

Broadband USA Applications Database

Applicant Name: Nex-Tech Wireless, LLC

Public Notice Submissions

-----**Service Area:** Cluster04

Submitter: Utopian Wireless Corporation

Comment: Proprietary data regarding actual service provider broadband penetration in the proposed service area for this application demonstrates the area is already served by broadband options and therefore this application is ineligible for funding pursuant to the requirements of the Broadband Initiatives Program (BIP) and Broadband Technologies Opportunities Program (BTOP).

-----**Service Area:** Cluster17

Submitter: The Tri-County Telephone Association, Inc.

Comment: The Tri-County Telephone Association, Inc. (TCT) has been providing high-quality communications services to rural Kansas for over 46 years. During this time, there has been much technological advancement, providing new services. TCT is committed to providing our customers with advanced, reliable communications service, regardless of where they live and work.

In 2001, TCT proved this commitment by making substantial investment in upgrading its core facilities including digital switches and a fiber fed network. This cutting-edge technology allowed TCT to offer advanced communication services, including broadband access to 100% of its service areas. TCT, in looking toward the future, has embarked on a Fiber-To-The-Home (FTTH) project that, by the time it is complete in 2013, will connect every home and business in its service areas to fiber-speed bandwidth.

TCT is a local company that anchors the communities it serves. It provides much-needed jobs, 24-7 customer service and local offices. TCT provides necessary broadband services to community anchor institutions including schools, libraries, local government offices and public safety agencies. It serves

from a local perspective because TCT's owners, who are also its customers, have a personal stake in the communities where they work and live.

Recently, TCT committed to further serve our customers by creating the TCT Community Development Initiative. This initiative supports infrastructures to attract new residents and businesses to TCT communities. TCT, one of the largest employers in the area, provides assistance in business development for both new and existing businesses. TCT will also acts as a liaison between local, state, and national economic development groups and contributes in local Community Development Groups.

Submitter: Allegiance Communications, LLC

Comment: Allegiance Communications (Allegiance) currently provides a wide array of broadband offerings within the proposed funded service area. Allegiance has offered broadband services in excess of the 3 MB bandwidth requirement as set forth in the ARRA, NOFA and BIP/BTOP guidelines, all prior to the ARRA approval. Allegiance's service area already provides for "sufficient access to broadband service to facilitate rural economic development", as well as allows for choice of service providers through competing with Local Exchange Carriers, and allows for leasing of services through our own facilities. Allegiance's opinion of the proposed funded service area is that of excess spending where funds could be better used in other portions of the country to deploy broadband service in accordance with the ARRA, NOFA and BIP/BTOP programs. Through funding the proposed service area, excessive competition will be created for all, which may create a short term economic boost, but have severe long term ramifications which may force service providers out of business.

Submitter: S&A Telephone Company

Comment: This grant proposes to bring wireless EVDO broadband internet service to large areas of east Kansas. There are a number of problems with this grant proposal.

First, the vast majority of the locations covered by this grant already have broadband today and this grant doesn't pay the slightest bit of attention to the grant rules. It characterizes the proposed service areas as underserved when, in fact, most of the homes, businesses and anchor institutions within this footprint are already served with broadband today. This grant seems to assume that rural automatically means unserved and underserved, when in fact most of the proposed service area already has broadband.

For example, this grant request proposes to completely cover a large portion of the service territory of S&A Telephone Company. S&A is an incumbent rural telephone company that has been serving this area

for over 80 years. S&A has been granted a franchised area to serve, and since it has been willing to serve a very poor and rural area also has been given a federal exemption against competition. Small rural areas like the one served by S&A need a barrier against competition to ensure that people in the area can continue to get service for the next century. S&A has kept rates low and has brought advanced services and broadband to this rural area when nobody else was willing to make investments in such an impoverished area.

The S&A service territory is 'served' today using the definitions of the NOFA since the company has 1) more than a 40% broadband penetration, and 2) advertises broadband speeds of 3 Mbps.

