

Broadband USA Applications Database

Applicant Name: NE Colorado Cellular, Inc., d/b/a Viaero Wireless

Public Notice Submissions

-----**Service Area:** Dawes County, NE

Submitter: Mobius Communications Company

Comment: Mobius Communications Company (Mobius) is a pioneer, providing Internet service in the Nebraska Panhandle since 1996 and broadband service since 1999. We were among the first in the area to provide broadband service to rural Americans, with 100% of the customers in our service areas capable of receiving this advanced service. We are proud of our service to our communities including some of the most remote areas in the Nebraska Panhandle as well as community anchor institutions including public safety agencies, schools, libraries and healthcare providers. As a community-based company, we provide much-needed jobs, 24-7 customer support and local offices for our customers' convenience in Alliance, Gering, and Hemingford, Nebraska.

Submitter: Hemingford Coop Telephone Co. dba Mobius Comm Co.

Comment: The Hemingford Cooperative Telephone Company (HCTC) was established in 1931 and has been serving customers in these remote and rural communities for over 78 years. Our company, d.b.a. Mobius Communications Company, was among the first in the area to provide broadband service to rural Americans. HCTC began providing Internet service in 1996 and broadband service in 1999. We currently provide high quality, high speed broadband throughout the Nebraska Panhandle and surrounding areas. Broadband service is available to 100% of the homes and businesses in HCTC's service areas. We are rightly proud of our service to our communities including some of the most remote areas in the Nebraska Panhandle. HCTC provides broadband service to community anchor institutions including public safety agencies, schools, libraries and healthcare providers. We are a community-based company and our customers are also our owners. We employ 26 members and offer three local offices for our customers' convenience in Alliance, Gering and Hemingford, Nebraska.

-----**Service Area:** Buffalo County, NE

Submitter: ATCJet.net LLC

Comment: ATCJet.net, LLC provides high speed broadband internet service to its service territory with download speeds ranging from 1 Mbps up to 7 Mbps; and upload speeds from 256 kbps up to 768 kbps. ATCJet.net, LLC does not charge an installation fee and monthly pricing plans begin at an affordable rate of \$29.95. ATCJet.net, LLC is capable of offering broadband service to all the households in its service territory.

Submitter: Citizens Telecommunications Company of Nebraska

Comment: A portion of the applicant's territory is already served by the respondent. 3MG speed or higher is available and advertised.

Submitter: Nebraska Central Telephone Co.

Comment: The respondent (Nebraska Central Telephone Company) is a Local Exchange Carrier (Common Carrier) that offers facilities-based, terrestrial Broadband (high speed) Internet access service in the overlap area of the PFSA.

The respondent's overlap area of applicant's PFSA contains 2,334 households. Respondent provides Broadband Internet access service (as defined in the NOFA) exceeding 768K downstream and 200K upstream speeds to 100% of the households and businesses in its response polygon. Therefore, the PFSA does not qualify as "underserved" based on the availability criterion.

In response to the PFSA, respondent's advertising copy has been uploaded showing the availability and advertising of service tiers of Broadband speeds up to 5MB downstream and 1 MB upstream, so the PFSA does not qualify as underserved based on the 3Mbps criterion.

The third qualifying criterion for underserved areas requires the use of company specific market data, and is addressed in the Proprietary Comments section.

Submitter: Hamilton.net, Inc.

Comment: Hamilton.net just began offering unmetered broadband services using 3G 1XEVD0/Rev A in this location. Our brand name for this service is "GMAX". This service is configured as a data only solution and is intended to offer a competitive alternative to DSL and cable modem service

-----**Service Area:** Nuckolls County, NE

Submitter: Glenwood Telecommunications Inc.

Comment: Glenwood Telecommunications has been providing state-of-the-art telecommunication services in this area including High Speed Internet for over 8 years.

Submitter: Windstream

Comment: Windstream's data strongly suggest that the proposed funded service area likely does not qualify as an unserved area. Windstream offers facilities-based, terrestrial broadband service at advertised speeds of greater than 768 kbps downstream and 200 kbps upstream to some of the households within 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 unserved.

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 "unserved area" as follows: "Unserved area means a proposed funded service area, composed of one or more contiguous census blocks, where at least 90 percent of households in the proposed funded service area lack access to facilities-based, terrestrial broadband service, either fixed or mobile, at the minimum broadband transmission speed (set forth in the definition of broadband above). A household has access to broadband service if the household can readily subscribe to that service upon request."

Submitter: Glenwood Telephone Membership Corporation

Comment: Glenwood Telephone has been providing state-of-the-art telecommunication services to this area since 1957 and High Speed Internet for over 8 years.

-----**Service Area:** Logan County, NE

Submitter: Consolidated Companies Inc.

Comment: Consolidated Companies is the parent company of four rural local exchange carriers providing telephone and broadband service to many of the PFSA's for which Viaero applied for broadband funding. Consolidated Companies' response polygon has been input to the mapping tool. One hundred percent of the households within the response polygon have access to broadband as defined in the NOFA. One hundred percent of the customers to which Consolidated provides landline telephone service within the PFSA are broadband capable.

Submitter: Great Plains Communications, Inc.

Comment: NE Colorado Cellular, Inc. d/b/a Viaero Wireless (Viaero) has applied for broadband funding for 74 proposed funded service areas (PFSA's) throughout Nebraska. Great Plains Communications, Inc. (GPC) provides broadband service in 27 of those PFSA's. This specific response relates to the PFSA that Viaero proposes that encompasses most of Logan County, NE. For the reasons set forth herein, the Logan County PFSA should not be considered unserved or underserved. Viaero claims that 384 of the housing units are underserved.

GPC provides facilities-based terrestrial broadband service in portions of the Logan County PFSA as can be seen in GPC's "overlay" map. Specifically, GPC provides broadband service availability (per the definition in the NOFA) to 203 residential and business locations, a population of 425.

Of the 384 units that Viaero designates as unserved or underserved, 52.9% of those have broadband service available from GPC -- i.e., these locations are served.

The GPC customers in the PFSA subscribe to the broadband services offered by GPC, and GPC advertises a broadband service with transmission speeds of at least 3 Mbps downstream within the Logan County PFSA.

The Viaero application, based on its map and redacted Executive Summary proposes an extensive wireless-based solution relying on High Speed Packet Access (HSPA) technology. Viaero's claim of 21 Mbps with HSPA is grossly exaggerated since the current HSPA standard limits the speed to 14 Mbps. Even the 14 Mbps would not be ubiquitously available across the broad expanses proposed by Viaero. HSPA is hardly a proven technology, particularly in rural areas, and it is unlikely that it would provide comprehensive broadband service to the 571 square miles identified in the Logan County PFSA.

HSPA wireless is not only an extremely expensive technology to deploy with its dependence on large numbers of tower sites; but in addition, it suffers from the inherent technical limitations of any spectrum-based technology. It is inappropriate that scarce stimulus program resources would possibly be utilized for deployment of such an expensive and undeveloped technology in rural areas where another facilities-based service exists at a significant level of availability. In rural areas, such as those comprised in much of the Viaero application, the greater distance a customer is from a tower, the less likely that claimed speeds are attained. All wireless technologies, HSPA included are terrain-limited, with hills greatly reducing the distances in which service is available. Also, unlike fiber, engineering experts agree that wireless is not expected to be a good platform for video services due to limited bandwidth and external influences.

It is noteworthy that the Governor of Colorado has chosen to recommend the entire Viaero application – totaling over \$156,000,000 in grants and loans - for stimulus funding when almost 70% of the PFSA's identified in Viaero's application are in Nebraska with the Nebraska area being significantly greater than the area in Colorado. Nebraska Governor Dave Heineman also studied broadband applications that proposed to provide benefits to the state of Nebraska. Governor Heineman released his recommendations to NTIA and RUS and chose not to recommend Viaero's application. Governor Heineman is likely aware that Viaero already benefits from the dedicated Nebraska Universal Service Tower Building fund. Viaero was granted \$5,000,000 from that fund on October 20, 2009 as well as funds last year.

Finally, Viaero claims that funding its project will ultimately create "...between 12,054 and 18,066 jobs within five years." This relies not only on unsubstantiated assumptions but also on the multiplier effect of indirect and induced jobs – effects that are widely disputed among economists.

Granting Viaero's application constitutes an inefficient and redundant use of funds. Viaero's claims are unsubstantiated. Therefore, its application should be rejected.

-----**Service Area:** Weld County, CO

Submitter: Roggen Telephone Enterprises, Inc.

Comment: Roggen Telephone Cooperative Company and its affiliate Roggen Telephone Enterprises, Inc. (RTE) has been providing high-quality communications services to the residents of rural communities of northeastern Colorado for 75 years. It was one of the first providers in this remote area to offer broadband services seven years ago. Building on its reputation for providing cutting-edge technologies to service areas that other larger providers ignore, RTE provides broadband services at speeds up to 3 Mbps to 100% of its service areas. RTE also provides service to rural neighboring communities within a 1200 square mile radius.

RTE is a local company that helps anchor the communities it serves. It provides much-needed jobs, 24-7 customer service, technical support, and local offices. RTE provides needed broadband services to community anchor institutions including schools, local and state government offices and public safety agencies. Due to the geographical remoteness of the areas where RTE serves, academic studies, both at the secondary and university levels, are often online. Many of RTE's customers rely on its broadband service, as well as its computer service and sales, for educational purposes.

RTE, along with its parent company, strives to provide superior communications services to our customers and communities. We look forward to a future, based on our past performance, of innovation and a commitment to excellence. We serve our customers with pride and respect, and, among our employees, have formed an enthusiastic team with the skills, abilities, and dedication that make a positive difference in the communities we serve. Our customers rely on us to be a leader in the industry, providing a bridge to their communications future.

Submitter: Nunn Telephone Company

Comment: Nunn Telephone Company currently provides broadband services to a portion of the applicant's proposed service territory. In particular portions of Weld County north of County Rd 94 and west of County Rd 47 are currently served by Nunn Telephone Company, delivering up to 3 Mbps downstream internet via DSL technology.

Submitter: Wiggins Telephone

Comment: Wiggins Telephone Association has an existing RUS approved in 2008 construction project design and \$29.7 million loan in place to provide broadband access throughout the entire service area with Fiber to the Home. Portions of the Colorado counties of Adams, Logan, Morgan and Weld are included in the Wiggins Telephone Association service area.

Copper fed DSL is available in the Briggsdale, Grover and New Raymer communities subject to a limit of 18,000 feet from the central office pending construction of FTTH facilities. Additional construction is to be completed by the end of 2011 providing broadband access to all subscribers throughout the Wiggins Telephone Association service areas. All bandwidth packages offered to all areas are at FCC minimum (768 Kbps) and above.

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband

footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

Submitter: Qwest

Comment: As authorized by the BIP and BTOP Notice of Funds Availability and the Public Notice associated with the publication of BIP and BTOP broadband infrastructure project funding applications found on the BroadbandUSA.gov website, Qwest responds with broadband service data to the

application of NE Colorado Cellular, Inc., d/b/a/ Viaero Wireless, Weld 1 for funding for an area represented as “unserved” that is located, in whole or in part, in Qwest’s broadband service area.

-----**Service Area:** Cheyenne County, CO

Submitter: CenturyLink

Comment: CenturyLink has an extensive broadband footprint today, and has committed to extend that service even further. As part of its merger commitments to the Federal Communications Commission, CenturyLink committed to offer retail broadband Internet access service to 100% of its broadband eligible access lines by July 1, 2012. Consequently, virtually no areas served by CenturyTel or Embarq local operating companies, in any state, will be underserved or unserved at the end of three years.

CenturyLink also agreed to meet targets for minimum download speeds. CenturyLink will ensure availability of retail broadband Internet access service with a download speed of 1.5 Mbps to 87% of the broadband eligible access lines by July 1, 2011. It will ensure availability with a download speed of 3 Mbps to 75% of broadband eligible access lines by July 1, 2010, to 78% of broadband eligible lines by July 1, 2011, and to 80% of broadband eligible lines within 3 years of the close date. Nationwide, our average tele-density is 23 customers per square mile. This commitment ensures availability of broadband even to very rural consumers.

The agency should consider the importance of this commitment, as CenturyLink’s continuing investment inevitably will make applications that overlap CenturyLink service areas less viable. CenturyLink has proven, industry-leading experience in deploying broadband networks and services using both wireline and wireless technology, and a strong commitment and focus on rural areas. Today, it serves 7 million access lines and 2.1 million broadband customers in 33 states.

-----**Service Area:** Greeley County, NE

Submitter: Nebraska Central Telephone Co.

Comment: The respondent (Nebraska Central Telephone Company) is a Local Exchange Carrier (Common Carrier) that offers facilities-based, terrestrial Broadband (high speed) Internet access service in the overlap area of the PFSA.

The respondent's overlap area of applicant's PFSA contains 269 households. Respondent provides Broadband Internet access service (as defined in the NOFA) exceeding 768K downstream and 200K upstream speeds to 100% of the households and businesses in its response polygon. Therefore, the PFSA does not qualify as "underserved" based on the availability criterion.

In response to the PFSA, respondent's advertising copy has been uploaded showing the availability and advertising of service tiers of Broadband speeds up to 5MB downstream and 1 MB upstream, so the PFSA does not qualify as underserved based on the 3Mbps criterion.

The third qualifying criterion for underserved areas requires the use of company specific market data, and is addressed in the Proprietary Comments section.

Submitter: Great Plains Communications, Inc.

Comment: NE Colorado Cellular, Inc. d/b/a Viaero Wireless (Viaero) has applied for broadband funding for 74 proposed funded service areas (PFSAs) throughout Nebraska. Great Plains Communications, Inc. (GPC) provides broadband service in 27 of those PFSAs. This specific response relates to the PFSA that Viaero proposes that encompasses most of Greeley County, NE. For the reasons set forth herein, the Greeley County PFSA should not be considered unserved or underserved. Viaero claims that 1,198 of the housing units are underserved.

GPC provides facilities-based terrestrial broadband service in portions of the Greeley County PFSA as can be seen in GPC's "overlay" map. Specifically, GPC provides broadband service availability (per the definition in the NOFA) to 514 residential and business locations, a population of 1,183.

Of the 1,198 units that Viaero designates as underserved, 42.9% of those have broadband service available from GPC -- i.e., these locations are served.

There are other broadband providers serving some portion of the Greeley County PFSA – these other broadband providers include Nebraska Central and Frontier. In addition, it appears that Verizon Wireless may have coverage in Greeley County. This can be ascertained by entering a selected zip code from the Viaero Greeley County PFSA into the Verizon Wireless coverage locator at www.verizonwireless.com. Thus, once one takes into account GPC and all of the other facilities-based providers offering terrestrial broadband service within the Viaero Greeley County PFSA, it is highly likely that more than 50% of the households in that PFSA have access to facilities-based terrestrial broadband services (as such services are defined in the NOFA) -- meaning that it would not qualify as “underserved” based upon the availability criterion.

Moreover, as discussed elsewhere herein, the Viaero Greeley County PFSA likely fails to satisfy any other criteria that would qualify the PFSA as underserved (assuming it even asserted any other basis than availability as the justification for its underserved claim). Specifically, as described further herein, the GPC customers in the PFSA subscribe to the broadband services offered by GPC, and GPC advertises a broadband service with transmission speeds of at least 3 Mbps downstream within the Greeley County PFSA. This is also likely the case for the other broadband providers in Greeley County.

The Viaero application, based on its map and redacted Executive Summary proposes an extensive wireless-based solution relying on High Speed Packet Access (HSPA) technology. Viaero’s claim of 21 Mbps with HSPA is grossly exaggerated since the current HSPA standard limits the speed to 14 Mbps. Even the 14 Mbps would not be ubiquitously available across the broad expanses proposed by Viaero. HSPA is hardly a proven technology, particularly in rural areas, and it is unlikely that it would provide comprehensive broadband service to the 561 square miles identified in the Greeley County PFSA. This is beyond the fact that this area is already significantly served by a number of facilities-based providers as noted above.

HSPA wireless is not only an extremely expensive technology to deploy with its dependence on large numbers of tower sites; but in addition, it suffers from the inherent technical limitations of any spectrum-based technology. It is inappropriate that scarce stimulus program resources would possibly be utilized for deployment of such an expensive and undeveloped technology in rural areas where another facilities-based service exists at a significant level of availability. In rural areas, such as those comprised in much of the Viaero application, the greater distance a customer is from a tower, the less likely that claimed speeds are attained. All wireless technologies, HSPA included are terrain-limited, with hills greatly reducing the distances in which service is available. Also, unlike fiber, engineering experts agree that wireless is not expected to be a good platform for video services due to limited bandwidth and external influences.

It is noteworthy that the Governor of Colorado has chosen to recommend the entire Viaero application – totaling over \$156,000,000 in grants and loans - for stimulus funding when almost 70% of the PFSA's identified in Viaero's application are in Nebraska with the Nebraska area being significantly greater than the area in Colorado. Nebraska Governor Dave Heineman also studied broadband applications that proposed to provide benefits to the state of Nebraska. Governor Heineman released his recommendations to NTIA and RUS and chose not to recommend Viaero's application. Governor Heineman is likely aware that Viaero already benefits from the dedicated Nebraska Universal Service Tower Building fund. Viaero was granted \$5,000,000 from that fund on October 20, 2009 as well as funds last year.

Finally, Viaero claims that funding its project will ultimately create "...between 12,054 and 18,066 jobs within five years." This relies not only on unsubstantiated assumptions but also on the multiplier effect of indirect and induced jobs – effects that are widely disputed among economists.

Granting Viaero's application constitutes an inefficient and redundant use of funds. Viaero's claims are unsubstantiated. Therefore, its application should be rejected.

Submitter: Hamilton.net, Inc.

Comment: Hamilton.net just began offering unmetered broadband services using 3G 1XEVD0/Rev A in this location from two cell locations. Our brand name for this service is "GMAX". This service is configured as a data only solution and is intended to offer a competitive alternative to DSL and cable modem service.

