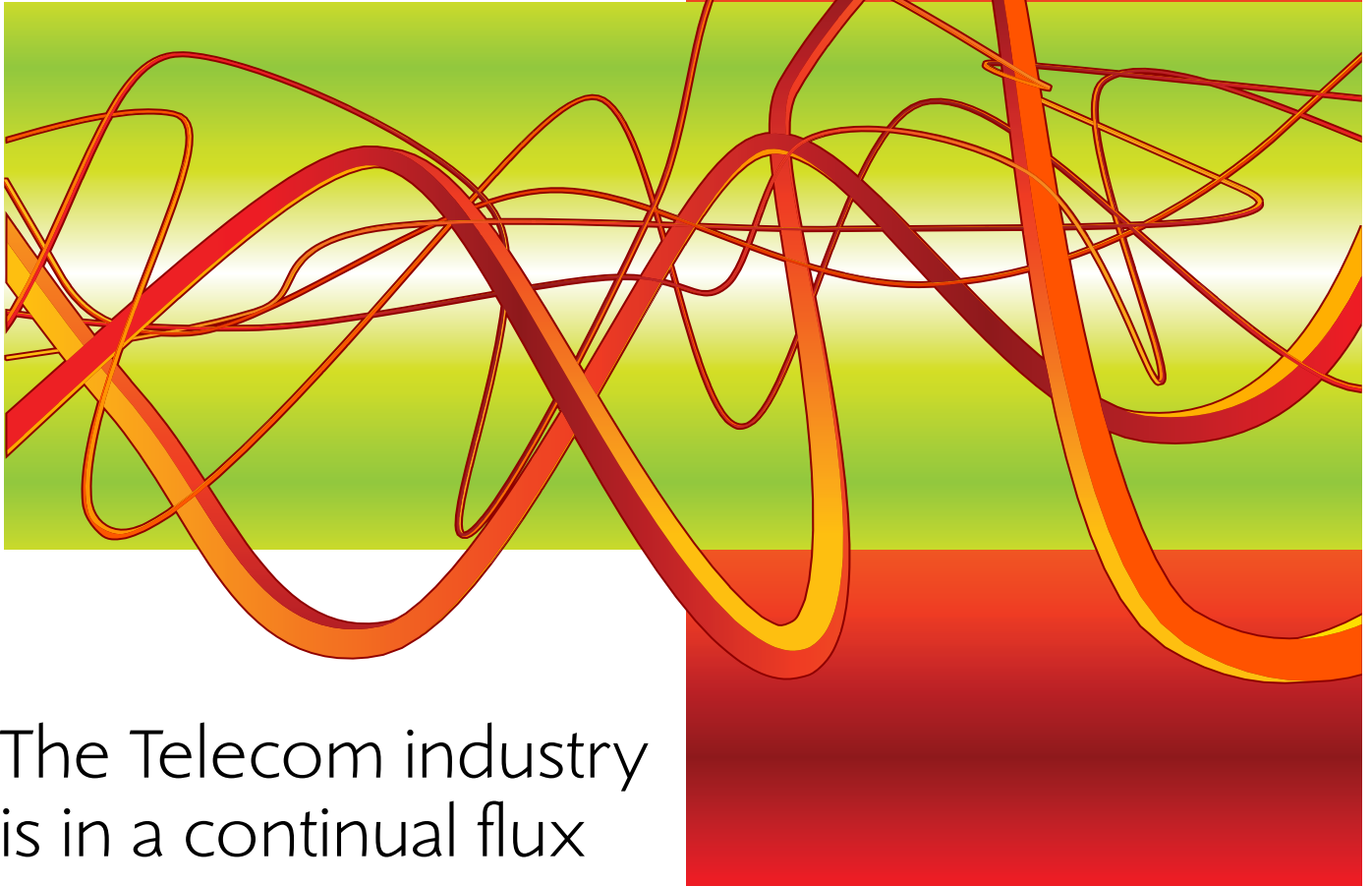


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# CalCom Update

by > Margaret Felts



## The Telecom industry is in a continual flux

The most important event this fall at CalCom was the sale of Global Valley Networks (GVN), one of our small company members, to Frontier Communications, a Citizens Communications company. Carla Reichelderfer, GVN President and a CalCom Board Member, left at the end of October just after the Public Utilities Commission (PUC) approved the acquisition. We wish her well and will certainly miss her energy and support of CalCom.

Proving that our industry is in continual flux, our summer activities wound up with the final version of the CalCom directory going to press just about the

time AT&T reorganized their San Francisco regulatory group, rendering their directory information out of date. In this reorganization, Jerry Flynn, another CalCom director and former CEO/COB, announced his retirement, effective late September. We wish him well and will miss his support and continuous efforts to resolve many big company – small company issues that had been unattended for several years.

The Board invited Aloa Stevens, Frontier Communications, back to the Board to serve out the GVN CalCom membership by representing the small companies. And AT&T appointed Bill Levine, Vice

*Meanwhile, the CalCom Legislative Committee led by Chairman Mikki Bako Sorensen, working in concert with our lobbyist Rina Venturini, Government Strategies, had a remarkably successful year. Successful is measured by no bills being passed that negatively impact our members.*

President, Legislative Affairs, to their permanent position on the CalCom Board of Directors.