Our local knowledge of the area tells us that this grant also proposes to bring broadband to many areas where AT&T and other small telephone companies already provide broadband today.

This grant should be rejected in its entirety for not adhering to the grant guidelines for serving mostly unserved and underserved areas. We believe that the vast majority of residences and businesses covered by this proposed grant are already 'served' with broadband using the definitions defined in the NOFA. This grant seems to think that rural equates to 'underserved' and 'unserved' as defined in the NOFA. This is not the case and the county seats, other towns and most census designated areas within these 33 counties already have broadband today and are not eligible for grant funding. The NOFA allows using only a small portion of any grant to cover served areas, but this grant seeks to use grant money to bring broadband mostly to places that are defined as 'served' under the NOFA. Again, this grant request should be rejected.

The next problem we have with the grant is the nature of EVDO technology. In plain English, this is a technology that delivers broadband using cell phone frequencies. There are several characteristics of this technology that make this a difficult technology to use to get funding from these grants. First, signals from cell phone towers travel from horizon to horizon. This means that it is impossible to limit the coverage area and once a tower is in place, everything around it is going to get access to the cellular signal. Thus, the maps prepared to support this grant are fantasy in that they pretend that the cellular signal can be limited to certain areas. The coverage areas of this grant spill over to cover a much larger area than shown by these maps and Nex Tech is being deceptive with the map coverage shown.

Second, the broadband delivered by EVDO and 3G technology is aimed at providing broadband for cell phones. This is a very interesting technology, but this is not really broadband as is envisioned by the NOFA. The strength of a signal that can be received by a customer using EVDO decreases with the distance from the cell site, and this many customers in the proposed foot print would not be able to get the kinds of upload and download speeds as envisioned by the Congress when they created this grant process. The real purpose of this grant request is for Nex Tech Wireless to get money to help them expand their cellular network, so this is not so much about broadband as it is about expanding their existing voice business using free grant funds. Nex Tech Wireless says they are already profitable in building cellular networks and federal broadband dollars should not be used to expand what is essentially a voice business.

This grant should be rejected for all of the reasons listed. First, Nex Tech Wireless has not done their homework and they are proposing to bring broadband to areas that already have it. Second, their maps are deceptive in that this technology can go from horizon to horizon and is not limited by census block boundaries as is shown by their maps. Third, this technology does not bring real, permanent broadband as envisioned by the Congress when they established these grants. This seems to be more of a case of Nex Tech trying to expand their existing cellular business under the guise of expanding broadband. That is not what these grants were designed for.

Submitter: Moundridge Telephone Company

Comment: For the portion of this application that overlaps the Moundridge Telephone Company serving area, broadband of at least 768kbps downstream and 200kbps upstream is accessible to 100% of households and 100% of businesses. Additionally, Moundridge Telephone offers a 4Mbps downstream / 1 Mbps upstream service in this area. Lastly, Moundridge Telephone supplies broadband service to over 40% of the households in this area. Per the criteria defined for the stimulus program, this area is classified as served.

Submitter: TC Wireless

Comment: TC Wireless, Inc, along with its parent company The Tri-County Telephone Association, Inc., has been providing communications services to rural Kansas for over 46 years. TC Wireless was formed in 2004 specifically to provide wireless broadband services to communities that larger companies ignored. TC Wireless is a pioneer in providing high-quality services over the 700 Mhz wireless spectrum. It acquired its licenses at auction in 2002, taking a chance on the unproven spectrum. It began providing services in this band as soon as equipment was available. To meet the specific needs of the communities it serves, TC Wireless has expanded its offerings to include the 900 MHz and 2.4 MHz bands.

By utilizing an array of licensed and unlicensed spectrum, TC Wireless achieved a task five years ago that some still say today is not possible – bringing high speed Internet access to rural and remote areas. It did this, at considerable cost, because, as a local company, TC Wireless' owners, who are also its customers, have a personal stake in the communities where they work and live. As a result, TC Wireless is providing rural America with advanced, reliable communications service.