-----**Service Area:** Baca County, CO

Submitter: CenturyLink

Comment: CenturyLink has an extensive broadband footprint today, and has committed to extend that service even further. As part of its merger commitments to the Federal Communications Commission, CenturyLink committed to offer retail broadband Internet access service to 100% of its broadband eligible access lines by July 1, 2012. Consequently, virtually no areas served by CenturyTel or Embarq local operating companies, in any state, will be underserved or unserved at the end of three years.

CenturyLink also agreed to meet targets for minimum download speeds. CenturyLink will ensure availability of retail broadband Internet access service with a download speed of 1.5 Mbps to 87% of the broadband eligible access lines by July 1, 2011. It will ensure availability with a download speed of 3 Mbps to 75% of broadband eligible access lines by July 1, 2010, to 78% of broadband eligible lines by July 1, 2011, and to 80% of broadband eligible lines within 3 years of the close date. Nationwide, our average tele-density is 23 customers per square mile. This commitment ensures availability of broadband even to very rural consumers.

The agency should consider the importance of this commitment, as CenturyLink's continuing investment inevitably will make applications that overlap CenturyLink service areas less viable. CenturyLink has proven, industry-leading experience in deploying broadband networks and services using both wireline and wireless technology, and a strong commitment and focus on rural areas. Today, it serves 7 million access lines and 2.1 million broadband customers in 33 states.

Submitter: Rye Telephone Company

Comment: Rye Telephone Company (RTC) has been providing high-quality communications services in the remote and rural communities of Rye, Colorado City and Kim, Colorado for 50 years. RTC has been offering broadband services since 2002 and can offer speeds up to 5 Mbps within its service areas.

In keeping with its long tradition of providing cutting-edge technologies, RTC utilizes a variety of broadband technologies, each tailored to specific local needs and geographical challenges. At considerable investment, RTC deployed a Fiber-to-the-Premise (FTTP) platform to serve the vast majority of its service areas.

RTC is a local company that helps anchor the communities it serves. It provides much-needed jobs, 24-7 customer service and local offices. Because of RTC's advanced network, important community anchor institutions including local and state government, public safety agencies, healthcare facilities, schools and libraries now have broadband services. Due to RTC's entrepreneurial spirit, its dedication to its customers and through a substantial investment in advanced network facilities, these rural southern Colorado communities enjoy the same level of service as offered in metropolitan areas.

-----**Service Area:** Dixon County, NE

Submitter: American Broadband cable TV (modem) and wireless

Comment: HunTel CableVision is an incumbent cable television provider with municipal franchise authority to offer cable television service in 20 communities in northeast Nebraska. HunTel Cablevision offers broadband internet and data services utilizing cable modem (within municipal franchise boundaries) and high speed wireless technologies in rural areas that extend beyond the municipal boundaries of its franchised cable television serving areas. HunTel Cablevision is also classified as a competitive local exchange carrier (CLEC), and is designated by the Nebraska Public Service Commission (PSC) as an eligible telecommunications carrier (ETC) for purposes of receiving Federal Universal Service Support (FUSF). HunTel CableVision offers broadband services at speeds that meet and exceed the minimum download (768 Kbps) and upload (200 Kbps) speeds defined in the NOFA. HunTel CableVision does business as (dba) American Broadband in Nebraska. This specific response is from the perspective of the cable modem and wireless broadband services that are offered in an area of overlap with the Viaero Last Mile Stimulus Application in Dixon County, Nebraska. HunTel CableVision (dba American Broadband) advertises broadband service alternatives that meet and exceed minimum download and upload speeds defined in the NOFA.

HunTel CableVision enjoys broadband penetration rates that exceed 40% of households in many of census blocks contained within its serving areas, and this does not count/include the penetration of Qwest, which is the ILEC in communities where HunTel CableVision operates as a CLEC, or other broadband competitors that operate in the service area that Viaero has applied for.

The Viaero application overlaps with 120 census blocks in which HunTel CableVision offers cable modem and wireless broadband services. In these 120 census blocks, HunTel CableVision provides broadband service to 49 residential customers and 5 business customers. These subscriber counts do not include the number of residences served by Qwest and other broadband competitors. Thus, the overlap area in the Viaero application is not unserved and it is not underserved. Furthermore, HunTel CableVision offers its broadband services at speeds that exceed the NOFA minimums and exceed 3 Mbps, and HunTel CableVision (doing business as American Broadband) advertises speeds that exceed 3 Mbps.

The Viaero stimulus application for Dixon County should be rejected for several reasons, which include but are not limited to:

1. Viaero applied for Stimulus dollars in areas (Census Blocks) that are not unserved or underserved.

2. The Viaero application is overly broad because it did not seek to perform validations of broadband penetration rates at the Census Block level, whereas HunTel CableVision currently provides, advertises, and tracks broadband penetration to the Census Block level within its designated serving areas.
3. Broadband stimulus dollars should not be directed to areas that do not meet the definitions of unserved or underserved territory.
4. Viaero proposes a wireless technology solution. Only Fiber-to-the-Premise solutions offer a long term future-proof solution for meeting the challenge of a rapidly increasing definition of minimum download and upload speeds. Viaero is only one of several wireless providers within the geography applied for that already offer data services over their wireless networks (Verizon, AllTel, Viaero, etc.)
5. Viaero's application overlaps with the designated service areas of HunTel CableVision. It is not apparent that Viaero has addressed the challenge of its application's ability to be economically sustainable in areas that lack population density, and are already populated with multiple providers.
6. Beyond initial network deployment, wireless infrastructure solutions have not demonstrated the ability to create sustained employment opportunities within the immediate service area. This is contrasted by the fact that HunTel CableVision has a resident work force, located within its designated serving areas in Eastern Nebraska, and it has a history of sustained employment.

Submitter: Northeast Nebraska Telephone Company

Comment: Northeast Nebraska Telephone Company (NNTC) is filing this response to the NE Colorado Cellular, Inc., d/b/a Viaero Wireless, (Applicant) Application because we are of the belief that this Application misrepresents the availability of Broadband service (786k downstream/200k upstream) within the area that the Applicant's proposed funded service area (PFSA) overlaps NNTC's service area.

NNTC was organized as a cooperative in 1955 and is owned by its customer/members.

NNTC is presently a borrower with the Rural Utilities Service and has been since 1955.

Within the PFSA overlap NNTC's buried fiber optics cable to the node (FTTN) network provides access to Broadband services to 100% of the residential households and businesses, NNTC advertises Broadband

service of 3 Megabits and greater to 100% of the residential households and businesses, and NNTC has a rate of Broadband subscribership that is greater than 40%.

Applicant's request for funds to build another Broadband capable network, if granted, will be a duplication of investment, duplication of an existing FTTN Broadband capable network, and divert funding that could be available for unserved areas.

-----**Service Area:** Bent County, CO

Submitter: CenturyLink

Comment: CenturyLink has an extensive broadband footprint today, and has committed to extend that service even further. As part of its merger commitments to the Federal Communications Commission, CenturyLink committed to offer retail broadband Internet access service to 100% of its broadband eligible access lines by July 1, 2012. Consequently, virtually no areas served by CenturyTel or Embarq local operating companies, in any state, will be underserved or unserved at the end of three years.

CenturyLink also agreed to meet targets for minimum download speeds. CenturyLink will ensure availability of retail broadband Internet access service with a download speed of 1.5 Mbps to 87% of the broadband eligible access lines by July 1, 2011. It will ensure availability with a download speed of 3 Mbps to 75% of broadband eligible access lines by July 1, 2010, to 78% of broadband eligible lines by July 1, 2011, and to 80% of broadband eligible lines within 3 years of the close date. Nationwide, our average tele-density is 23 customers per square mile. This commitment ensures availability of broadband even to very rural consumers.

The agency should consider the importance of this commitment, as CenturyLink's continuing investment inevitably will make applications that overlap CenturyLink service areas less viable. CenturyLink has proven, industry-leading experience in deploying broadband networks and services using both wireline and wireless technology, and a strong commitment and focus on rural areas. Today, it serves 7 million access lines and 2.1 million broadband customers in 33 states.

Submitter: Stelera Wireless, LLC

Comment: The applicant's proposed service area does not qualify as unserved or underserved as defined by the BIP or BTOP programs. Stelera Broadband provides broadband access to the service area with peak speeds of 9-10 mbps. The proposed service area is served by Stelera Broadband, a broadband service provider which advertises and delivers broadband transmission speeds in excess of 3 mbps downstream. Over 50% of the households in the proposed service area have access to terrestrial broadband service at greater than the minimum broadband transmission speed.

-----**Service Area:** Prowers County, CO

Submitter: Bresnan Communications

Comment: Based on our research and exposure in this service area, we've concluded that this proposed funded service area fails to meet the NOFA definitions of underserved or unserved as defined in NOFA.

Bresnan, along with other local telcos such as Qwest, provide broadband service in this service area via cable modem and DSL technology. Bresnan provides several tiers of broadband service with download speeds ranging from 1.5mbps to 15mbps.

Our market research and in-depth knowledge of our markets show that we occupy approximately 45-55% of the market share of broadband subscribers in this market, with the remaining distributed among incumbent telcos. With the subscribers and penetration levels entered below, this market area exceeds the penetration and access thresholds as defined in the NOFA, thus making this application ineligible for BTOP/BIP funds in this proposed funded service area.

We have outlined our service areas on the mapping tool provided. Also, see the attached supporting document for additional information regarding our product offering and price points in this market. We also entered confidential and sensitive subscriber details to support our case.

Submitter: CenturyLink

Comment: CenturyLink has an extensive broadband footprint today, and has committed to extend that service even further. As part of its merger commitments to the Federal Communications Commission, CenturyLink committed to offer retail broadband Internet access service to 100% of its broadband eligible access lines by July 1, 2012. Consequently, virtually no areas served by CenturyTel or Embarq local operating companies, in any state, will be underserved or unserved at the end of three years.

CenturyLink also agreed to meet targets for minimum download speeds. CenturyLink will ensure availability of retail broadband Internet access service with a download speed of 1.5 Mbps to 87% of the broadband eligible access lines by July 1, 2011. It will ensure availability with a download speed of 3 Mbps to 75% of broadband eligible access lines by July 1, 2010, to 78% of broadband eligible lines by July 1, 2011, and to 80% of broadband eligible lines within 3 years of the close date. Nationwide, our average tele-density is 23 customers per square mile. This commitment ensures availability of broadband even to very rural consumers.

The agency should consider the importance of this commitment, as CenturyLink's continuing investment inevitably will make applications that overlap CenturyLink service areas less viable. CenturyLink has proven, industry-leading experience in deploying broadband networks and services using both wireline and wireless technology, and a strong commitment and focus on rural areas. Today, it serves 7 million access lines and 2.1 million broadband customers in 33 states.

Submitter: Stelera Wireless, LLC

Comment: The applicant's proposed service area does not qualify as unserved or underserved as defined by the BIP or BTOP programs. Stelera Broadband provides broadband access to the service area with peak speeds of 9-10 mbps. The town of Lamar is served by Stelera Broadband, a broadband service provider which advertises and delivers broadband transmission speeds in excess of 3 mbps downstream. Over 50% of the households in the proposed service area have access to terrestrial broadband service at greater than the minimum broadband transmission speed.

-----**Service Area:** Custer County, CO

Submitter: CenturyLink

Comment: CenturyLink has an extensive broadband footprint today, and has committed to extend that service even further. As part of its merger commitments to the Federal Communications Commission, CenturyLink committed to offer retail broadband Internet access service to 100% of its broadband eligible access lines by July 1, 2012. Consequently, virtually no areas served by CenturyTel or Embarq local operating companies, in any state, will be underserved or unserved at the end of three years.

CenturyLink also agreed to meet targets for minimum download speeds. CenturyLink will ensure availability of retail broadband Internet access service with a download speed of 1.5 Mbps to 87% of the broadband eligible access lines by July 1, 2011. It will ensure availability with a download speed of 3 Mbps to 75% of broadband eligible access lines by July 1, 2010, to 78% of broadband eligible lines by July 1, 2011, and to 80% of broadband eligible lines within 3 years of the close date. Nationwide, our average tele-density is 23 customers per square mile. This commitment ensures availability of broadband even to very rural consumers.

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-----**Service Area:** Kimball County, NE

Submitter: Mobius Communications Company

Comment: Mobius Communications Company (Mobius) is a pioneer, providing Internet service in the Nebraska Panhandle since 1996 and broadband service since 1999. We were among the first in the area to provide broadband service to rural Americans, with 100% of the customers in our service areas capable of receiving this advanced service. We are proud of our service to our communities including some of the most remote areas in the Nebraska Panhandle as well as community anchor institutions including public safety agencies, schools, libraries and healthcare providers. As a community-based

company, we provide much-needed jobs, 24-7 customer support and local offices for our customers' convenience in Alliance, Gering, and Hemingford, Nebraska.

Submitter: Inventive Wireless of Nebraska, LLC dba Vistabeam

Comment: Viaero Wireless has proposed a project that includes several service areas that are already served with 3meg or faster broadband by Vistabeam and multiple other broadband providers. Vistabeam provides service to 32 towns in the Nebraska Panhandle.

Submitter: Dalton Telephone Company

Comment: Dalton Telephone Company, Inc. (DTC) has been providing high-quality communications services to the residents of the rural communities and Villages of Dalton, Gurley, Lodgepole, Dix, Potter and Bushnell, Nebraska for 92 years. It was one of the first providers in this remote area to offer broadband services seven years ago. Currently, 99% of DTC's service areas have broadband capability. Because of DTC's advanced network it can meet the local geographical challenges providing important community anchor institutions including local government and public safety agencies with broadband services. This local presence also allows DTC to provide 24-7 customer service and support. Due to DTC's entrepreneurial spirit and its dedication to its customers and through a substantial investment in advanced network facilities, the rural communities and surrounding areas of Dalton, Gurley, Lodgepole, Dix, Potter, and Bushnell, Nebraska enjoy the same level of service as offered in metropolitan areas.

-----**Service Area:** Sedgwick County, CO

Submitter: PC Telcorp dba PC Telcom

Comment: Phillips County Telephone Company (PCTC) is a small, progressive, cooperative Rural Local Exchange Carrier (RLEC) located in Holyoke, Colorado. PCTC and its subsidiaries, Phillips County Communications, LLC (PCC, LLC) and PC Telcorp, Inc. (Telcorp) provide broadband Internet access ranging from 512 kbps down to 3 Mbps down to the entire service area for PCTC as well as the neighboring rural communities of Fleming, Haxtun, Julesburg, and Ovid, Colorado. All three entities are doing business as PC Telcom. Overall, greater than sixty percent of PC Telcom's customers subscribe to

speeds of 768 kbps down or greater. PC Telcom is one of the largest employers in northeastern Colorado and projects increasing its staff at an annual rate of two percent.

In keeping with its long tradition of providing cutting-edge technologies and after substantial investments in network infrastructure and facilities, one hundred percent of PC Telcom's customers can enjoy broadband access. PC Telcom utilizes a variety of broadband technologies, each tailored to specific local needs and geographical challenges. These include Fiber to the Premise (FTTP), DSL, cable modem and unlicensed wireless.

PC Telcom provides broadband and Ethernet services to most anchor tenants in the communities within its service areas. These entities include all secondary schools; all County Government offices; hospitals and other health care facilities; and large businesses. In addition to Internet access at broadband speeds, PC Telcom also provides state-of-the-art Ethernet services to business customers at affordable rates.

PC Telcom has been the technology leader in northeast Colorado for its one hundred plus years of existence and is looking forward to continuing its excellent customer service record. PC Telcom was one of the first broadband providers in northeast Colorado and now relies on 10 years of experience delivering services to difficult to serve areas that larger providers ignore. PC Telcom is a local company that helps anchor the communities it serves. It provides much-needed jobs, 24-7 customer service and support and local offices. It serves from a local perspective because PC Telcom's owners, who are its customers, have a personal stake in the communities where they work and live.

Submitter: Haxtun Telephone Co.

Comment: Haxtun Telephone Company demonstrates that the application filed by NE Colorado Cellular, Inc. d/b/a Viaero Wireless is incorrect in its claim that the area it proposes to serve which overlaps Haxtun Telephone's service area is unserved. Further, Haxtun Telephone demonstrates that the area NE Colorado Cellular, Inc. d/b/a Viaero Wireless proposes to serve which overlaps Haxtun Telephone's service area does not meet all of the criteria which categorize an area as underserved.

As demonstrated, 60% of households in Haxtun Telephone's service area, including those areas which are part of NE Colorado Cellular, Inc. d/b/a Viaero Wireless's proposed funded service area, are able to readily subscribe upon request to facilities-based, terrestrial broadband services at a minimum

transmission speed of greater than 768 kbps downstream and 200 kbps upstream from Haxtun Telephone. Therefore NE Colorado Cellular, Inc. d/b/a Viaero Wireless's claim that this overlapping area is unserved is incorrect. Further, no part of this overlapping area is underserved on the basis of access to broadband service. In addition, HaxtunTelephone demonstrates that the rate of broadband subscribership for households in [the part of the proposed funded service area which overlaps Haxtun Telephone's service area] [its service area] is significant.

Submitter: Phillips County Communications dba PC Telcom

Comment: Phillips County Telephone Company (PCTC) is a small, progressive, cooperative Rural Local Exchange Carrier (RLEC) located in Holyoke, Colorado. PCTC and its subsidiaries, Phillips County Communications, LLC (PCC, LLC) and PC Telcorp, Inc. (Telcorp) provide broadband Internet access ranging from 512 kbps down to 3 Mbps down to the entire service area for PCTC as well as the neighboring rural communities of Fleming, Haxtun, Julesburg, and Ovid, Colorado. All three entities are doing business as PC Telcom. Overall, greater than sixty percent of PC Telcom's customers subscribe to speeds of 768 kbps down or greater. PC Telcom is one of the largest employers in northeastern Colorado and projects increasing its staff at an annual rate of two percent.

