

Broadband USA Applications Database

Applicant Name: NEW EA, INC. FLOW MOBILE

Public Notice Submissions

-----**Service Area:** Flow Mobile-Louisville, Cass County, NE

Submitter: jagWIRELESS

Comment: To Whom It May Concern:

Hello, my name is Danny Olson and I am writing this on behalf of my employer, jagWIRELESS. jagWIRELESS specifically focuses on the delivery of broadband Internet services via wireless methods, using the unlicensed spectrums available from the FCC. Our organization has been in business for over 7 years and services the broadband needs of rural Southeastern Nebraska and Western Iowa. Through careful business management and investment we have built a network which now provides broadband services to nearly 1200 subscribers, in 2 states, 12 counties and from nearly 50 tower sites. In the areas we provide service we often compete with wired and other wireless service providers who may use license and license-exempt delivery methods. We differentiate our product through helpful technical support and quality customer service. We grow our business as customer demand drives our revenues and retract in areas of significant competition.

We recently discovered that NEW EA, INC. FLOW MOBILE has requested funds to build a network in Cass County Nebraska from the Broadband stimulus package. I wish to submit a dispute regarding the "underserved" designation of this area by NEW EA, INC. FLOW MOBILE. I will carefully detail the evidence to show that the funds request is without merit and will likely damage the ability of both or organization to provide quality services.

Submitter: Charter Communications

Comment: Charter Communications ('Charter'), a broadband service provider, has invested capital to provide a full range of Broadband services, including High Speed Internet services, in this service area. The applicant's request in the proposed under-served service area would create an overlap in Charter's

service area. Charter's response includes the necessary information to validate the overlapping condition as a result of this applicant's request.

Submitter: Windstream

Comment: Windstream's data strongly suggest that the proposed funded service area likely does not qualify as an underserved area. Windstream offers facilities-based, terrestrial broadband service (meeting the definition set forth in the Notice of Funds Availability) to some of the households in the proposed funded service area, and such households can readily subscribe to Windstream's broadband service upon request. Windstream also has reason to believe that competitive broadband offerings are available in exchanges overlapping the proposed funded service area. Given this information, agency officials should further investigate existing broadband offerings within the proposed funded service area, so that officials can be sure that the area, in fact, qualifies as underserved.

Windstream is a communications and entertainment company with more than 1 million broadband customers in 16 states. Investing more than \$200 million in broadband deployment over the last several years, Windstream now offers approximately 89% of its 3 million voice customers access to quality and affordable broadband service.

The agencies define an "underserved area" as follows: "Underserved area means a proposed funded service area, composed of one or more contiguous census blocks meeting certain criteria that measure the availability of broadband service and the level of advertised broadband speeds. These criteria conform to the two distinct components of the Broadband Infrastructure category of eligible projects- Last Mile and Middle Mile. Specifically, a proposed funded service area may qualify as underserved for last mile projects if at least one of the following factors is met, though the presumption will be that more than one factor is present: 1. No more than 50 percent of the households in the proposed funded service area have access to facilities-based, terrestrial broadband service at greater than the minimum broadband transmission speed (set forth in the definition of broadband above); 2. No fixed or mobile broadband service provider advertises broadband transmission speeds of at least three megabits per second ("mbps") downstream in the proposed funded service area; or 3. The rate of broadband subscribership for the proposed funded service area is 40 percent of households or less. A proposed funded service area may qualify as underserved for Middle Mile projects if one interconnection point terminates in a proposed funded service area that qualifies as unserved or underserved for Last Mile projects."