Submitter: KeyOn Communications

Comment: KeyOn Communications currently provides access at speeds of at least 768kbps downstream and at least 200kbps upstream to more than 50% of the homes in the designated area.

Submitter: Mercury Wireless, LLC

Comment: Mercury Wireless currently provides up to 3 mbps wireless Internet access to sections of the applicant's proposed service area.

-----**Service Area:** Cluster18

Submitter: The Tri-County Telephone Association, Inc.

Comment: The Tri-County Telephone Association, Inc. (TCT) has been providing high-quality communications services to rural Kansas for over 46 years. During this time, there has been much technological advancement, providing new services. TCT is committed to providing our customers with advanced, reliable communications service, regardless of where they live and work.

In 2001, TCT proved this commitment by making substantial investment in upgrading its core facilities including digital switches and a fiber fed network. This cutting-edge technology allowed TCT to offer advanced communication services, including broadband access to 100% of its service areas. TCT, in looking toward the future, has embarked on a Fiber-To-The-Home (FTTH) project that, by the time it is complete in 2013, will connect every home and business in its service areas to fiber-speed bandwidth.

TCT is a local company that anchors the communities it serves. It provides much-needed jobs, 24-7 customer service and local offices. TCT provides necessary broadband services to community anchor institutions including schools, libraries, local government offices and public safety agencies. It serves from a local perspective because TCT's owners, who are also its customers, have a personal stake in the communities where they work and live.

Recently, TCT committed to further serve our customers by creating the TCT Community Development Initiative. This initiative supports infrastructures to attract new residents and businesses to TCT

communities. TCT, one of the largest employers in the area, provides assistance in business development for both new and existing businesses. TCT will also acts as a liaison between local, state, and national economic development groups and contributes in local Community Development Groups.

Submitter: Twin Valley Communications, Inc.

Comment: Twin Valley Communications, Inc. (“TVC”) is a Competitive Local Exchange Carrier (“CLEC”) that has provided broadband Internet services in north-central Kansas for many years. TVC is operated under joint management with Twin Valley Telephone, Inc. (“TVT”), which has provided communications services in the area since 1947 and has participated in multiple RUS programs. With a state-of-the-art broadband network featuring fiber-to-the-premise (“FTTP”) and WiMax infrastructure via licensed 700 MHz spectrum, TVC has the ability to provide broadband services to 100% of the households and businesses within its 180 square mile service territory. In approximately two-thirds of its territory, TVC can provide broadband service at speeds of up to 100 mbps to every household with its FTTP architecture. In the remaining one third of its territory, TVC can provide broadband service at speeds up to 6 mbps. TVC competes in this market with two other broadband providers, who provide up to 3.0 mbps broadband access in Clay Center. TVC also provides broadband access outside of the city limits to 100% of the homes and businesses in its CLEC territory. With three competing broadband providers in the area, the rate of broadband subscribership is well in excess of 40%.

TVC does not believe that Nex-Tech Wireless, LLC’s (“Nex-Tech”) characterization of its proposed service area as underserved is accurate. Although TVC is not privy to any of the underlying data upon which Nex-Tech purports to demonstrate that the area is underserved, the information provided in this Response strongly suggests that the proposed service area is not underserved as that term is defined in the Notice of Funding Availability (“NOFA”) published in the July 9, 2009, Federal Register.

Submitter: Twin Valley Telephone, Inc.

Comment: Twin Valley Telephone, Inc. (“TVT”) is an Incumbent Local Exchange Carrier (“ILEC”) that has provided communications services in north-central Kansas since 1947 and has participated in multiple RUS programs. With a state-of-the-art broadband network featuring fiber-to-the-premises (“FTTP”) and ADSL2+ infrastructure, TVT has the ability to provide broadband services to 100% of the households and businesses within its 2400 square mile service territory. In approximately two-thirds of its territory, TVT can provide broadband service at speeds of up to 100 mbps to every household with its FTTP architecture. In the remaining one third of its territory, TVT can provide broadband service at speeds of

at least 8 mbps and up to 25 mbps. TVT's broadband service has been enthusiastically embraced by its customers, and its rate of broadband subscribership is well in excess of 40%.