In keeping with its long tradition of providing cutting-edge technologies and after substantial investments in network infrastructure and facilities, one hundred percent of PC Telcom's customers can enjoy broadband access. PC Telcom utilizes a variety of broadband technologies, each tailored to specific local needs and geographical challenges. These include Fiber to the Premise (FTTP), DSL, cable modem and unlicensed wireless.

PC Telcom provides broadband and Ethernet services to most anchor tenants in the communities within its service areas. These entities include all secondary schools; all County Government offices; hospitals and other health care facilities; and large businesses. In addition to Internet access at broadband speeds, PC Telcom also provides state-of-the-art Ethernet services to business customers at affordable rates.

PC Telcom has been the technology leader in northeast Colorado for its one hundred plus years of existence and is looking forward to continuing its excellent customer service record. PC Telcom was one of the first broadband providers in northeast Colorado and now relies on 10 years of experience

delivering services to difficult to serve areas that larger providers ignore. PC Telcom is a local company that helps anchor the communities it serves. It provides much-needed jobs, 24-7 customer service and support and local offices. It serves from a local perspective because PC Telcom's owners, who are its customers, have a personal stake in the communities where they work and live.

-----**Service Area:** Pierce County, NE

Submitter: American Broadband exchange (DSL)

Comment: HunTel Inc., doing business as American Broadband – Nebraska has four telephone company subsidiaries, consisting of the Arlington Telephone Company, Blair Telephone Company, Eastern Nebraska Telephone Company (ENTC), and the Rock Telephone Company. All four are classified as incumbent local exchange carriers (ILECs) and are authorized by the Nebraska Public Service Commission (PSC) and the Federal Communications Commission (FCC) to provide reliable and ubiquitous telecommunications services within their designated service areas. These ILECs offer broadband service predominantly utilizing Digital Subscriber Line (DSL) technology at speeds that meet and exceed the minimum download (768 Kbps) and upload (200 Kbps) speeds defined in the NOFA.

American Broadband - Nebraska advertises broadband service at speeds that meet and exceed minimum download and upload speeds defined in the NOFA.

American Broadband - Nebraska enjoys broadband penetration rates that exceed 40% of households in many of the census blocks contained within its exchange serving areas.

Viaero has submitted a last mile broadband stimulus application that overlaps the American Broadband – Nebraska exchange serving areas in Pierce County, Nebraska. This Viaero application overlaps with 208 census blocks in which American Broadband – Nebraska offers broadband services using DSL technology. In these 208 census blocks, American Broadband - Nebraska provides broadband service to 71 residential customers and 25 business customers. These subscriber numbers do not include the cable modem broadband subscribers that American Broadband serves in Pierce County, or the broadband subscribers served by other broadband providers. Thus, the overlap area in the Viaero application is not unserved and it is not underserved. Furthermore, American Broadband - Nebraska offers its DSL broadband service at speeds that exceed the NOFA minimums and exceed 3 Mbps, and American Broadband – Nebraska advertises speeds that exceed 3 Mbps.

The Viaero stimulus application should be rejected for several reasons, which include but are not limited to:

1. Viaero applied for Stimulus dollars in areas (Census Blocks) that are not unserved or underserved.
2. The Viaero application did not seek to perform validations of broadband penetration rates at the Census Block level, whereas American Broadband - Nebraska currently provides, advertises, and tracks broadband penetration to the Census Block level within its designated serving areas.
3. Broadband stimulus dollars should not be directed to areas that do not meet the definitions of unserved or underserved territory.
4. Viaero proposes a wireless technology solution. Only Fiber-to-the-Premise solutions offer a future-proof solution for meeting the challenge of a rapidly increasing definition of minimum download and upload speeds. Viaero is only one of several wireless providers within the geography applied for that offer wireless data services (Verizon, AllTel, Viaero, etc.)
5. Viaero's application overlaps with the designated service area of American Broadband - Nebraska. It is not apparent that Viaero has addressed the challenge of its application's ability to be economically sustainable in areas of low population density already served by multiple providers.
6. Beyond initial network deployment, wireless infrastructure solutions have not demonstrated the ability to create sustained employment opportunities within the immediate service area. This is contrasted by the fact that American Broadband - Nebraska has a resident work force, located within its designated serving areas in Nebraska, and it has a history of sustained employment.

Submitter: American Broadband Cable TV (cable modem)

Comment: HunTel CableVision is an incumbent cable television provider with municipal franchise authority to offer cable television service in 20 communities in northeast Nebraska. HunTel Cablevision offers broadband internet and data services utilizing cable modem (within municipal franchise boundaries) and high speed wireless technologies in rural areas that extend beyond the municipal boundaries of its franchised cable television serving areas. HunTel Cablevision is also classified as a competitive local exchange carrier (CLEC), and is designated by the Nebraska Public Service Commission (PSC) as an eligible telecommunications carrier (ETC) for purposes of receiving Federal Universal Service Support (FUSF). HunTel CableVision offers broadband services at speeds that meet and exceed the minimum download (768 Kbps) and upload (200 Kbps) speeds defined in the NOFA. HunTel CableVision does business as (dba) American Broadband in Nebraska. This specific response is from the perspective

of the cable modem broadband service that is offered within the municipal franchised areas that overlap with the Viaero Last Mile Stimulus Application in Pierce County, Nebraska.

HunTel CableVision (dba American Broadband) advertises broadband service alternatives that meet and exceed minimum download and upload speeds defined in the NOFA.

HunTel CableVision enjoys broadband penetration rates that exceed 40% of households in many of census blocks contained within its serving areas, and this does not count/include the penetration of Qwest, which is the ILEC in communities where HunTel CableVision operates as a CLEC, or other broadband competitors that operate in the service area that Viaero has applied for.

Viaero has submitted a last mile broadband stimulus application that overlaps HunTel CableVision serving areas in Pierce County, Nebraska. The Viaero application overlaps with 59 census blocks in which HunTel CableVision offers cable modem broadband speeds. In these 59 census blocks, HunTel CableVision provides broadband service to 172 residential customers and 14 business customers. HunTel CableVision approaches 51% penetration amongst residences all by itself and this does not include the number of residences served by Qwest and other broadband competitors. Thus, the overlap area in the Viaero application is not unserved and it is not underserved. Furthermore, HunTel CableVision offers its cable modem broadband service at speeds that exceed the NOFA minimums and exceed 3 Mbps, and HunTel CableVision (doing business as American Broadband) advertises speeds that exceed 3 Mbps.

The Viaero stimulus application should be rejected for several reasons, which include but are not limited to:

1. Viaero applied for Stimulus dollars in areas (Census Blocks) that are not unserved or underserved.
2. The Viaero application is overly broad because it did not seek to perform validations of broadband penetration rates at the Census Block level, whereas HunTel CableVision currently provides, advertises, and tracks broadband penetration to the Census Block level within its designated serving areas.
3. Broadband stimulus dollars should not be directed to areas that do not meet the definitions of unserved or underserved territory.
4. Viaero proposes a wireless technology solution. Only Fiber-to-the-Premise solutions offer a long term future-proof solution for meeting the challenge of a rapidly increasing definition of minimum download and upload speeds. Viaero is only one of several wireless providers within the geography applied for that already offer data services over their wireless networks (Verizon, AllTel, Viaero, etc.)
5. Viaero's application overlaps with the designated service areas of HunTel CableVision. It is not apparent that Viaero has addressed the challenge of its application's ability to be economically sustainable in areas that lack population density, and are already populated with multiple providers.
6. Beyond initial network deployment, wireless infrastructure solutions have not demonstrated the ability to create sustained employment opportunities within the immediate service area. This is

contrasted by the fact that HunTel CableVision has a resident work force, located within its designated serving areas in Eastern Nebraska, and it has a history of sustained employment.

Submitter: Pierce Telephone Company, Inc.

Comment: For the portion of this application that overlaps the Pierce Telephone Company, Inc. serving area, broadband of at least 768kbps downstream and 200kbps upstream is accessible to 100% of households and 100% of businesses. Additionally, Pierce Telephone Company, Inc. offers 3Mbps, 8Mbps, 10Mbps, and 12Mbps service in this area. Lastly, Pierce Telephone Company, Inc. combined with its primary competitor, Cable One, 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: 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: Plainview Telephone Company

Comment: Plainview Telephone Company (PTC) offers FTTP broadband internet service with up to 6 Mbps download speed and up to 2 Mbps upload speed. PTC is capable of delivering FTTP broadband service to all households in its service territory.

-----**Service Area:** Elbert County, CO

Submitter: Qwest

Comment: As authorized by the BIP and BTOP Notice of Funds Availability and the Public Notice associated with the publication of BIP and BTOP broadband infrastructure project funding applications found on the BroadbandUSA.gov website, Qwest responds with broadband service data to the application of NE Colorado Cellular, Inc., d/b/a Viaero Wireless Elbert for funding for an area represented as “underserved” that is located, in whole or in part, in Qwest’s broadband service area.

-----**Service Area:** Wheeler County, NE

Submitter: Northeast Nebraska Telephone Company

Comment: Northeast Nebraska Telephone Company (NNTC) is filing this response to the NE Colorado Cellular, Inc., d/b/a Viaero Wireless, (Applicant) Application because we are of the belief that this Application misrepresents the availability of Broadband service (786k downstream/200k upstream) within the area that the Applicant's proposed funded service area (PFSA) overlaps NNTC's service area.

NNTC was organized as a cooperative in 1955 and is owned by its customer/members.

NNTC is presently a borrower with the Rural Utilities Service and has been since 1955.

Within the PFSA overlap NNTC's buried fiber optics cable to the node (FTTN) network provides access to Broadband services to 100% of the residential households and businesses, NNTC advertises Broadband service of 3 Megabits and greater to 100% of the residential households and businesses, and NNTC has a rate of Broadband subscribership that is greater than 40%.

Applicant's request for funds to build another Broadband capable network, if granted, will be a duplication of investment, duplication of an existing FTTN Broadband capable network, and divert funding that could be available for unserved areas.

Submitter: Nebraska Central Telephone Co.

Comment: The respondent (Nebraska Central Telephone Company) is a Local Exchange Carrier (Common Carrier) that offers facilities-based, terrestrial Broadband (high speed) Internet access service in the overlap area of the PFSA.

The respondent's overlap area of applicant's PFSA contains 27 households, of which over 98% have access to broadband. Respondent provides Broadband Internet access service (as defined in the NOFA)

exceeding 768K downstream and 200K upstream speeds to over 98% of the households and businesses in its response polygon. Therefore, the PFSA does not qualify as “underserved” based on the availability criterion.

In response to the PFSA, respondent’s advertising copy has been uploaded showing the availability and advertising of service tiers of Broadband speeds up to 5MB downstream and 1 MB upstream, so the PFSA does not qualify as underserved based on the 3Mbps criterion.

The third qualifying criterion for underserved areas requires the use of company specific market data, and is addressed in the Proprietary Comments section.

-----**Service Area:** Box Butte County, NE

Submitter: Mobius Communications Company

Comment: Mobius Communications Company (Mobius) is a pioneer, providing Internet service in the Nebraska Panhandle since 1996 and broadband service since 1999. We were among the first in the area to provide broadband service to rural Americans, with 100% of the customers in our service areas capable of receiving this advanced service. We are proud of our service to our communities including some of the most remote areas in the Nebraska Panhandle as well as community anchor institutions including public safety agencies, schools, libraries and healthcare providers. As a community-based company, we provide much-needed jobs, 24-7 customer support and local offices for our customers’ convenience in Alliance, Gering, and Hemingford, Nebraska.

Submitter: Hemingford Coop Telephone Co. dba Mobius Comm Co.

Comment: The Hemingford Cooperative Telephone Company (HCTC) was established in 1931 and has been serving customers in these remote and rural communities for over 78 years. Our company, d.b.a. Mobius Communications Company, was among the first in the area to provide broadband service to rural Americans. HCTC began providing Internet service in 1996 and broadband service in 1999. We currently provide high quality, high speed broadband throughout the Nebraska Panhandle and

surrounding areas. Broadband service is available to 100% of the homes and businesses in HCTC's service areas. We are rightly proud of our service to our communities including some of the most remote areas in the Nebraska Panhandle. HCTC provides broadband service to community anchor institutions including public safety agencies, schools, libraries and healthcare providers. We are a community-based company and our customers are also our owners. We employ 26 members and offer three local offices for our customers' convenience in Alliance, Gering and Hemingford, Nebraska.

-----**Service Area:** Stanton County, NE

Submitter: Stanton Telecom, Inc.

Comment: For the portion of this application that overlaps the Stanton Telecom, Inc. serving area, broadband of at least 768kbps downstream and 200kbps upstream is accessible to 100% of households and 100% of businesses. Additionally, Stanton Telecom, Inc. offers a 3Mbps downstream and 6Mbps downstream service in this area. Lastly, Stanton Telecom, Inc. 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: Pierce Telephone Company, Inc.

Comment: For the portion of this application that overlaps the Pierce Telephone Company, Inc. serving area, broadband of at least 768kbps downstream and 200kbps upstream is accessible to 100% of households and 100% of businesses. Additionally, Pierce Telephone Company, Inc. offers 3Mbps, 8Mbps, 10Mbps, and 12Mbps service in this area. Lastly, Pierce Telephone Company, Inc. 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: 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.

-----**Service Area:** Antelope County, NE

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: Northeast Nebraska Telephone Company

Comment: Northeast Nebraska Telephone Company (NNTC) is filing this response to the NE Colorado Cellular, Inc., d/b/a Viaero Wireless, (Applicant) Application because we are of the belief that this Application misrepresents the availability of Broadband service (786k downstream/200k upstream) within the area that the Applicant's proposed funded service area (PFSA) overlaps NNTC's service area.

NNTC was organized as a cooperative in 1955 and is owned by its customer/members.

NNTC is presently a borrower with the Rural Utilities Service and has been since 1955.

Within the PFSA overlap NNTC's buried fiber optics cable to the node (FTTN) network provides access to Broadband services to 100% of the residential households and businesses, NNTC advertises Broadband service of 3 Megabits and greater to 100% of the residential households and businesses, and NNTC has a rate of Broadband subscribership that is greater than 40%.

Applicant's request for funds to build another Broadband capable network, if granted, will be a duplication of investment, duplication of an existing FTTN Broadband capable network, and divert funding that could be available for unserved areas.

Submitter: Plainview Telephone Company

Comment: Plainview Telephone Company (PTC) offers FTTP broadband internet service with up to 6 Mbps download speed and up to 2 Mbps upload speed. PTC is capable of delivering FTTP broadband service to all households in its service territory.

Submitter: Great Plains Communications, Inc.

Comment: NE Colorado Cellular, Inc. d/b/a Viaero Wireless (Viaero) has applied for broadband funding for 74 proposed funded service areas (PFSAs) throughout Nebraska. Great Plains Communications, Inc. (GPC) provides broadband service in 27 of those PFSAs. This specific response relates to the PFSA that Viaero proposes that encompasses most of Antelope County, NE. For the reasons set forth herein, the Antelope County PFSA should not be considered unserved or underserved. Viaero claims that 37 of the housing units are unserved with 3,309 being underserved.

GPC provides facilities-based terrestrial broadband service in portions of the Antelope County PFSA as can be seen in GPC's "overlay" map. Specifically, GPC provides broadband service availability (per the definition in the NOFA) to 1,481 residential and business locations, a population of 3,181.

Of the 3,346 units that Viaero designates as unserved or underserved, 44.3% of those have broadband service available from GPC -- i.e., these locations are served.

There are other broadband providers serving some portion of the Antelope County PFSA -- these other broadband providers include Frontier, Northeast Nebraska and Plainview Telecom. In addition, it appears that Verizon Wireless may have coverage in Antelope County. This can be ascertained by entering a selected zip code from the Viaero Antelope county PFSA into the Verizon Wireless coverage locator at www.verizonwireless.com. Thus, once one takes into account GPC and all of the other facilities-based providers offering terrestrial broadband service within the Viaero Antelope County PFSA, it is highly likely that more than 50% of the households in that PFSA have access to facilities-based terrestrial broadband services (as such services are defined in the NOFA) -- meaning that it would not qualify as "unserved" or "underserved" based upon the availability criterion.

Moreover, as discussed elsewhere herein, the Viaero Antelope County PFSA likely fails to satisfy any other criteria that would qualify the PFSA as unserved or underserved (assuming it even asserted any other basis than availability as the justification for its unserved/underserved claim). Specifically, as described further herein, the GPC customers in the PFSA subscribe to the broadband services offered by GPC, and GPC advertises a broadband service with transmission speeds of at least 3 Mbps downstream within the Antelope County PFSA. This is also likely the case for the other broadband providers in Antelope County.

The Viaero application, based on its map and redacted Executive Summary proposes an extensive wireless-based solution relying on High Speed Packet Access (HSPA) technology. Viaero's claim of 21 Mbps with HSPA is grossly exaggerated since the current HSPA standard limits the speed to 14 Mbps. Even the 14 Mbps would not be ubiquitously available across the broad expanses proposed by Viaero. HSPA is hardly a proven technology, particularly in rural areas, and it is unlikely that it would provide comprehensive broadband service to the 856 square miles identified in the Antelope County PFSA. This is beyond the fact that this area is already significantly served by a number of facilities-based providers as noted above.

HSPA wireless is not only an extremely expensive technology to deploy with its dependence on large numbers of tower sites; but in addition, it suffers from the inherent technical limitations of any spectrum-based technology. It is inappropriate that scarce stimulus program resources would possibly be utilized for deployment of such an expensive and undeveloped technology in rural areas where another facilities-based service exists at a significant level of availability. In rural areas, such as those comprised in much of the Viaero application, the greater distance a customer is from a tower, the less likely that claimed speeds are attained. All wireless technologies, HSPA included are terrain-limited, with hills greatly reducing the distances in which service is available. Also, unlike fiber, engineering experts agree that wireless is not expected to be a good platform for video services due to limited bandwidth and external influences.

