

Broadband USA Applications Database

Applicant Name: N-1 Communications, LLC

Public Notice Submissions

-----**Service Area:** Topeka KS - Lyon County

Submitter: S&A Telephone Company

Comment: This grant proposes to bring wireless broadband internet service to '2200 miles of underserved and lightly served' areas of Kansas. There are a number of problems with this grant and it should be rejected in its entirety.

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 these areas as underserved and 'lightly served' when in fact, most of the homes, businesses and anchor institutions within this footprint are already served with broadband today. There is no category called 'lightly served' under these grant rules and areas either have broadband today (meaning served) or they do not. This grant seems to believe 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 part of the service territory of S&A Telephone Company. The cluster of census blocks labeled as Lyon County cover a significant portion of S&A's service territory. 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 that this grant wants to serve is already 'served' today using the definitions of the NOFA since S&A 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.

Further, the census block cluster labeled as Osage County comes right to the border of S&A. S&A's concern with this portion of the grant proposal is that a wireless transmission knows no arbitrary boundaries like the boundaries of the telephone company. Once a company like N-1 Networks puts a tower outside of S&A the signal is going to cover our territory. We want to plead that any wireless grant given to N-1 Networks be prohibited from using facilities funded by federal dollars to serve areas that are already 'served' today. The N-1 Networks physical network will include towers and other infrastructure that will be subsidized by the grants and these subsidized assets should not be allowed to gain customers in areas that are 'served'. N-1 Networks should be required to stick to the service areas as defined by their grant maps and should be permanently prohibited from using these assets to go after customers outside of those maps. Otherwise, the NOFA rules for targeting money to serve unserved and underserved areas will have no meaning.

Next, this grant says that it is 'mostly rural'. Under the grant rules as established by the NOFA a grant is either rural or it is not. Since this grant proposes to serve areas around Topeka, the entire grant has to be categorized as non-rural and should be rejected on that basis alone.

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 'served' with broadband using the definitions defined in the NOFA. This grant seems to assume 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 the proposed service area already have broadband today and are not eligible for grant funding. Even many of the rural areas such as that covered by S&A have complete broadband coverage today. 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.

-----**Service Area:** Topeka KS - Osage County

Submitter: S&A Telephone Company

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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:** Topeka KS - Wabaunsee County

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: 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: TC Wireless, Inc

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.

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Submitter: Mercury Wireless, LLC

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-----**Service Area:** Topeka KS - Douglas County

Submitter: Mercury Wireless, LLC

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-----**Service Area:** Topeka KS - Jefferson County

Submitter: sci cable inc

Comment: Service area is last mile underground construction HFC with 1 gig bandwidth. Service consists of Broadcast cable,Basic cable,expanded cable,digital cable,(all video) HIGH SPEED DATA consists of 5 levels of service,entry level(A) is 2.0 meg/368K, (B) 4.0 meg/512K,(C) 6.0 Meg./768 (D)10.0 meg/1.0 meg (E) 15.0 meg/1.0 meg. * VOIP telephony consists of; unlimited national service *(launches 12-1-09) Data service as low as 19.95 for 2.0 meg/368, free modem and professional installation.

-----**Service Area:** Topeka KS - Shawnee County

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:** Topeka KS - Pottawatomie County

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.