TVT does not believe that Nex-Tech Wireless, LLC's ("Nex-Tech") characterization of its proposed service area as underserved is accurate. Although TVT is not privy to any of the underlying data upon which Nex-Tech purports to demonstrate that the area is underserved, the information provided in this Response strongly suggests that the proposed service area is not underserved as that term is defined in the Notice of Funding Availability ("NOFA") published in the July 9, 2009, Federal Register.

-----**Service Area:** Cluster05

Submitter: Utopian Wireless Corporation

Comment: Proprietary data regarding actual service provider broadband penetration in the proposed service area for this application demonstrates the area is already served by broadband options and therefore this application is ineligible for funding pursuant to the requirements of the Broadband Initiatives Program (BIP) and Broadband Technologies Opportunities Program (BTOP).

Submitter: LaHarpe Telephone Co., Inc.

Comment: LaHarpe Telephone Company, Inc has expended more than \$2,500,000 of a loan from USDA to construct a fiber to the premises in LaHarpe, KS and the surrounding rural area. The fiber to the premises build is complete and the citizens in the area have one of the most advanced systems in the nation with internet capability in the range of 100M/sec. Overbuilding with grant money could put repayment of our loan in jeopardy.

-----**Service Area:** Cluster08

Submitter: Utopian Wireless Corporation

Comment: Proprietary data regarding actual service provider broadband penetration in the proposed service area for this application demonstrates the area is already served by broadband options and

therefore this application is ineligible for funding pursuant to the requirements of the Broadband Initiatives Program (BIP) and Broadband Technologies Opportunities Program (BTOP).

-----**Service Area:** Cluster01

Submitter: Cable One, Inc.

Comment: Cable One, Inc. is a multi-system broadband provider operating in 19 states. Cable One offers residential broadband service with speeds up to 10 MB and customizable commercial solutions with flexible bandwidth offerings from 5Mbps to 1 Gbps. By November 1, 2009, the majority of Cable One systems will also be offering 12 Mb residential broadband service with a 20 MB boost. Cable One provides its subscribers with quality service offerings at competitive rates. Cable One expends substantial capital and resources to ensure that customers enjoy the latest technology and the highest standards of customer service, and has made its customers and its communities its first priority.

Please refer to our supporting documentation and comments that establish that Cable One already operates in census tract(s) encompassing or included in Applicant's Proposed Funded Service Area. The uploaded document includes maps showing census tracts and homes passed for each the applicable systems, current advertisements for residential and commercial broadband offerings, and subscriber data by census tract.

Cable one's current broadband service offerings are as follows:

Residential:

Economy, Speed (Down/up) - 1.5 Mb/150 kbps, Service Rate - \$20.00

Standard , Speed (Down/up) - 5 Mb/500 kbps, Service Rate - \$43.00

Premium, Speed (Down/up) - 10 Mb/1 Mb, Service Rate - \$53.00

Commercial:

Economy, Speed (Down/up) - 5 Mb/1.0 Mb, Service Rate - \$69.65

Standard, Speed (Down/up) - 10.0 Mb/1.0 Mb, Service Rate - \$85.95

Premium, Speed (Down/up) - 12.0 Mb/1.5 Mb, Service Rate - \$99.95

Ultra, Speed (Down/up) - 15.0 Mb/2.0 Mb, Service Rate - \$199.95

Enterprise Plus, Speed (Down/up) - 20.0 Mb/2.5 Mb, Service Rate - \$299.95

Discounted bundles and promotional pricing are also available.

Submitter: Utopian Wireless Corporation

Comment: Proprietary data regarding actual service provider broadband penetration in the proposed service area for this application demonstrates the area is already served by broadband options and therefore this application is ineligible for funding pursuant to the requirements of the Broadband Initiatives Program (BIP) and Broadband Technologies Opportunities Program (BTOP).