It is noteworthy that the Governor of Colorado has chosen to recommend the entire Viaero application – totaling over \$156,000,000 in grants and loans - for stimulus funding when almost 70% of the PFSA's identified in Viaero's application are in Nebraska with the Nebraska area being significantly greater than the area in Colorado. Nebraska Governor Dave Heineman also studied broadband applications that proposed to provide benefits to the state of Nebraska. Governor Heineman released his recommendations to NTIA and RUS and chose not to recommend Viaero's application. Governor Heineman is likely aware that Viaero already benefits from the dedicated Nebraska Universal Service Tower Building fund. Viaero was granted \$5,000,000 from that fund on October 20, 2009 as well as funds last year.

Finally, Viaero claims that funding its project will ultimately create "...between 12,054 and 18,066 jobs within five years." This relies not only on unsubstantiated assumptions but also on the multiplier effect of indirect and induced jobs – effects that are widely disputed among economists.

Granting Viaero's application constitutes an inefficient and redundant use of funds. Viaero's claims are unsubstantiated. Therefore, its application should be rejected.

-----**Service Area:** Morgan County, CO

Submitter: Bresnan Communications

Comment: Based on our research and exposure in this service area, we've concluded that this proposed funded service area fails to meet the NOFA definitions of underserved or unserved as defined in NOFA.

Bresnan, along with other local telcos such as Qwest, provide broadband service in this service area via cable modem and DSL technology. Bresnan provides several tiers of broadband service with download speeds ranging from 1.5mbps to 15mbps.

Our market research and in-depth knowledge of our markets show that we occupy approximately 45-55% of the market share of broadband subscribers in this market, with the remaining distributed among incumbent telcos. With the subscribers and penetration levels entered below, this market area exceeds the penetration and access thresholds as defined in the NOFA, thus making this application ineligible for BTOP/BIP funds in this proposed funded service area.

We have outlined our service areas on the mapping tool provided. Also, see the attached supporting document for additional information regarding our product offering and price points in this market. We also entered confidential and sensitive subscriber details to support our case.

Submitter: Roggen Telephone Enterprises, Inc.

Comment: Roggen Telephone Cooperative Company and its affiliate Roggen Telephone Enterprises, Inc. (RTE) has been providing high-quality communications services to the residents of rural communities of northeastern Colorado for 75 years. It was one of the first providers in this remote area to offer broadband services seven years ago. Building on its reputation for providing cutting-edge technologies to service areas that other larger providers ignore, RTE provides broadband services at

speeds up to 3 Mbps to 100% of its service areas. RTE also provides service to rural neighboring communities within a 1200 square mile radius.

RTE is a local company that helps anchor the communities it serves. It provides much-needed jobs, 24-7 customer service, technical support, and local offices. RTE provides needed broadband services to community anchor institutions including schools, local and state government offices and public safety agencies. Due to the geographical remoteness of the areas where RTE serves, academic studies, both at the secondary and university levels, are often online. Many of RTE's customers rely on its broadband service, as well as its computer service and sales, for educational purposes.

RTE, along with its parent company, strives to provide superior communications services to our customers and communities. We look forward to a future, based on our past performance, of innovation and a commitment to excellence. We serve our customers with pride and respect, and, among our employees, have formed an enthusiastic team with the skills, abilities, and dedication that make a positive difference in the communities we serve. Our customers rely on us to be a leader in the industry, providing a bridge to their communications future.

Submitter: Wiggins Telephone

Comment: Wiggins Telephone Association has an existing RUS approved construction project design and \$29.7 million loan in place to provide broadband access throughout the entire service area with Fiber to the Home. The town of Wiggins and surrounding area is now served by FTTH placed in service beginning in the fall of 2008. All bandwidth packages offered to all areas are at FCC minimum (768 Kbps) and above.

Submitter: Stelera Wireless, LLC

Comment: The applicant's proposed service area does not qualify as unserved or underserved as defined by the BIP or BTOP programs. Stelera Broadband will provide broadband access to the service area with peak speeds of 9-10 mbps in the next 6 months. The towns of Fort Morgan and Brush will be served by Stelera Broadband, a broadband service provider under the RUS Broadband Loan program. Stelera plans to advertise and deliver broadband transmission speeds in excess of 3 mbps downstream.

Over 50% of the households in the proposed service area will soon have access to terrestrial broadband service at greater than the minimum broadband transmission speed. The area does not qualify as unserved because the number of households lacking access to broadband is less than 90% based on Stelera research.

Submitter: Qwest

Comment: As authorized by the BIP and BTOP Notice of Funds Availability and the Public Notice associated with the publication of BIP and BTOP broadband infrastructure project funding applications found on the BroadbandUSA.gov website, Qwest responds with broadband service data to the application of NE Colorado Cellular, Inc., d/b/a Viaero Wireless Morgan for funding for an area represented as “underserved” that is located, in whole or in part, in Qwest’s broadband service area.

-----**Service Area:** Brown County, NE

Submitter: Three River Telco

Comment: Three River Telco currently provides service in its certificated exchange areas that meets or exceeds all ARRA NOFA requirements to be classified as a “Served” area. 100% of the households have access to Broadband service at a rate of 768/200 Kbps or higher. The current residential take rate of Broadband services in the application area at a speed of 768/200 Kbps or higher is 53% of households. Three River Telco offers an 8 Mbps service.

Submitter: Northeast Nebraska Telephone Company

Comment: Northeast Nebraska Telephone Company (NNTC) is filing this response to the NE Colorado Cellular, Inc., d/b/a Viaero Wireless, (Applicant) Application because we are of the belief that this Application misrepresents the availability of Broadband service (786k downstream/200k upstream) within the area that the Applicant’s proposed funded service area (PFSA) overlaps NNTC’s service area.

NNTC was organized as a cooperative in 1955 and is owned by its customer/members.

NNTC is presently a borrower with the Rural Utilities Service and has been since 1955.

Within the PFSA overlap NNTC's buried fiber optics cable to the node (FTTN) network provides access to Broadband services to 100% of the residential households and businesses, NNTC advertises Broadband service of 3 Megabits and greater to 100% of the residential households and businesses, and while demand for Broadband service in this rural area has not reached the 40% target rate, we are confident that it will.

Applicant's request for funds to build another Broadband capable network, if granted, will be a duplication of investment, duplication of an existing FTTN Broadband capable network, and divert funding that could be available for unserved areas.

-----**Service Area:** Platte County, NE

Submitter: Citizens Telecommunications Company of Nebraska

Comment: A portion of the applicant's territory is already served by the respondent. 3MG speed or higher is available and advertised.

Submitter: Cable Nebraska, LLC

Comment: Cable Nebraska offers high speed data services of more than 3 Meg download speeds to Humphrey and Monroe, NE. Cable Nebraska has penetration rates of 6% in Humphrey and 8% in Monroe. We also compete with wireless and local telephone providers in these communities. It does not seem necessary, nor a benefit, to provide funding to build out last mile projects in these communities that are already served.

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.

-----**Service Area:** Huerfano County, CO

Submitter: Rye Telephone Company

Comment: Rye Telephone Company (RTC) has been providing high-quality communications services in the remote and rural communities of Rye, Colorado City and Kim, Colorado for 50 years. RTC has been offering broadband services since 2002 and can offer speeds up to 5 Mbps within its service areas.

In keeping with its long tradition of providing cutting-edge technologies, RTC utilizes a variety of broadband technologies, each tailored to specific local needs and geographical challenges. At considerable investment, RTC deployed a Fiber-to-the-Premise (FTTP) platform to serve the vast majority of its service areas.

RTC is a local company that helps anchor the communities it serves. It provides much-needed jobs, 24-7 customer service and local offices. Because of RTC's advanced network, important community anchor institutions including local and state government, public safety agencies, healthcare facilities, schools and libraries now have broadband services. Due to RTC's entrepreneurial spirit, its dedication to its customers and through a substantial investment in advanced network facilities, these rural southern Colorado communities enjoy the same level of service as offered in metropolitan areas.

-----**Service Area:** Las Animas County, CO

Submitter: Rye Telephone Company

Comment: Rye Telephone Company (RTC) has been providing high-quality communications services in the remote and rural communities of Rye, Colorado City and Kim, Colorado for 50 years. RTC has been offering broadband services since 2002 and can offer speeds up to 5 Mbps within its service areas.

In keeping with its long tradition of providing cutting-edge technologies, RTC utilizes a variety of broadband technologies, each tailored to specific local needs and geographical challenges. At considerable investment, RTC deployed a Fiber-to-the-Premise (FTTP) platform to serve the vast majority of its service areas.

RTC is a local company that helps anchor the communities it serves. It provides much-needed jobs, 24-7 customer service and local offices. Because of RTC's advanced network, important community anchor institutions including local and state government, public safety agencies, healthcare facilities, schools and libraries now have broadband services. Due to RTC's entrepreneurial spirit, its dedication to its customers and through a substantial investment in advanced network facilities, these rural southern Colorado communities enjoy the same level of service as offered in metropolitan areas.

-----**Service Area:** Holt County, NE

Submitter: Three River Telco

Comment: Three River Telco currently provides service in its certificated exchange areas that meets or exceeds all ARRA NOFA requirements to be classified as a "Served" area. 100% of the households have access to Broadband service at a rate of 768/200 Kbps or higher. The current residential take rate of Broadband services in the application area at a speed of 768/200 Kbps or higher is 65% of households. Three River Telco offers an 8 Mbps service.

Submitter: Northeast Nebraska Telephone Company

Comment: Northeast Nebraska Telephone Company (NNTC) is filing this response to the NE Colorado Cellular, Inc., d/b/a Viaero Wireless, (Applicant) Application because we are of the belief that this Application misrepresents the availability of Broadband service (786k downstream/200k upstream) within the area that the Applicant's proposed funded service area (PFSA) overlaps NNTC's service area.

NNTC was organized as a cooperative in 1955 and is owned by its customer/members.

NNTC is presently a borrower with the Rural Utilities Service and has been since 1955.

Within the PFSA overlap NNTC's buried fiber optics cable to the node (FTTN) network provides access to Broadband services to 100% of the residential households and businesses, NNTC advertises Broadband service of 3 Megabits and greater to 100% of the residential households and businesses, and the present Broadband subscription take rate in this rural area is near to, and will be equal to 40% in the near future.

Applicant's request for funds to build another Broadband capable network, if granted, will be a duplication of investment, duplication of an existing FTTN Broadband capable network, and divert funding that could be available for unserved areas.

Submitter: Great Plains Communications, Inc.

Comment: NE Colorado Cellular, Inc. d/b/a Viaero Wireless (Viaero) has applied for broadband funding for 74 proposed funded service areas (PFSAs) throughout Nebraska. Great Plains Communications, Inc. (GPC) provides broadband service in 27 of those PFSAs. This specific response relates to the PFSA that Viaero proposes that encompasses most of Holt County, NE. For the reasons set forth herein, the Holt County PFSA should not be considered unserved or underserved. Viaero claims that 5,173 of the housing units are underserved.

GPC provides facilities-based terrestrial broadband service in portions of the Holt County PFSA as can be seen in GPC's "overlay" map. Specifically, GPC provides broadband service availability (per the definition in the NOFA) to 392 residential and business locations, a population of 814.

Of the 5,173 units that Viaero designates as underserved, 7.6% of those have broadband service available from GPC -- i.e., these locations are served.

There are other broadband providers serving some portion of the Holt County PFSA – these other broadband providers include K & M, McCookNet, Time Warner, Northeast Nebraska, Qwest and KDSI. In addition, it appears that Verizon Wireless may have coverage in Holt County. This can be ascertained by entering a selected zip code from the Viaero Holt County PFSA into the Verizon Wireless coverage locator at www.verizonwireless.com. Thus, once one takes into account GPC and all of the other facilities-based providers offering terrestrial broadband service within the Viaero Holt County PFSA, it is

highly likely that more than 50% of the households in that PFSA have access to facilities-based terrestrial broadband services (as such services are defined in the NOFA) -- meaning that it would not qualify as "underserved" based upon the availability criterion.

Moreover, as discussed elsewhere herein, the Viaero Holt County PFSA likely fails to satisfy any other criteria that would qualify the PFSA as underserved (assuming it even asserted any other basis than availability as the justification for its underserved claim). Specifically, as described further herein, the GPC customers in the PFSA subscribe to the broadband services offered by GPC, and GPC advertises a broadband service with transmission speeds of at least 3 Mbps downstream within the Holt County PFSA. This is also likely the case for the other broadband providers in Holt County.

The Viaero application, based on its map and redacted Executive Summary proposes an extensive wireless-based solution relying on High Speed Packet Access (HSPA) technology. Viaero's claim of 21 Mbps with HSPA is grossly exaggerated since the current HSPA standard limits the speed to 14 Mbps. Even the 14 Mbps would not be ubiquitously available across the broad expanses proposed by Viaero. HSPA is hardly a proven technology, particularly in rural areas, and it is unlikely that it would provide comprehensive broadband service to the 2,067 square miles identified in the Holt County PFSA. This is beyond the fact that this area is already significantly served by a number of facilities-based providers as noted above.

HSPA wireless is not only an extremely expensive technology to deploy with its dependence on large numbers of tower sites; but in addition, it suffers from the inherent technical limitations of any spectrum-based technology. It is inappropriate that scarce stimulus program resources would possibly be utilized for deployment of such an expensive and undeveloped technology in rural areas where another facilities-based service exists at a significant level of availability. In rural areas, such as those comprised in much of the Viaero application, the greater distance a customer is from a tower, the less likely that claimed speeds are attained. All wireless technologies, HSPA included are terrain-limited, with hills greatly reducing the distances in which service is available. Also, unlike fiber, engineering experts agree that wireless is not expected to be a good platform for video services due to limited bandwidth and external influences.

It is noteworthy that the Governor of Colorado has chosen to recommend the entire Viaero application – totaling over \$156,000,000 in grants and loans - for stimulus funding when almost 70% of the PFSA's identified in Viaero's application are in Nebraska with the Nebraska area being significantly greater than the area in Colorado. Nebraska Governor Dave Heineman also studied broadband applications that proposed to provide benefits to the state of Nebraska. Governor Heineman released his

recommendations to NTIA and RUS and chose not to recommend Viaero's application. Governor Heineman is likely aware that Viaero already benefits from the dedicated Nebraska Universal Service Tower Building fund. Viaero was granted \$5,000,000 from that fund on October 20, 2009 as well as funds last year.

Finally, Viaero claims that funding its project will ultimately create "...between 12,054 and 18,066 jobs within five years." This relies not only on unsubstantiated assumptions but also on the multiplier effect of indirect and induced jobs – effects that are widely disputed among economists.

Granting Viaero's application constitutes an inefficient and redundant use of funds. Viaero's claims are unsubstantiated. Therefore, its application should be rejected.

-----**Service Area:** Yuma County, CO

Submitter: CenturyLink

Comment: CenturyLink has an extensive broadband footprint today, and has committed to extend that service even further. As part of its merger commitments to the Federal Communications Commission, CenturyLink committed to offer retail broadband Internet access service to 100% of its broadband eligible access lines by July 1, 2012. Consequently, virtually no areas served by CenturyTel or Embarq local operating companies, in any state, will be underserved or unserved at the end of three years.

CenturyLink also agreed to meet targets for minimum download speeds. CenturyLink will ensure availability of retail broadband Internet access service with a download speed of 1.5 Mbps to 87% of the broadband eligible access lines by July 1, 2011. It will ensure availability with a download speed of 3 Mbps to 75% of broadband eligible access lines by July 1, 2010, to 78% of broadband eligible lines by July 1, 2011, and to 80% of broadband eligible lines within 3 years of the close date. Nationwide, our average tele-density is 23 customers per square mile. This commitment ensures availability of broadband even to very rural consumers.

The agency should consider the importance of this commitment, as CenturyLink's continuing investment inevitably will make applications that overlap CenturyLink service areas less viable. CenturyLink has proven, industry-leading experience in deploying broadband networks and services using both wireline and wireless technology, and a strong commitment and focus on rural areas. Today, it serves 7 million access lines and 2.1 million broadband customers in 33 states.

Submitter: Plains Cooperative Telephone Association, Inc.

Comment: Plains Cooperative Telephone Association, Inc. (PCTA) owns and operates a broadband system providing Broadband services to a substantial portion of the Applicant's proposed service area. USDA(RUS) funding supported the construction in PCTA's area. Broadband is provided with copper based ADSL and ADSL2+ technologies. PCTA's Broadband system is available to any user in the PCTA area.

Submitter: Haxtun Telephone Company

Comment: Haxtun Telephone Company demonstrates that the application filed by NE Colorado Cellular, Inc. d/b/a Viaero Wireless is incorrect in its claim that the area it proposes to serve which overlaps Haxtun Telephone's service area is unserved. Further, Haxtun Telephone demonstrates that the area NE Colorado Cellular, Inc. d/b/a Viaero Wireless proposes to serve which overlaps Haxtun Telephone's service area does not meet all of the criteria which categorize an area as underserved.

As demonstrated, 60% of households in Haxtun Telephone's service area, including those areas which are part of NE Colorado Cellular, Inc. d/b/a Viaero Wireless's proposed funded service area, are able to readily subscribe upon request to facilities-based, terrestrial broadband services at a minimum transmission speed of greater than 768 kbps downstream and 200 kbps upstream from Haxtun Telephone. Therefore NE Colorado Cellular, Inc. d/b/a Viaero Wireless's claim that this overlapping area is unserved is incorrect. Further, no part of this overlapping area is underserved on the basis of access to broadband service. In addition, HaxtunTelephone demonstrates that the rate of broadband subscribership for households in [the part of the proposed funded service area which overlaps Haxtun Telephone's service area] [its service area] is significant.

Submitter: Phillips County Communications dba PC Telcom

Comment: Phillips County Telephone Company (PCTC) is a small, progressive, cooperative Rural Local Exchange Carrier (RLEC) located in Holyoke, Colorado. PCTC and its subsidiaries, Phillips County Communications, LLC (PCC, LLC) and PC Telcorp, Inc. (Telcorp) provide broadband Internet access ranging from 512 kbps down to 3 Mbps down to the entire service area for PCTC as well as the neighboring rural communities of Fleming, Haxtun, Julesburg, and Ovid, Colorado. All three entities are doing business as PC Telcom. Overall, greater than sixty percent of PC Telcom's customers subscribe to speeds of 768 kbps down or greater. PC Telcom is one of the largest employers in northeastern Colorado and projects increasing its staff at an annual rate of two percent.