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AB 1716, a Utilities & Commerce Committee Bill (Levine, Chairman), straightened out an important issue related to the California Teleconnect Fund administration. This bill amended the exception for "necessary small schools" to instead make it applicable to certain small school districts, as specified, and deleted the requirement that customers

eligible for the E-rate discount provide the commission with information necessary for the commission to determine the percentage of the E-rate discount to which the customer would be entitled. The bill changed references to "the" E-rate discount to "an" E-rate discount, and amended the definition of "E-rate discount" to authorize the commission to use an actual E-rate discount or a representative discount figure, as determined by the commission. These changes support the process cooperatively developed by PUC staff and industry last year.

The session began with several bills dealing with the issue of copper theft, which CalCom supported. But in the end, none passed. CalCom will be actively participating in the discussions and hopes to see something happen on this issue next session.

Other activities keeping us busy include following and supporting the PUC rate cases for three member companies, planning the 2008 Spring Conference and Tech Expo, and looking for new ways to support the roll out of service to the very rural areas of California that still have no phone service. CalCom also recently became a member of the State of California High Technology Crime Advisory Committee, as established by legislation, to act as the advisory board of the Office of Emergency Services. I look forward to this new challenge. ☐

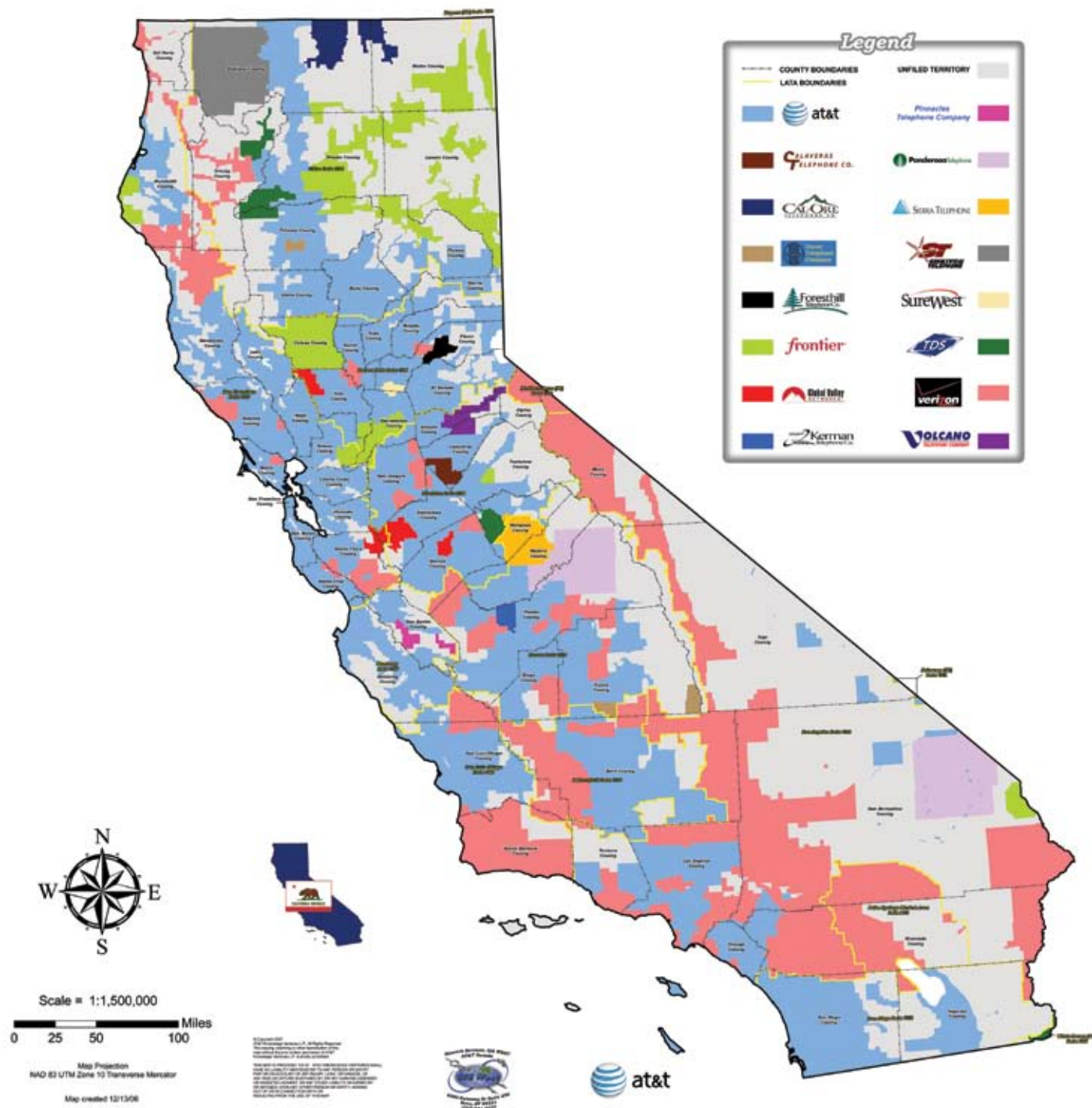
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