Submitter: Columbus Telephone Co.

Comment: Columbus Telephone Co. is a 100% fiber optic company, serving its certified area with fiber to the premise at synchronous speeds up to 16 megabits per second. Columbus has the installed capacity, at the premise, to deliver 100 megabits per second to the premise.

-----**Service Area:** Cluster06

Submitter: Utopian Wireless Corporation

Comment: Proprietary data regarding actual service provider broadband penetration in the proposed service area for this application demonstrates the area is already served by broadband options and therefore this application is ineligible for funding pursuant to the requirements of the Broadband Initiatives Program (BIP) and Broadband Technologies Opportunities Program (BTOP).

Submitter: LaHarpe Telephone Co., Inc.

Comment: LaHarpe Telephone Company, Inc has expended more than \$2,500,000 of a loan from USDA to construct a fiber to the premises in LaHarpe, KS and the surrounding rural area. The fiber to the premises build is complete and the citizens in the area have one of the most advanced systems in the nation with internet capability in the range of 100M/sec. Overbuilding with grant money could put repayment of our loan in jeopardy.

-----**Service Area:** Cluster19

Submitter: Wamego Telecommunications Co, Inc.

Comment: Wamego Telecommunications Company, Inc., provides Broadband service speeds up to 3.0Mb/s to all households and businesses within our local exchange area of service as shown on our service area map. This area is NOT an "underserved" area as defined by the federal government.

Submitter: Sunflower Broadband

Comment: Sunflower Broadband is commenting to the stimulus application of Nex-Tech Wireless, LLC for the proposed funded service area identified in the application as "Cluster 19". Within the proposed service area, Sunflower Broadband provides broadband services that meet and exceed the speeds defined in the NOFA. Sunflower Broadband's full facilities-based broadband service is provided through an HFC network. The current functionality and future capability exceeds the technology proposed by Nex-Tech Wireless, LLC. Sunflower Broadband is also providing wireless service in portions of the proposed service area of "Cluster 19". Because the wireless product has been available for 4 years, Sunflower Broadband has experience with the topographic challenges as there are areas where terrain is not conducive to a wireless option and in our experience at least 50% of homes in the area cannot be reached with a wireless option. In addition to Sunflower Broadband, there are at least two other existing wireless Internet options in the proposed service area.

-----**Service Area:** Cluster16

Submitter: The Tri-County Telephone Association, Inc.

Comment: The Tri-County Telephone Association, Inc. (TCT) has been providing high-quality communications services to rural Kansas for over 46 years. During this time, there has been much technological advancement, providing new services. TCT is committed to providing our customers with advanced, reliable communications service, regardless of where they live and work.

In 2001, TCT proved this commitment by making substantial investment in upgrading its core facilities including digital switches and a fiber fed network. This cutting-edge technology allowed TCT to offer advanced communication services, including broadband access to 100% of its service areas. TCT, in looking toward the future, has embarked on a Fiber-To-The-Home (FTTH) project that, by the time it is complete in 2013, will connect every home and business in its service areas to fiber-speed bandwidth.

TCT is a local company that anchors the communities it serves. It provides much-needed jobs, 24-7 customer service and local offices. TCT provides necessary broadband services to community anchor institutions including schools, libraries, local government offices and public safety agencies. It serves from a local perspective because TCT's owners, who are also its customers, have a personal stake in the communities where they work and live.

Recently, TCT committed to further serve our customers by creating the TCT Community Development Initiative. This initiative supports infrastructures to attract new residents and businesses to TCT communities. TCT, one of the largest employers in the area, provides assistance in business development for both new and existing businesses. TCT will also acts as a liaison between local, state, and national economic development groups and contributes in local Community Development Groups.

Submitter: KeyOn Communications

Comment: KeyOn Communications currently provides access at speeds of at least 768kbps downstream and at least 200kbps upstream to more than 50% of the homes in the designated area.