In keeping with its long tradition of providing cutting-edge technologies and after substantial investments in network infrastructure and facilities, one hundred percent of PC Telcom's customers can enjoy broadband access. PC Telcom utilizes a variety of broadband technologies, each tailored to specific local needs and geographical challenges. These include Fiber to the Premise (FTTP), DSL, cable modem and unlicensed wireless.

PC Telcom provides broadband and Ethernet services to most anchor tenants in the communities within its service areas. These entities include all secondary schools; all County Government offices; hospitals and other health care facilities; and large businesses. In addition to Internet access at broadband speeds, PC Telcom also provides state-of-the-art Ethernet services to business customers at affordable rates.

PC Telcom has been the technology leader in northeast Colorado for its one hundred plus years of existence and is looking forward to continuing its excellent customer service record. PC Telcom was one of the first broadband providers in northeast Colorado and now relies on 10 years of experience delivering services to difficult to serve areas that larger providers ignore. PC Telcom is a local company that helps anchor the communities it serves. It provides much-needed jobs, 24-7 customer service and support and local offices. It serves from a local perspective because PC Telcom's owners, who are its customers, have a personal stake in the communities where they work and live.

-----**Service Area:** Harlan County, NE

Submitter: ATCJet.net LLC

Comment: ATCJet.net, LLC provides high speed broadband internet service to its service territory with download speeds ranging from 1 Mbps up to 7 Mbps; and upload speeds from 256 kbps up to 768 kbps. ATCJet.net, LLC does not charge an installation fee and monthly pricing plans begin at an affordable rate of \$29.95. ATCJet.net, LLC is capable of offering broadband service to all the households in its service territory.

Submitter: Glenwood Telecommunications Inc.

Comment: Glenwood Telecommunications has been providing state-of-the-art telecommunication services in this area including High Speed Internet for over 8 years.

-----**Service Area:** Loup County, NE

Submitter: Consolidated Companies Inc.

Comment: Consolidated Companies is the parent company of four rural local exchange carriers providing telephone and broadband service to many of the PFSA's for which Viaero applied for broadband funding. Consolidated Companies' response polygon has been input to the mapping tool. One hundred percent of the households within the response polygon have access to broadband as defined in the NOFA. One hundred percent of the customers to which Consolidated provides landline telephone service within the PFSA are broadband capable.

Submitter: Nebraska Central Telephone Co.

Comment: The respondent (Nebraska Central Telephone Company) is a Local Exchange Carrier (Common Carrier) that offers facilities-based, terrestrial Broadband (high speed) Internet access service in the overlap area of the PFSA.

The respondent's overlap area of applicant's PFSA contains 172 households. Respondent provides Broadband Internet access service (as defined in the NOFA) exceeding 768K downstream and 200K upstream speeds to 100% of the households and businesses in its response polygon. Therefore, the PFSA does not qualify as "underserved" based on the availability criterion.

In response to the PFSA, respondent's advertising copy has been uploaded showing the availability and advertising of service tiers of Broadband speeds up to 5MB downstream and 1 MB upstream, so the PFSA does not qualify as underserved based on the 3Mbps criterion.

The third qualifying criterion for underserved areas requires the use of company specific market data, and is addressed in the Proprietary Comments section.

-----**Service Area:** Nance County, NE

Submitter: Clarks Telecommunications Company

Comment: Clarks Telecommunications Company (CTC) is filing this response to the NE Colorado Cellular, Inc., d/b/a Viaero Wireless (Applicant) Application because we are of the belief that this Application misrepresents the availability of Broadband service (786k downstream/200k upstream) within the area that the Applicant's proposed funded service area (PFSA) overlaps CTC's service area.

CTC was organized in 1908 and in 2007 was acquired by Northeast Nebraska Telephone Company (NNTC), a customer owned cooperative.

CTC is presently a borrower with the Rural Utilities Service and has been since 1957.

Within the PFSA overlap, CTC's recently constructed buried fiber optics cable to the premise (FTTP) network provides access to Broadband services to 100% of the residential households and businesses, CTC advertises Broadband service of 3 Megabits and greater to 100% of the residential households and businesses, and with this new buried FTTP network CTC anticipates the rate of subscription to be greater than 40% in a relatively short period of time.

Applicant's request for funds to build another Broadband capable network, if granted, will be a duplication of investment, duplication of an existing FTTP Broadband capable network, and divert funding that could be available for unserved areas.

Submitter: Cable Nebraska, LLC

Comment: Cable Nebraska offers high speed data services with more than 3 Meg download speeds to both Fullerton and Genoa, NE. Cable Nebraska offers internet packages that include 3, 5 and 8 Meg download speeds. Cable Nebraska has penetration rates of 25% in Fullerton and 35% in Genoa. We also compete against the local telephone providers in these communities. It does not seem necessary, nor a benefit, to provide funding to build out last mile projects in these communities that are already served.

Submitter: Great Plains Communications, Inc.

Comment: NE Colorado Cellular, Inc. d/b/a Viaero Wireless (Viaero) has applied for broadband funding for 74 proposed funded service areas (PFSAs) throughout Nebraska. Great Plains Communications, Inc. (GPC) provides broadband service in 27 of those PFSAs. This specific response relates to the PFSA that Viaero proposes that encompasses most of Nance County, NE. For the reasons set forth herein, the Nance County PFSA should not be considered unserved or underserved. Viaero claims that 1,725 of the housing units are underserved.

GPC provides facilities-based terrestrial broadband service in portions of the Nance County PFSA as can be seen in GPC's "overlay" map. Specifically, GPC provides broadband service availability (per the definition in the NOFA) to 123 residential and business locations, a population of 230.

Of the 1,725 units that Viaero designates as underserved, 7.1% of those have broadband service available from GPC -- i.e., these locations are served.

There are other broadband providers serving some portion of the Nance County PFSA -- these other broadband providers include Frontier, Qwest, McCookNet, DN Speednet and Hamilton.Net. In addition, it appears that Verizon Wireless may have coverage in Nance County. This can be ascertained by entering a selected zip code from the Viaero Nance County PFSA into the Verizon Wireless coverage locator at www.verizonwireless.com. Thus, once one takes into account GPC and all of the other facilities-based providers offering terrestrial broadband service within the Viaero Nance County PFSA, it is highly likely that more than 50% of the households in that PFSA have access to facilities-based terrestrial broadband services (as such services are defined in the NOFA) -- meaning that it would not qualify as "underserved" based upon the availability criterion.

Moreover, as discussed elsewhere herein, the Viaero Nance County PFSA likely fails to satisfy any other criteria that would qualify the PFSA as underserved (assuming it even asserted any other basis than availability as the justification for its underserved claim). Specifically, as described further herein, the GPC customers in the PFSA subscribe to the broadband services offered by GPC within the Nance County PFSA. This is also likely the case for the other broadband providers in Nance County.

The Viaero application, based on its map and redacted Executive Summary proposes an extensive wireless-based solution relying on High Speed Packet Access (HSPA) technology. Viaero's claim of 21 Mbps with HSPA is grossly exaggerated since the current HSPA standard limits the speed to 14 Mbps. Even the 14 Mbps would not be ubiquitously available across the broad expanses proposed by Viaero. HSPA is hardly a proven technology, particularly in rural areas, and it is unlikely that it would provide comprehensive broadband service to the 406 square miles identified in the Nance County PFSA. This is beyond the fact that this area is already significantly served by a number of facilities-based providers as noted above.

HSPA wireless is not only an extremely expensive technology to deploy with its dependence on large numbers of tower sites; but in addition, it suffers from the inherent technical limitations of any spectrum-based technology. It is inappropriate that scarce stimulus program resources would possibly be utilized for deployment of such an expensive and undeveloped technology in rural areas where another facilities-based service exists at a significant level of availability. In rural areas, such as those comprised in much of the Viaero application, the greater distance a customer is from a tower, the less likely that claimed speeds are attained. All wireless technologies, HSPA included are terrain-limited, with hills greatly reducing the distances in which service is available. Also, unlike fiber, engineering experts agree that wireless is not expected to be a good platform for video services due to limited bandwidth and external influences.

It is noteworthy that the Governor of Colorado has chosen to recommend the entire Viaero application – totaling over \$156,000,000 in grants and loans - for stimulus funding when almost 70% of the PFSA's identified in Viaero's application are in Nebraska with the Nebraska area being significantly greater than the area in Colorado. Nebraska Governor Dave Heineman also studied broadband applications that proposed to provide benefits to the state of Nebraska. Governor Heineman released his recommendations to NTIA and RUS and chose not to recommend Viaero's application. Governor Heineman is likely aware that Viaero already benefits from the dedicated Nebraska Universal Service Tower Building fund. Viaero was granted \$5,000,000 from that fund on October 20, 2009 as well as funds last year.

Finally, Viaero claims that funding its project will ultimately create “...between 12,054 and 18,066 jobs within five years.” This relies not only on unsubstantiated assumptions but also on the multiplier effect of indirect and induced jobs – effects that are widely disputed among economists.

Granting Viaero’s application constitutes an inefficient and redundant use of funds. Viaero’s claims are unsubstantiated. Therefore, its application should be rejected.

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: Hamilton.net, Inc.

Comment: Hamilton.net just began offering stationary broadband services using 3G 1XEVD0/Rev A in this location. This service is intended to provide an alternative to DSL and cable modem services. We have also offered, and continue to offer broadband using 5700 MHz and 900 MHz unlicensed wireless equipment in the same polygon for several years.

-----**Service Area:** Lincoln County, CO

Submitter: Eastern Slope Rural Telephone Association, Inc.

Comment: Eastern Slope Rural Telephone Association, Inc. (ESRTA) has been providing high-quality communications services to rural eastern Colorado for 57 years. Based on our history of serving difficult-to-serve areas that larger providers ignore, ESRTA is committed to providing our customers with advanced, reliable communications service, regardless of where they live and work. To this end, ESRTA is capable of providing broadband services at speeds exceeding 5 Mbps download.

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

Submitter: Qwest

Comment: As authorized by the BIP and BTOP Notice of Funds Availability and the Public Notice associated with the publication of BIP and BTOP broadband infrastructure project funding applications found on the BroadbandUSA.gov website, Qwest responds with broadband service data to the application of NE Colorado Cellular, Inc., d/b/a Viaero Wireless Lincoln 1 for funding for an area represented as "underserved" that is located, in whole or in part, in Qwest's broadband service area.

-----**Service Area:** Franklin County, NE

Submitter: Glenwood Telecommunications Inc.

Comment: Glenwood Telecommunications has been providing state-of-the-art telecommunication services in this area including High Speed Internet for over 8 years.

Submitter: Glenwood Telephone Membership Corporation

Comment: Glenwood Telephone has been providing state-of-the-art telecommunication services to this area since 1957 and High Speed Internet for over 8 years.

Submitter: Great Plains Communications, Inc.

Comment: NE Colorado Cellular, Inc. d/b/a Viaero Wireless (Viaero) has applied for broadband funding for 74 proposed funded service areas (PFSAs) throughout Nebraska. Great Plains Communications, Inc. (GPC) provides broadband service in 27 of those PFSAs. This specific response relates to the PFSA that Viaero proposes that encompasses most of Franklin County, NE. For the reasons set forth herein, the

Franklin County PFSA should not be considered unserved or underserved. Viaero claims that 78 of the housing units are unserved with 1,746 being underserved.

GPC provides facilities-based terrestrial broadband service in portions of the Franklin County PFSA as can be seen in GPC's "overlay" map. Specifically, GPC provides broadband service availability (per the definition in the NOFA) to 113 residential and business locations, a population of 244.

Of the 1,824 units that Viaero designates as unserved or underserved, 6.2% of those have broadband service available from GPC -- i.e., these locations are served.

There are other broadband providers serving some portion of the Franklin County PFSA -- these other broadband providers include Frontier, Glenwood wireless and Charter. In addition, it appears that Verizon Wireless may have coverage in Franklin County. This can be ascertained by entering a selected zip code from the Viaero Franklin County PFSA into the Verizon Wireless coverage locator at www.verizonwireless.com. Thus, once one takes into account GPC and all of the other facilities-based providers offering terrestrial broadband service within the Viaero Franklin County PFSA, it is highly likely that more than 50% of the households in that PFSA have access to facilities-based terrestrial broadband services (as such services are defined in the NOFA) -- meaning that it would not qualify as "unserved" or "underserved" based upon the availability criterion.

Moreover, as discussed elsewhere herein, the Viaero Franklin County PFSA likely fails to satisfy any other criteria that would qualify the PFSA as unserved or underserved (assuming it even asserted any other basis than availability as the justification for its unserved/underserved claim). Specifically, as described further herein, the GPC customers in the PFSA subscribe to the broadband services offered by GPC, and GPC advertises a broadband service with transmission speeds of at least 3 Mbps downstream within the Franklin County PFSA. This is also likely the case for the other broadband providers in Franklin County.

The Viaero application, based on its map and redacted Executive Summary proposes an extensive wireless-based solution relying on High Speed Packet Access (HSPA) technology. Viaero's claim of 21 Mbps with HSPA is grossly exaggerated since the current HSPA standard limits the speed to 14 Mbps. Even the 14 Mbps would not be ubiquitously available across the broad expanses proposed by Viaero. HSPA is hardly a proven technology, particularly in rural areas, and it is unlikely that it would provide comprehensive broadband service to the 577 square miles identified in the Franklin County PFSA. This is

beyond the fact that this area is already significantly served by a number of facilities-based providers as noted above.

HSPA wireless is not only an extremely expensive technology to deploy with its dependence on large numbers of tower sites; but in addition, it suffers from the inherent technical limitations of any spectrum-based technology. It is inappropriate that scarce stimulus program resources would possibly be utilized for deployment of such an expensive and undeveloped technology in rural areas where another facilities-based service exists at a significant level of availability. In rural areas, such as those comprised in much of the Viaero application, the greater distance a customer is from a tower, the less likely that claimed speeds are attained. All wireless technologies, HSPA included are terrain-limited, with hills greatly reducing the distances in which service is available. Also, unlike fiber, engineering experts agree that wireless is not expected to be a good platform for video services due to limited bandwidth and external influences.

It is noteworthy that the Governor of Colorado has chosen to recommend the entire Viaero application – totaling over \$156,000,000 in grants and loans - for stimulus funding when almost 70% of the PFSA's identified in Viaero's application are in Nebraska with the Nebraska area being significantly greater than the area in Colorado. Nebraska Governor Dave Heineman also studied broadband applications that proposed to provide benefits to the state of Nebraska. Governor Heineman released his recommendations to NTIA and RUS and chose not to recommend Viaero's application. Governor Heineman is likely aware that Viaero already benefits from the dedicated Nebraska Universal Service Tower Building fund. Viaero was granted \$5,000,000 from that fund on October 20, 2009 as well as funds last year.

Finally, Viaero claims that funding its project will ultimately create "...between 12,054 and 18,066 jobs within five years." This relies not only on unsubstantiated assumptions but also on the multiplier effect of indirect and induced jobs – effects that are widely disputed among economists.

Granting Viaero's application constitutes an inefficient and redundant use of funds. Viaero's claims are unsubstantiated. Therefore, its application should be rejected.

-----**Service Area:** Red Willow County, NE

Submitter: ATCJet.net LLC

Comment: ATCJet.net, LLC provides high speed broadband internet service to its service territory with download speeds ranging from 1 Mbps up to 7 Mbps; and upload speeds from 256 kbps up to 768 kbps. ATCJet.net, LLC does not charge an installation fee and monthly pricing plans begin at an affordable rate of \$29.95. ATCJet.net, LLC is capable of offering broadband service to all the households in its service territory.

Submitter: Cambridge Telephone Company

Comment: Since 2003, The Cambridge Telephone Company, in partnership with its sister company, Pinpoint Communications, has offered broadband service with speeds up to 12 Mbps (Adaptive) via digital subscriber link services (DSL) in Bartley, Nebraska. On January 15, 2009 The United States Department of Agriculture granted interim funds under the Rural Utility Service (RUS) fund to the Cambridge Telephone Company to further enhance that service with the construction of a Fiber-to-the-Home (FTTH) project. FTTH construction is currently underway and is scheduled for completion by July 1, 2010

Several census blocks within the proposed funded area as filed in the first round of broadband stimulus applications in August of this year overlap both the 12 Mbps DSL service area and the FTTH area currently under construction. In our opinion, the noted census blocks do not meet either the definitions of “unserved” or “underserved” as defined in the NOFA.

Submitter: Great Plains Communications, Inc.

Comment: NE Colorado Cellular, Inc. d/b/a Viaero Wireless (Viaero) has applied for broadband funding for 74 proposed funded service areas (PFSAs) throughout Nebraska. Great Plains Communications, Inc. (GPC) provides broadband service in 27 of those PFSAs. This specific response relates to the PFSA that Viaero proposes that encompasses most of Red Willow County, NE. For the reasons set forth herein, the Red Willow County PFSA should not be considered unserved or underserved. Viaero claims that 48 of the housing units are unserved with 5,278 being underserved.

GPC provides facilities-based terrestrial broadband service in portions of the Red Willow County PFSA as can be seen in GPC's "overlay" map. Specifically, GPC provides broadband service availability (per the definition in the NOFA) to 4,228 residential and business locations, a population of 8,972.

Of the 5,326 units that Viaero designates as unserved or underserved, 79.4% of those have broadband service available from GPC -- i.e., these locations are served.

There are other broadband providers serving some portion of the Red Willow County PFSA -- these other broadband providers include Hartman, Pinpoint, ATC JETNET and McCookNet. In addition, it appears that Verizon Wireless may have coverage in Red Willow County. This can be ascertained by entering a selected zip code from the Viaero Red Willow county PFSA into the Verizon Wireless coverage locator at www.verizonwireless.com. Thus, once one takes into account GPC and all of the other facilities-based providers offering terrestrial broadband service within the Viaero Red Willow County PFSA, there is well over 50% of the households in that PFSA with access to facilities-based terrestrial broadband services (as such services are defined in the NOFA) -- meaning that it would not qualify as "unserved" or "underserved" based upon the availability criterion.

Moreover, as discussed elsewhere herein, the Viaero Red Willow County PFSA likely fails to satisfy any other criteria that would qualify the PFSA as unserved or underserved (assuming it even asserted any other basis than availability as the justification for its unserved/underserved claim). Specifically, as described further herein, the GPC customers in the PFSA subscribe to the broadband services offered by GPC, and GPC advertises a broadband service with transmission speeds of at least 3 Mbps downstream within the Red Willow County PFSA. This is also likely the case for the other broadband providers in Red Willow County.

The Viaero application, based on its map and redacted Executive Summary proposes an extensive wireless-based solution relying on High Speed Packet Access (HSPA) technology. Viaero's claim of 21 Mbps with HSPA is grossly exaggerated since the current HSPA standard limits the speed to 14 Mbps. Even the 14 Mbps would not be ubiquitously available across the broad expanses proposed by Viaero. HSPA is hardly a proven technology, particularly in rural areas, and it is unlikely that it would provide comprehensive broadband service to the 714 square miles identified in the Red Willow County PFSA. This is beyond the fact that this area is already significantly served by a number of facilities-based providers as noted above.

HSPA wireless is not only an extremely expensive technology to deploy with its dependence on large numbers of tower sites; but in addition, it suffers from the inherent technical limitations of any spectrum-based technology. It is inappropriate that scarce stimulus program resources would possibly be utilized for deployment of such an expensive and undeveloped technology in rural areas where another facilities-based service exists at a significant level of availability. In rural areas, such as those comprised in much of the Viaero application, the greater distance a customer is from a tower, the less likely that claimed speeds are attained. All wireless technologies, HSPA included are terrain-limited, with hills greatly reducing the distances in which service is available. Also, unlike fiber, engineering experts agree that wireless is not expected to be a good platform for video services due to limited bandwidth and external influences.

It is noteworthy that the Governor of Colorado has chosen to recommend the entire Viaero application – totaling over \$156,000,000 in grants and loans - for stimulus funding when almost 70% of the PFSA's identified in Viaero's application are in Nebraska with the Nebraska area being significantly greater than the area in Colorado. Nebraska Governor Dave Heineman also studied broadband applications that proposed to provide benefits to the state of Nebraska. Governor Heineman released his recommendations to NTIA and RUS and chose not to recommend Viaero's application. Governor Heineman is likely aware that Viaero already benefits from the dedicated Nebraska Universal Service Tower Building fund. Viaero was granted \$5,000,000 from that fund on October 20, 2009 as well as funds last year.

Finally, Viaero claims that funding its project will ultimately create "...between 12,054 and 18,066 jobs within five years." This relies not only on unsubstantiated assumptions but also on the multiplier effect of indirect and induced jobs – effects that are widely disputed among economists.

Granting Viaero's application constitutes an inefficient and redundant use of funds. Viaero's claims are unsubstantiated. Therefore, its application should be rejected.

Submitter: BWTelcom

Comment: Benkelman, Wauneta and Hartman Telephone Companies, dba BWTelcom, currently provide service in this application area that meets or exceeds all ARRA NOFA requirements to be classified as a "Served" area. 100% of the households have access to Broadband service of at least 768/200 Kbps. The current residential take rate of Broadband service at a speed of 768/200 Kbps or higher is 46% of households. BWTelcom advertises a 5 Mbps service.

-----**Service Area:** Crowley County, CO

Submitter: CenturyLink

Comment: CenturyLink has an extensive broadband footprint today, and has committed to extend that service even further. As part of its merger commitments to the Federal Communications Commission, CenturyLink committed to offer retail broadband Internet access service to 100% of its broadband eligible access lines by July 1, 2012. Consequently, virtually no areas served by CenturyTel or Embarq local operating companies, in any state, will be underserved or unserved at the end of three years.

CenturyLink also agreed to meet targets for minimum download speeds. CenturyLink will ensure availability of retail broadband Internet access service with a download speed of 1.5 Mbps to 87% of the broadband eligible access lines by July 1, 2011. It will ensure availability with a download speed of 3 Mbps to 75% of broadband eligible access lines by July 1, 2010, to 78% of broadband eligible lines by July 1, 2011, and to 80% of broadband eligible lines within 3 years of the close date. Nationwide, our average tele-density is 23 customers per square mile. This commitment ensures availability of broadband even to very rural consumers.

The agency should consider the importance of this commitment, as CenturyLink's continuing investment inevitably will make applications that overlap CenturyLink service areas less viable. CenturyLink has proven, industry-leading experience in deploying broadband networks and services using both wireline and wireless technology, and a strong commitment and focus on rural areas. Today, it serves 7 million access lines and 2.1 million broadband customers in 33 states.

-----**Service Area:** Keya Paha, NE

Submitter: Three River Telco

Comment: Three River Telco currently provides service in its certificated exchange areas that meets or exceeds all ARRA NOFA requirements to be classified as a “Served” area. 100% of the households have access to Broadband service at a rate of 768/200 Kbps or higher. The current residential take rate of Broadband services in the application area at a speed of 768/200 Kbps or higher is 45% of households. Three River Telco offers an 8 Mbps service.

-----**Service Area:** Keith County, NE

Submitter: ATCJet.net LLC

Comment: ATCJet.net, LLC provides high speed broadband internet service to its service territory with download speeds ranging from 1 Mbps up to 7 Mbps; and upload speeds from 256 kbps up to 768 kbps. ATCJet.net, LLC does not charge an installation fee and monthly pricing plans begin at an affordable rate of \$29.95. ATCJet.net, LLC is capable of offering broadband service to all the households in its service territory.

Submitter: KeyArt Comm.

Comment: We are providing broadband service through our internet company lakemac.net to the customers in this area.

Submitter: ATC Communications

Comment: Arapahoe Telephone Company (ATC Communications) provides high speed broadband internet service to its service territory with download speeds ranging from 1 Mbps up to 7 Mbps; and upload speeds from 256 kbps up to 768 kbps. ATC does not charge an installation fee and monthly pricing plans begin at an affordable rate of \$29.95. ATC is capable of offering broadband service to all the households in its service territory.

Submitter: Consolidated Companies Inc

Comment: Consolidated Companies is the parent company of four rural local exchange carriers providing telephone and broadband service to many of the PFSAs for which Viaero applied for broadband funding. Consolidated Companies’ response polygon has been input to the mapping tool.

One hundred percent of the households within the response polygon have access to broadband as defined in the NOFA.

The applicant's PFSA contains 3,691 households of which 282 households have access to broadband from Consolidated. The respondent provides, and advertises the availability of 3Mbps broadband service within the PFSA, so the PFSA does not qualify as underserved based on the 3Mbps criterion.

Submitter: Mobius Communications Company

Comment: Mobius Communications Company (Mobius) is a pioneer, providing Internet service in the Nebraska Panhandle since 1996 and broadband service since 1999. We were among the first in the area to provide broadband service to rural Americans, with 100% of the customers in our service areas capable of receiving this advanced service. We are proud of our service to our communities including some of the most remote areas in the Nebraska Panhandle as well as community anchor institutions including public safety agencies, schools, libraries and healthcare providers. As a community-based company, we provide much-needed jobs, 24-7 customer support and local offices for our customers' convenience in Alliance, Gering, and Hemingford, Nebraska.

-----**Service Area:** Blaine County, NE

Submitter: Consolidated Companies Inc.

Comment: Consolidated Companies is the parent company of four rural local exchange carriers providing telephone and broadband service to many of the PFSA's for which Viaero applied for broadband funding. Consolidated Companies' response polygon has been input to the mapping tool. One hundred percent of the households within the response polygon have access to broadband as defined in the NOFA.

The applicant's PFSA contains 141 households of which 117 households or 83 percent have access to broadband from Consolidated. Therefore, the PFSA does not qualify as underserved based on the availability criterion. The respondent provides, and advertises the availability of 3Mbps broadband service within the PFSA, so the PFSA does not qualify as underserved based on the 3Mbps criterion.

The third qualifying criterion for underserved areas requires the use of company specific market data, and is addressed in the Proprietary Comments section.

-----**Service Area:** Furnas County, NE

Submitter: ATCJet.net LLC

Comment: ATCJet.net, LLC provides high speed broadband internet service to its service territory with download speeds ranging from 1 Mbps up to 7 Mbps; and upload speeds from 256 kbps up to 768 kbps. ATCJet.net, LLC does not charge an installation fee and monthly pricing plans begin at an affordable rate of \$29.95. ATCJet.net, LLC is capable of offering broadband service to all the households in its service territory.

Submitter: ATC Communications

Comment: Arapahoe Telephone Company (ATC Communications) provides high speed broadband internet service to its service territory with download speeds ranging from 1 Mbps up to 7 Mbps; and upload speeds from 256 kbps up to 768 kbps. ATC does not charge an installation fee and monthly pricing plans begin at an affordable rate of \$29.95. ATC is capable of offering broadband service to all the households in its service territory.

Submitter: Cambridge Telephone Company

Comment: Since 2003, The Cambridge Telephone Company, in partnership with its sister company, Pinpoint Communications, has offered broadband service with speeds up to 12 Mbps (Adaptive) via digital subscriber link services (DSL) in Cambridge, Nebraska. On January 15, 2009 The United States Department of Agriculture granted interim funds under the Rural Utility Service (RUS) fund to the Cambridge Telephone Company to further enhance that service with the construction of a Fiber-to-the-Home (FTTH) project. FTTH construction is currently underway and is scheduled for completion by January 1, 2010

Several census blocks within the proposed funded area as filed in the first round of broadband stimulus applications in August of this year overlap both the 12 Mbps DSL service area and the FTTH area currently under construction. In our opinion, the noted census blocks do not meet either the definitions of “unserved” or “underserved” as defined in the NOFA.

-----**Service Area:** Hayes County, NE

Submitter: Consolidated Companies Inc.

Comment: Consolidated Companies is the parent company of four rural local exchange carriers providing telephone and broadband service to many of the PFSAs for which Viaero applied for broadband funding. Consolidated Companies’ response polygon has been input to the mapping tool. One hundred percent of the households within the response polygon have access to broadband as defined in the NOFA. One hundred percent of the customers to which Consolidated provides landline telephone service within the PFSA are broadband capable. Broadband stimulus funds can be used more effectively elsewhere.

Submitter: Great Plains Communications, Inc.

Comment: NE Colorado Cellular, Inc. d/b/a Viaero Wireless (Viaero) has applied for broadband funding for 74 proposed funded service areas (PFSAs) throughout Nebraska. Great Plains Communications, Inc. (GPC) provides broadband service in 27 of those PFSAs. This specific response relates to the PFSA that Viaero proposes that encompasses most of Hayes County, NE. For the reasons set forth herein, the Hayes County PFSA should not be considered unserved or underserved. Viaero claims that 398 of the housing units are unserved with 115 being underserved.

GPC provides facilities-based terrestrial broadband service in portions of the Hayes County PFSA as can be seen in GPC’s “overlay” map. Specifically, GPC provides broadband service availability (per the definition in the NOFA) to 164 residential and business locations, a population of 335.

Of the 513 units that Viaero designates as unserved or underserved, 32% of those have broadband service available from GPC -- i.e., these locations are served.

There is at least one other broadband providers serving some portion of the Hayes County PFSA – McCookNet. In addition, it appears that Verizon Wireless may have coverage in Hayes County. This can be ascertained by entering a selected zip code from the Viaero Hayes county PFSA into the Verizon Wireless coverage locator at www.verizonwireless.com. Thus, once one takes into account GPC and McCookNet as at least two of the facilities-based providers offering terrestrial broadband service within the Viaero Hayes County PFSA, it is highly likely that more than 50% of the households in that PFSA have access to facilities-based terrestrial broadband services (as such services are defined in the NOFA) -- meaning that it would not qualify as “unserved” or “underserved” based upon the availability criterion.

Moreover, as discussed elsewhere herein, the Viaero Hayes County PFSA likely fails to satisfy any other criteria that would qualify the PFSA as unserved or underserved (assuming it even asserted any other basis than availability as the justification for its unserved/underserved claim). Specifically, as described further herein, the GPC customers in the PFSA subscribe to the broadband services offered by GPC, and GPC advertises a broadband service with transmission speeds of at least 3 Mbps downstream within the Hayes County PFSA. This is also likely the case for the other broadband providers in Hayes County.

The Viaero application, based on its map and redacted Executive Summary proposes an extensive wireless-based solution relying on High Speed Packet Access (HSPA) technology. Viaero’s claim of 21 Mbps with HSPA is grossly exaggerated since the current HSPA standard limits the speed to 14 Mbps. Even the 14 Mbps would not be ubiquitously available across the broad expanses proposed by Viaero. HSPA is hardly a proven technology, particularly in rural areas, and it is unlikely that it would provide comprehensive broadband service to the 711 square miles identified in the Hayes County PFSA. This is beyond the fact that this area is already significantly served by a number of facilities-based providers as noted above.

HSPA wireless is not only an extremely expensive technology to deploy with its dependence on large numbers of tower sites; but in addition, it suffers from the inherent technical limitations of any spectrum-based technology. It is inappropriate that scarce stimulus program resources would possibly be utilized for deployment of such an expensive and undeveloped technology in rural areas where another facilities-based service exists at a significant level of availability. In rural areas, such as those comprised in much of the Viaero application, the greater distance a customer is from a tower, the less likely that claimed speeds are attained. All wireless technologies, HSPA included are terrain-limited, with hills greatly reducing the distances in which service is available. Also, unlike fiber, engineering

experts agree that wireless is not expected to be a good platform for video services due to limited bandwidth and external influences.

It is noteworthy that the Governor of Colorado has chosen to recommend the entire Viaero application – totaling over \$156,000,000 in grants and loans - for stimulus funding when almost 70% of the PFSA's identified in Viaero's application are in Nebraska with the Nebraska area being significantly greater than the area in Colorado. Nebraska Governor Dave Heineman also studied broadband applications that proposed to provide benefits to the state of Nebraska. Governor Heineman released his recommendations to NTIA and RUS and chose not to recommend Viaero's application. Governor Heineman is likely aware that Viaero already benefits from the dedicated Nebraska Universal Service Tower Building fund. Viaero was granted \$5,000,000 from that fund on October 20, 2009 as well as funds last year.

Finally, Viaero claims that funding its project will ultimately create "...between 12,054 and 18,066 jobs within five years." This relies not only on unsubstantiated assumptions but also on the multiplier effect of indirect and induced jobs – effects that are widely disputed among economists.

Granting Viaero's application constitutes an inefficient and redundant use of funds. Viaero's claims are unsubstantiated. Therefore, its application should be rejected.

Submitter: BWTelcom

Comment: Benkelman, Wauneta and Hartman Telephone Companies, dba BWTelcom, currently provide service in their certificated exchange areas that meets or exceeds all ARRA NOFA requirements to be classified as a "Served" area. 100% of households have access to Broadband service of at least 768/200 Kbps. The current residential take rate of Broadband service at a speed of 768/200 Kbps or higher is 42% of households. BWTelcom offers a 5 Mbps service.

-----**Service Area:** Dundy County, NE

Submitter: BWTelcom

Comment: Benkelman, Wauneta and Hartman Telephone Companies, dba BWTelcom, currently provides service in its certificated exchange areas of Dundy County that meets or exceeds all ARRA NOFA requirements to be classified as a "Served" area. 100% of the households have access to Broadband service of at least 768/200 Kbps. The current residential take rate in the application area of Broadband service at a speed of 768/200 Kbps or higher is 48%. BWTelcom advertises and offers a 5 Mbps service.

-----**Service Area:** Phelps County, NE

Submitter: ATCJet.net LLC

Comment: ATCJet.net, LLC provides high speed broadband internet service to its service territory with download speeds ranging from 1 Mbps up to 7 Mbps; and upload speeds from 256 kbps up to 768 kbps. ATCJet.net, LLC does not charge an installation fee and monthly pricing plans begin at an affordable rate of \$29.95. ATCJet.net, LLC is capable of offering broadband service to all the households in its service territory.

Submitter: ATC Communications

Comment: Arapahoe Telephone Company (ATC Communications) provides high speed broadband internet service to its service territory with download speeds ranging from 1 Mbps up to 7 Mbps; and upload speeds from 256 kbps up to 768 kbps. ATC does not charge an installation fee and monthly pricing plans begin at an affordable rate of \$29.95. ATC is capable of offering broadband service to all the households in its service territory.

Submitter: Glenwood Telecommunications Inc.

Comment: Glenwood Telecommunications has been providing state-of-the-art telecommunication services in this area including High Speed Internet for over 8 years.

Submitter: Glenwood Telephone Membership Corporation

Comment: Glenwood Telephone has been providing state-of-the-art telecommunication services to this area since 1957 and High Speed Internet for over 8 years.

-----**Service Area:** Hitchcock County, NE

Submitter: Great Plains Communications, Inc

Comment: NE Colorado Cellular, Inc. d/b/a Viaero Wireless (Viaero) has applied for broadband funding for 74 proposed funded service areas (PFSAs) throughout Nebraska. Great Plains Communications, Inc. (GPC) provides broadband service in 27 of those PFSAs. This specific response relates to the PFSA that Viaero proposes that encompasses most of Hitchcock County, NE. For the reasons set forth herein, the Hitchcock County PFSA should not be considered unserved or underserved. Viaero claims that 1,648 of the housing units are underserved.

GPC provides facilities-based terrestrial broadband service in portions of the Hitchcock County PFSA as can be seen in GPC's "overlay" map. Specifically, GPC provides broadband service availability (per the definition in the NOFA) to 1,370 residential and business locations, a population of 2,468.

Of the 1,648 units that Viaero designates as underserved, 83.1% of those have broadband service available from GPC -- i.e., these locations are served.

There are other broadband providers serving some portion of the Hitchcock County PFSA -- these other broadband providers include McCookNet and Time Warner. In addition, it appears that Verizon Wireless may have coverage in Hitchcock County. This can be ascertained by entering a selected zip code from the Viaero Hitchcock County PFSA into the Verizon Wireless coverage locator at www.verizonwireless.com. Thus, once one takes into account GPC and all of the other facilities-based providers offering terrestrial broadband service within the Viaero Hitchcock County PFSA, far more than 50% of the households in that PFSA have access to facilities-based terrestrial broadband services (as such services are defined in the NOFA) -- meaning that it would not qualify as "underserved" based upon the availability criterion.

Moreover, as discussed elsewhere herein, the Viaero Hitchcock County PFSA likely fails to satisfy any other criteria that would qualify the PFSA as underserved (assuming it even asserted any other basis than availability as the justification for its underserved claim). Specifically, as described further herein, the GPC customers in the PFSA subscribe to the broadband services offered by GPC, and GPC advertises

a broadband service with transmission speeds of at least 3 Mbps downstream within the Hitchcock County PFSA. This is also likely the case for the other broadband providers in Hitchcock County.

The Viaero application, based on its map and redacted Executive Summary proposes an extensive wireless-based solution relying on High Speed Packet Access (HSPA) technology. Viaero's claim of 21 Mbps with HSPA is grossly exaggerated since the current HSPA standard limits the speed to 14 Mbps. Even the 14 Mbps would not be ubiquitously available across the broad expanses proposed by Viaero. HSPA is hardly a proven technology, particularly in rural areas, and it is unlikely that it would provide comprehensive broadband service to the 647 square miles identified in the Hitchcock County PFSA. This is beyond the fact that this area is already significantly served by a number of facilities-based providers as noted above.

HSPA wireless is not only an extremely expensive technology to deploy with its dependence on large numbers of tower sites; but in addition, it suffers from the inherent technical limitations of any spectrum-based technology. It is inappropriate that scarce stimulus program resources would possibly be utilized for deployment of such an expensive and undeveloped technology in rural areas where another facilities-based service exists at a significant level of availability. In rural areas, such as those comprised in much of the Viaero application, the greater distance a customer is from a tower, the less likely that claimed speeds are attained. All wireless technologies, HSPA included are terrain-limited, with hills greatly reducing the distances in which service is available. Also, unlike fiber, engineering experts agree that wireless is not expected to be a good platform for video services due to limited bandwidth and external influences.

It is noteworthy that the Governor of Colorado has chosen to recommend the entire Viaero application – totaling over \$156,000,000 in grants and loans - for stimulus funding when almost 70% of the PFSA's identified in Viaero's application are in Nebraska with the Nebraska area being significantly greater than the area in Colorado. Nebraska Governor Dave Heineman also studied broadband applications that proposed to provide benefits to the state of Nebraska. Governor Heineman released his recommendations to NTIA and RUS and chose not to recommend Viaero's application. Governor Heineman is likely aware that Viaero already benefits from the dedicated Nebraska Universal Service Tower Building fund. Viaero was granted \$5,000,000 from that fund on October 20, 2009 as well as funds last year.

Finally, Viaero claims that funding its project will ultimately create "...between 12,054 and 18,066 jobs within five years." This relies not only on unsubstantiated assumptions but also on the multiplier effect of indirect and induced jobs – effects that are widely disputed among economists.

Granting Viaero's application constitutes an inefficient and redundant use of funds. Viaero's claims are unsubstantiated. Therefore, its application should be rejected.

Submitter: BWTelcom

Comment: Benkelman, Wauneta and Hartman Telephone Companies, dba BWTelcom, currently provide service in its certificated exchange areas the meet or exceeds all ARRA NOFA requirements to be classified as a "Served" area. 100% of the households have access to Broadband service of at least 768/200 Kbps. The current residential take rate in the area at a speed of 768/200 Kbps or higher is 43% of households. BWTelcom advertises a 5 Mbps service.

-----**Service Area:** Dawson County, NE

Submitter: ATCJet.net LLC

Comment: ATCJet.net, LLC provides high speed broadband internet service to its service territory with download speeds ranging from 1 Mbps up to 7 Mbps; and upload speeds from 256 kbps up to 768 kbps. ATCJet.net, LLC does not charge an installation fee and monthly pricing plans begin at an affordable rate of \$29.95. ATCJet.net, LLC is capable of offering broadband service to all the households in its service territory.

Submitter: ATC Communications

Comment: Arapahoe Telephone Company (ATC Communications) provides high speed broadband internet service to its service territory with download speeds ranging from 1 Mbps up to 7 Mbps; and upload speeds from 256 kbps up to 768 kbps. ATC does not charge an installation fee and monthly pricing plans begin at an affordable rate of \$29.95. ATC is capable of offering broadband service to all the households in its service territory.

Submitter: Consolidated Companies Inc.

Comment: Consolidated Companies is the parent company of four rural local exchange carriers providing telephone and broadband service to many of the PFSA's for which Viaero applied for broadband funding. Consolidated Companies' response polygon has been input to the mapping tool. One hundred percent of the households within the response polygon have access to broadband as defined in the NOFA. One hundred percent of the customers to which Consolidated provides landline telephone service within the PFSA are broadband capable. Broadband stimulus funds can be used more effectively elsewhere.

Submitter: Cozad Telephone Company

Comment: Cozad Telephone Company (CTC) provides wireline and wireless high speed broadband internet service at 3 Mbps downstream and 1 Mbps upstream. CTC is capable of delivering broadband internet to 100% of the households in its service territory.

-----**Service Area:** Gosper County, NE

Submitter: ATCJet.net LLC

Comment: ATCJet.net, LLC provides high speed broadband internet service to its service territory with download speeds ranging from 1 Mbps up to 7 Mbps; and upload speeds from 256 kbps up to 768 kbps. ATCJet.net, LLC does not charge an installation fee and monthly pricing plans begin at an affordable rate of \$29.95. ATCJet.net, LLC is capable of offering broadband service to all the households in its service territory.

Submitter: ATC Communications

Comment: Arapahoe Telephone Company (ATC Communications) provides high speed broadband internet service to its service territory with download speeds ranging from 1 Mbps up to 7 Mbps; and upload speeds from 256 kbps up to 768 kbps. ATC does not charge an installation fee and monthly pricing plans begin at an affordable rate of \$29.95. ATC is capable of offering broadband service to all the households in its service territory.

Submitter: Consolidated Companies Inc.

Comment: Consolidated Companies is the parent company of four rural local exchange carriers providing telephone and broadband service to many of the PFSA's for which Viaero applied for broadband funding. Consolidated Companies' response polygon has been input to the mapping tool. One hundred percent of the households within the response polygon have access to broadband as defined in the NOFA. One hundred percent of the customers to which Consolidated provides landline telephone service within the PFSA are broadband capable. Broadband stimulus funds can be used more effectively elsewhere.

Submitter: Applied Communications Technology

Comment: Applied Communications Technology provides high speed broadband internet service to its service territory with download speeds ranging from 1 Mbps up to 7 Mbps; and upload speeds from 256 kbps up to 768 kbps. Applied Communications Technology does not charge an installation fee and monthly pricing plans begin at an affordable rate of \$29.95. Applied Communications Technology is capable of offering broadband service to all the households in its service territory.

Submitter: Qwest

Comment: As authorized by the BIP and BTOP Notice of Funds Availability and the Public Notice associated with the publication of BIP and BTOP broadband infrastructure project funding applications found on the BroadbandUSA.gov website, Qwest responds with broadband service data to the application of NE CO Cellular Gosper for funding for an area represented as "unserved" that is located, in whole or in part, in Qwest's broadband service area.

-----**Service Area:** Mineral County, CO

Submitter: CenturyTel

Comment: CenturyLink has an extensive broadband footprint today, and has committed to extend that service even further. As part of its merger commitments to the Federal Communications Commission, CenturyLink committed to offer retail broadband Internet access service to 100% of its broadband eligible access lines by July 1, 2012. Consequently, virtually no areas served by CenturyTel or Embarq local operating companies, in any state, will be underserved or unserved at the end of three years.

CenturyLink also agreed to meet targets for minimum download speeds. CenturyLink will ensure availability of retail broadband Internet access service with a download speed of 1.5 Mbps to 87% of the broadband eligible access lines by July 1, 2011. It will ensure availability with a download speed of 3 Mbps to 75% of broadband eligible access lines by July 1, 2010, to 78% of broadband eligible lines by July 1, 2011, and to 80% of broadband eligible lines within 3 years of the close date. Nationwide, our average tele-density is 23 customers per square mile. This commitment ensures availability of broadband even to very rural consumers.

The agency should consider the importance of this commitment, as CenturyLink's continuing investment inevitably will make applications that overlap CenturyLink service areas less viable. CenturyLink has proven, industry-leading experience in deploying broadband networks and services using both wireline and wireless technology, and a strong commitment and focus on rural areas. Today, it serves 7 million access lines and 2.1 million broadband customers in 33 states.

-----**Service Area:** Butler County, NE

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.”

-----**Service Area:** Chase County, NE

Submitter: Great Plains Communications, Inc.

Comment: NE Colorado Cellular, Inc. d/b/a Viaero Wireless (Viaero) has applied for broadband funding for 74 proposed funded service areas (PFSAs) throughout Nebraska. Great Plains Communications, Inc. (GPC) provides broadband service in 27 of those PFSAs. This specific response relates to the PFSA that Viaero proposes that encompasses most of Chase County, NE. For the reasons set forth herein, the Chase County PFSA should not be considered unserved or underserved. Viaero claims that 710 of the housing units are unserved with 1,199 being underserved.

GPC provides facilities-based terrestrial broadband service in portions of the Chase County PFSA as can be seen in GPC’s “overlay” map. Specifically, GPC provides broadband service availability (per the definition in the NOFA) to 942 residential and business locations, a population of 2,109.

Of the 1,909 units that Viaero designates as unserved or underserved, 49.3% of those have broadband service available from GPC -- i.e., these locations are served.

There is at least one other broadband providers serving some portion of the Chase County PFSA – Chase 3000. In addition, it appears that Verizon Wireless may have coverage in Chase County. This can be ascertained by entering a selected zip code from the Viaero Chase county PFSA into the Verizon Wireless coverage locator at www.verizonwireless.com. Thus, once one takes into account GPC (with almost 50% on its own) and Chase 3000 there as facilities-based providers offering terrestrial broadband service within the Viaero Chase County PFSA, it is highly likely that more than 50% of the households in that PFSA have access to facilities-based terrestrial broadband services (as such services are defined in the NOFA) -- meaning that it would not qualify as “unserved” or “underserved” based upon the availability criterion.

Moreover, as discussed elsewhere herein, the Viaero Chase County PFSA likely fails to satisfy any other criteria that would qualify the PFSA as unserved or underserved (assuming it even asserted any other basis than availability as the justification for its unserved/underserved claim). Specifically, as described further herein, the GPC customers in the PFSA subscribe to the broadband services offered by GPC, and GPC advertises a broadband service with transmission speeds of at least 3 Mbps downstream within the Chase County PFSA. This is also likely the case for the other broadband provider in Chase County.

The Viaero application, based on its map and redacted Executive Summary proposes an extensive wireless-based solution relying on High Speed Packet Access (HSPA) technology. Viaero’s claim of 21 Mbps with HSPA is grossly exaggerated since the current HSPA standard limits the speed to 14 Mbps. Even the 14 Mbps would not be ubiquitously available across the broad expanses proposed by Viaero. HSPA is hardly a proven technology, particularly in rural areas, and it is unlikely that it would provide comprehensive broadband service to the 822 square miles identified in the Chase County PFSA. This is beyond the fact that this area is already significantly served by at least 2 facilities-based providers as noted above.

HSPA wireless is not only an extremely expensive technology to deploy with its dependence on large numbers of tower sites; but in addition, it suffers from the inherent technical limitations of any spectrum-based technology. It is inappropriate that scarce stimulus program resources would possibly be utilized for deployment of such an expensive and undeveloped technology in rural areas where another facilities-based service exists at a significant level of availability. In rural areas, such as those comprised in much of the Viaero application, the greater distance a customer is from a tower, the less likely that claimed speeds are attained. All wireless technologies, HSPA included are terrain-limited, with hills greatly reducing the distances in which service is available. Also, unlike fiber, engineering experts agree that wireless is not expected to be a good platform for video services due to limited bandwidth and external influences.

It is noteworthy that the Governor of Colorado has chosen to recommend the entire Viaero application – totaling over \$156,000,000 in grants and loans - for stimulus funding when almost 70% of the PFSA's identified in Viaero's application are in Nebraska with the Nebraska area being significantly greater than the area in Colorado. Nebraska Governor Dave Heineman also studied broadband applications that proposed to provide benefits to the state of Nebraska. Governor Heineman released his recommendations to NTIA and RUS and chose not to recommend Viaero's application. Governor Heineman is likely aware that Viaero already benefits from the dedicated Nebraska Universal Service Tower Building fund. Viaero was granted \$5,000,000 from that fund on October 20, 2009 as well as funds last year.

Finally, Viaero claims that funding its project will ultimately create "...between 12,054 and 18,066 jobs within five years." This relies not only on unsubstantiated assumptions but also on the multiplier effect of indirect and induced jobs – effects that are widely disputed among economists.

Granting Viaero's application constitutes an inefficient and redundant use of funds. Viaero's claims are unsubstantiated. Therefore, its application should be rejected.

Submitter: BWTelcom

Comment: Benkelman, Wauneta and Hartman Telephone Companies, dba BWTelcom, currently provide service inside its certificated exchange areas that meets or exceeds all ARRA NOFA requirements to be classified as a "Served" area. 100/5 of households have access to Broadband service at a speed of at least 768/200 Kbps. The current residential take rate in this application area of Broadband services at a speed of at least 768/200 Kbps is 40%. BWTelcom offers a 5 Mbps service.

-----**Service Area:** Pueblo County, CO

Submitter: CenturyLink

Comment: CenturyLink has an extensive broadband footprint today, and has committed to extend that service even further. As part of its merger commitments to the Federal Communications Commission,

CenturyLink committed to offer retail broadband Internet access service to 100% of its broadband eligible access lines by July 1, 2012. Consequently, virtually no areas served by CenturyTel or Embarq local operating companies, in any state, will be underserved or unserved at the end of three years.

CenturyLink also agreed to meet targets for minimum download speeds. CenturyLink will ensure availability of retail broadband Internet access service with a download speed of 1.5 Mbps to 87% of the broadband eligible access lines by July 1, 2011. It will ensure availability with a download speed of 3 Mbps to 75% of broadband eligible access lines by July 1, 2010, to 78% of broadband eligible lines by July 1, 2011, and to 80% of broadband eligible lines within 3 years of the close date. Nationwide, our average tele-density is 23 customers per square mile. This commitment ensures availability of broadband even to very rural consumers.

The agency should consider the importance of this commitment, as CenturyLink's continuing investment inevitably will make applications that overlap CenturyLink service areas less viable. CenturyLink has proven, industry-leading experience in deploying broadband networks and services using both wireline and wireless technology, and a strong commitment and focus on rural areas. Today, it serves 7 million access lines and 2.1 million broadband customers in 33 states.

Submitter: Rye Telephone Company

Comment: Rye Telephone Company (RTC) has been providing high-quality communications services in the remote and rural communities of Rye, Colorado City and Kim, Colorado for 50 years. RTC has been offering broadband services since 2002 and can offer speeds up to 5 Mbps within its service areas.

In keeping with its long tradition of providing cutting-edge technologies, RTC utilizes a variety of broadband technologies, each tailored to specific local needs and geographical challenges. At considerable investment, RTC deployed a Fiber-to-the-Premise (FTTP) platform to serve the vast majority of its service areas.

RTC is a local company that helps anchor the communities it serves. It provides much-needed jobs, 24-7 customer service and local offices. Because of RTC's advanced network, important community anchor institutions including local and state government, public safety agencies, healthcare facilities, schools and libraries now have broadband services. Due to RTC's entrepreneurial spirit, its dedication to its

customers and through a substantial investment in advanced network facilities, these rural southern Colorado communities enjoy the same level of service as offered in metropolitan areas.

Submitter: Stelera Wireless, LLC

Comment: The applicant's proposed service area does not qualify as unserved or underserved as defined by the BIP or BTOP programs. Stelera Broadband will provide broadband access to the service area with peak speeds of 9-10 mbps in the next 6 months. The town of Colorado City will be served by Stelera Broadband, a broadband service provider under the RUS Broadband Loan program. Stelera plans to advertise and deliver broadband transmission speeds in excess of 3 mbps downstream. Over 50% of the households in the proposed service area will soon have access to terrestrial broadband service at greater than the minimum broadband transmission speed. The area does not qualify as unserved because the number of households lacking access to broadband is less than 90% based on Stelera research.

Submitter: Qwest

Comment: As authorized by the BIP and BTOP Notice of Funds Availability and the Public Notice associated with the publication of BIP and BTOP broadband infrastructure project funding applications found on the BroadbandUSA.gov website, Qwest responds with broadband service data to the application of NE Colorado Cellular, Inc., d/b/a Viaero Wireless Pueblo for funding for an area represented as "underserved" that is located, in whole or in part, in Qwest's broadband service area.

-----**Service Area:** Merrick County, NE

Submitter: Clarks Telecommunications Company

Comment: Clarks Telecommunications Company (CTC) is filing this response to the NE Colorado Cellular, Inc., d/b/a Viaero Wireless (Applicant) Application because we are of the belief that this Application misrepresents the availability of Broadband service (786k downstream/200k upstream) within the area that the Applicant's proposed funded service area (PFSA) overlaps CTC's service area.

CTC was organized in 1908 and in 2007 was acquired by Northeast Nebraska Telephone Company (NNTC), a customer owned cooperative.

CTC is presently a borrower with the Rural Utilities Service and has been since 1957.

Within the PFSA overlap, CTC's recently constructed buried fiber optics cable to the premise (FTTP) network provides access to Broadband services to 100% of the residential households and businesses, CTC advertises Broadband service of 3 Megabits and greater to 100% of the residential households and businesses, and with this new buried FTTP network CTC anticipates the rate of subscription to be greater than 40% in a relatively short period of time.

Applicant's request for funds to build another Broadband capable network, if granted, will be a duplication of investment, duplication of an existing FTTP Broadband capable network, and divert funding that could be available for unserved areas.

Submitter: Cable Nebraska, LLC

Comment: Cable Nebraska offers high speed data service with speeds higher than 3 Meg download in Palmer and Central City, NE. Cable Nebraska offers internet packages that include speeds of 3, 5 and 8 Meg downloads. Cable Nebraska has 36% penetration in Central City and 12% in Palmer. We also compete with the local telephone providers which offers DSL service in these areas. It does not seem necessary, nor a benefit, to provide funding to build out last mile projects in these communities that are already served by two providers.

Submitter: Windstream

Comment: Windstream's data strongly suggest that the proposed funded service area likely does not qualify as an unserved area. Windstream offers facilities-based, terrestrial broadband service at advertised speeds of greater than 768 kbps downstream and 200 kbps upstream to some of the households within 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 unserved.

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 “unserved area” as follows: “Unserved area means a proposed funded service area, composed of one or more contiguous census blocks, where at least 90 percent of households in the proposed funded service area lack access to facilities-based, terrestrial broadband service, either fixed or mobile, at the minimum broadband transmission speed (set forth in the definition of broadband above). A household has access to broadband service if the household can readily subscribe to that service upon request.”

Submitter: Great Plains Communications, Inc.

Comment: NE Colorado Cellular, Inc. d/b/a Viaero Wireless (Viaero) has applied for broadband funding for 74 proposed funded service areas (PFSAs) throughout Nebraska. Great Plains Communications, Inc. (GPC) provides broadband service in 27 of those PFSAs. This specific response relates to the PFSA that Viaero proposes that encompasses most of Merrick County, NE. For the reasons set forth herein, the Merrick County PFSA should not be considered unserved or underserved. Viaero claims that 3,658 of the housing units are underserved.

GPC provides facilities-based terrestrial broadband service in portions of the Merrick County PFSA as can be seen in GPC’s “overlay” map. Specifically, GPC provides broadband service availability (per the definition in the NOFA) to 298 residential and business locations, a population of 755.

Of the 3,658 units that Viaero designates as underserved, 8.1% of those have broadband service available from GPC -- i.e., these locations are served.

There are other broadband providers serving some portion of the Merrick County PFSA – these other broadband providers include Clarks, Frontier, Hamilton.net, Qwest, KDSI, MccookNet, and DTN Speednet. In addition, it appears that Verizon Wireless may have coverage in Merrick County. This can be ascertained by entering a selected zip code from the Viaero Merrick County PFSA into the Verizon

Wireless coverage locator at www.verizonwireless.com. Thus, once one takes into account GPC and all of the other facilities-based providers offering terrestrial broadband service within the Viaero Merrick County PFSA, it is highly likely that more than 50% of the households in that PFSA have access to facilities-based terrestrial broadband services (as such services are defined in the NOFA) -- meaning that it would not qualify as "underserved" based upon the availability criterion.

Moreover, as discussed elsewhere herein, the Viaero Merrick County PFSA likely fails to satisfy any other criteria that would qualify the PFSA as underserved (assuming it even asserted any other basis than availability as the justification for its underserved claim). Specifically, as described further herein, the GPC customers in the PFSA subscribe to the broadband services offered by GPC, and GPC advertises a broadband service with transmission speeds of at least 3 Mbps downstream within the Merrick County PFSA. This is also likely the case for the other broadband providers in Merrick County.

The Viaero application, based on its map and redacted Executive Summary proposes an extensive wireless-based solution relying on High Speed Packet Access (HSPA) technology. Viaero's claim of 21 Mbps with HSPA is grossly exaggerated since the current HSPA standard limits the speed to 14 Mbps. Even the 14 Mbps would not be ubiquitously available across the broad expanses proposed by Viaero. HSPA is hardly a proven technology, particularly in rural areas, and it is unlikely that it would provide comprehensive broadband service to the 497 square miles identified in the Merrick County PFSA. This is beyond the fact that this area is already significantly served by a number of facilities-based providers as noted above.

HSPA wireless is not only an extremely expensive technology to deploy with its dependence on large numbers of tower sites; but in addition, it suffers from the inherent technical limitations of any spectrum-based technology. It is inappropriate that scarce stimulus program resources would possibly be utilized for deployment of such an expensive and undeveloped technology in rural areas where another facilities-based service exists at a significant level of availability. In rural areas, such as those comprised in much of the Viaero application, the greater distance a customer is from a tower, the less likely that claimed speeds are attained. All wireless technologies, HSPA included are terrain-limited, with hills greatly reducing the distances in which service is available. Also, unlike fiber, engineering experts agree that wireless is not expected to be a good platform for video services due to limited bandwidth and external influences.

It is noteworthy that the Governor of Colorado has chosen to recommend the entire Viaero application -- totaling over \$156,000,000 in grants and loans - for stimulus funding when almost 70% of the PFSA's identified in Viaero's application are in Nebraska with the Nebraska area being significantly greater than

the area in Colorado. Nebraska Governor Dave Heineman also studied broadband applications that proposed to provide benefits to the state of Nebraska. Governor Heineman released his recommendations to NTIA and RUS and chose not to recommend Viaero's application. Governor Heineman is likely aware that Viaero already benefits from the dedicated Nebraska Universal Service Tower Building fund. Viaero was granted \$5,000,000 from that fund on October 20, 2009 as well as funds last year.

Finally, Viaero claims that funding its project will ultimately create "...between 12,054 and 18,066 jobs within five years." This relies not only on unsubstantiated assumptions but also on the multiplier effect of indirect and induced jobs – effects that are widely disputed among economists.

Granting Viaero's application constitutes an inefficient and redundant use of funds. Viaero's claims are unsubstantiated. Therefore, its application should be rejected.

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: Hamilton.net, Inc.

Comment: Hamilton.net just began offering unmetered broadband services using 3G 1XEVD0/Rev A in this location. Our brand name for this service is "GMAX". This service is configured as a data only solution and is intended to offer a competitive alternative to DSL and cable modem service. Further we have been offering unlicensed wireless broadband in this same area for several years. Additionally, we offer DSL in a very small portion of this area.

-----**Service Area:** Cheyenne County, NE

Submitter: Mobius Communications Company

Comment: Mobius Communications Company (Mobius) is a pioneer, providing Internet service in the Nebraska Panhandle since 1996 and broadband service since 1999. We were among the first in the area to provide broadband service to rural Americans, with 100% of the customers in our service areas capable of receiving this advanced service. We are proud of our service to our communities including some of the most remote areas in the Nebraska Panhandle as well as community anchor institutions including public safety agencies, schools, libraries and healthcare providers. As a community-based company, we provide much-needed jobs, 24-7 customer support and local offices for our customers' convenience in Alliance, Gering, and Hemingford, Nebraska.

Submitter: Inventive Wireless of Nebraska, LLC dba Vistabeam

Comment: Viera Wireless has proposed a project that includes several service areas that are already served with 3meg or faster broadband by Vistabeam and multiple other broadband providers. Our coverage area includes the towns of Henry, Lyman, Morrill, Mitchell, Scottsbluff, Gering, Terrytown, Melbeta, Minatare, Bayard, McGrew, Bridgeport, Dalton, Gurley, Broadwater, Lisco, Oshkosh, Lewellen, Potter, Lodgepole, Chappell and Big Springs.

Submitter: Dalton Telephone Company

Comment: Dalton Telephone Company, Inc. (DTC) has been providing high-quality communications services to the residents of the rural communities and Villages of Dalton, Gurley, Lodgepole, Dix, Potter and Bushnell, Nebraska for 92 years. It was one of the first providers in this remote area to offer broadband services seven years ago. Currently, 99% of DTC's service areas have broadband capability. Because of DTC's advanced network it can meet the local geographical challenges providing important community anchor institutions including local government and public safety agencies with broadband services. This local presence also allows DTC to provide 24-7 customer service and support. Due to DTC's entrepreneurial spirit and its dedication to its customers and through a substantial investment in advanced network facilities, the rural communities and surrounding areas of Dalton, Gurley, Lodgepole, Dix, Potter, and Bushnell, Nebraska enjoy the same level of service as offered in metropolitan areas.

Submitter: Hamilton.net, Inc.

Comment: Hamilton.net has been offering broadband services using 5200 MHz and 5700 MHz unlicensed wireless equipment in this area for several years.

-----**Service Area:** Arapahoe County, CO

Submitter: Eastern Slope Rural Telephone Association, Inc.

Comment: Eastern Slope Rural Telephone Association, Inc. (ESRTA) has been providing high-quality communications services to rural eastern Colorado for 57 years. Based on our history of serving difficult-to-serve areas that larger providers ignore, ESRTA is committed to providing our customers with advanced, reliable communications service, regardless of where they live and work. To this end, ESRTA is capable of providing broadband services at speeds exceeding 5 Mbps download.

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

-----**Service Area:** Phillips County, CO

Submitter: PC Telcorp dba PC Telcom

Comment: Phillips County Telephone Company (PCTC) is a small, progressive, cooperative Rural Local Exchange Carrier (RLEC) located in Holyoke, Colorado. PCTC and its subsidiaries, Phillips County Communications, LLC (PCC, LLC) and PC Telcorp, Inc. (Telcorp) provide broadband Internet access ranging from 512 kbps down to 3 Mbps down to the entire service area for PCTC as well as the neighboring rural communities of Fleming, Haxtun, Julesburg, and Ovid, Colorado. All three entities are doing business as PC Telcom. Overall, greater than sixty percent of PC Telcom's customers subscribe to speeds of 768 kbps down or greater. PC Telcom is one of the largest employers in northeastern Colorado and projects increasing its staff at an annual rate of two percent.

In keeping with its long tradition of providing cutting-edge technologies and after substantial investments in network infrastructure and facilities, one hundred percent of PC Telcom's customers can enjoy broadband access. PC Telcom utilizes a variety of broadband technologies, each tailored to specific local needs and geographical challenges. These include Fiber to the Premise (FTTP), DSL, cable modem and unlicensed wireless.

PC Telcom provides broadband and Ethernet services to most anchor tenants in the communities within its service areas. These entities include all secondary schools; all County Government offices; hospitals and other health care facilities; and large businesses. In addition to Internet access at broadband speeds, PC Telcom also provides state-of-the-art Ethernet services to business customers at affordable rates.

PC Telcom has been the technology leader in northeast Colorado for its one hundred plus years of existence and is looking forward to continuing its excellent customer service record. PC Telcom was one of the first broadband providers in northeast Colorado and now relies on 10 years of experience delivering services to difficult to serve areas that larger providers ignore. PC Telcom is a local company that helps anchor the communities it serves. It provides much-needed jobs, 24-7 customer service and support and local offices. It serves from a local perspective because PC Telcom's owners, who are its customers, have a personal stake in the communities where they work and live.

Submitter: Haxtun Telephone Co.

Comment: Haxtun Telephone Company demonstrates that the application filed by NE Colorado Cellular, Inc. d/b/a Viaero Wireless is incorrect in its claim that the area it proposes to serve which overlaps Haxtun Telephone's service area is unserved. Further, Haxtun Telephone demonstrates that the area NE Colorado Cellular, Inc. d/b/a Viaero Wireless proposes to serve which overlaps Haxtun Telephone's service area does not meet all of the criteria which categorize an area as underserved.

As demonstrated, 99% of households in Haxtun Telephone's service area, including those areas which are part of NE Colorado Cellular, Inc. d/b/a Viaero Wireless's proposed funded service area, are able to readily subscribe upon request to facilities-based, terrestrial broadband services at a minimum transmission speed of greater than 768 kbps downstream and 200 kbps upstream from Haxtun Telephone. Therefore NE Colorado Cellular, Inc. d/b/a Viaero Wireless's claim that this overlapping area is unserved is incorrect. Further, no part of this overlapping area is underserved on the basis of access to broadband service. In addition, HaxtunTelephone demonstrates that the rate of broadband subscribership for households in [the part of the proposed funded service area which overlaps Haxtun Telephone's service area] [its service area] is significant.

Submitter: Phillips County Communications dba PC Telcom

Comment: Phillips County Telephone Company (PCTC) is a small, progressive, cooperative Rural Local Exchange Carrier (RLEC) located in Holyoke, Colorado. PCTC and its subsidiaries, Phillips County Communications, LLC (PCC, LLC) and PC Telcorp, Inc. (Telcorp) provide broadband Internet access ranging from 512 kbps down to 3 Mbps down to the entire service area for PCTC as well as the neighboring rural communities of Fleming, Haxtun, Julesburg, and Ovid, Colorado. All three entities are doing business as PC Telcom. Overall, greater than sixty percent of PC Telcom's customers subscribe to speeds of 768 kbps down or greater. PC Telcom is one of the largest employers in northeastern Colorado and projects increasing its staff at an annual rate of two percent.

In keeping with its long tradition of providing cutting-edge technologies and after substantial investments in network infrastructure and facilities, one hundred percent of PC Telcom's customers can enjoy broadband access. PC Telcom utilizes a variety of broadband technologies, each tailored to specific local needs and geographical challenges. These include Fiber to the Premise (FTTP), DSL, cable modem and unlicensed wireless.

PC Telcom provides broadband and Ethernet services to most anchor tenants in the communities within its service areas. These entities include all secondary schools; all County Government offices; hospitals and other health care facilities; and large businesses. In addition to Internet access at broadband speeds, PC Telcom also provides state-of-the-art Ethernet services to business customers at affordable rates.

PC Telcom has been the technology leader in northeast Colorado for its one hundred plus years of existence and is looking forward to continuing its excellent customer service record. PC Telcom was one of the first broadband providers in northeast Colorado and now relies on 10 years of experience delivering services to difficult to serve areas that larger providers ignore. PC Telcom is a local company that helps anchor the communities it serves. It provides much-needed jobs, 24-7 customer service and support and local offices. It serves from a local perspective because PC Telcom's owners, who are its customers, have a personal stake in the communities where they work and live.

-----**Service Area:** Boyd County, NE

Submitter: Three River Telco

Comment: Three River Telco currently provides service in its certificated exchange areas that meets or exceeds all ARRA NOFA requirements to be classified as a “Served” area. 100% of the households have access to Broadband service at a rate of 768/200 Kbps or higher. The current residential take rate of Broadband services in the application area at a speed of 768/200 Kbps or higher is 42% of households. Three River Telco offers an 8 Mbps service.

Submitter: Northeast Nebraska Telephone Company

Comment: Northeast Nebraska Telephone Company (NNTC) is filing this response to the NE Colorado Cellular, Inc., d/b/a Viaero Wireless, (Applicant) Application because we are of the belief that this Application misrepresents the availability of Broadband service (786k downstream/200k upstream) within the area that the Applicant’s proposed funded service area (PFSA) overlaps NNTC’s service area.

NNTC was organized as a cooperative in 1955 and is owned by its customer/members.

NNTC is presently a borrower with the Rural Utilities Service and has been since 1955.

Within the PFSA overlap NNTC’s buried fiber optics cable to the node (FTTN) network provides access to Broadband services to 100% of the residential households and businesses, NNTC advertises Broadband service of 3 Megabits and greater to 100% of the residential households and businesses, and NNTC has a rate of Broadband subscribership that is equal to 40% and growing.

Applicant’s request for funds to build another Broadband capable network, if granted, will be a duplication of investment, duplication of an existing FTTN Broadband capable network, and divert funding that could be available for unserved areas.

-----**Service Area:** Howard County, NE

Submitter: Nebraska Central Telephone Co.

Comment: The respondent (Nebraska Central Telephone Company) is a Local Exchange Carrier (Common Carrier) that offers facilities-based, terrestrial Broadband (high speed) Internet access service in the overlap area of the PFSA.

The respondent's overlap area of applicant's PFSA contains 655 households. Respondent provides Broadband Internet access service (as defined in the NOFA) exceeding 768K downstream and 200K upstream speeds to 100% of the households and businesses in its response polygon. Therefore, the PFSA does not qualify as "underserved" based on the availability criterion.

In response to the PFSA, respondent's advertising copy has been uploaded showing the availability and advertising of service tiers of Broadband speeds up to 5MB downstream and 1 MB upstream, so the PFSA does not qualify as underserved based on the 3Mbps criterion.

The third qualifying criterion for underserved areas requires the use of company specific market data, and is addressed in the Proprietary Comments section.

Submitter: Great Plains Communications, Inc.

Comment: NE Colorado Cellular, Inc. d/b/a Viaero Wireless (Viaero) has applied for broadband funding for 74 proposed funded service areas (PFSAs) throughout Nebraska. Great Plains Communications, Inc. (GPC) provides broadband service in 27 of those PFSAs. This specific response relates to the PFSA that Viaero proposes that encompasses most of Howard County, NE. For the reasons set forth herein, the Howard County PFSA should not be considered unserved or underserved. Viaero claims that 13 of the housing units are unserved with 2,761 being underserved.

GPC provides facilities-based terrestrial broadband service in portions of the Howard County PFSA as can be seen in GPC's "overlay" map. Specifically, GPC provides broadband service availability (per the definition in the NOFA) to 79 residential locations, a population of 188.

Of the 2,774 units that Viaero designates as unserved or underserved, 2.8% of those have broadband service available from GPC -- i.e., these locations are served.

There are other broadband providers serving some portion of the Howard County PFSA – these other broadband providers include Nebraska central, Qwest, McCookNet, Hamilton.net and Charter. In addition, it appears that Verizon Wireless may have coverage in Howard County. This can be ascertained by entering a selected zip code from the Viaero Howard county PFSA into the Verizon Wireless coverage locator at www.verizonwireless.com. Thus, once one takes into account GPC and all of the other facilities-based providers offering terrestrial broadband service within the Viaero Howard County PFSA, it is highly likely that more than 50% of the households in that PFSA have access to facilities-based terrestrial broadband services (as such services are defined in the NOFA) -- meaning that it would not qualify as “unserved” or “underserved” based upon the availability criterion.

Moreover, as discussed elsewhere herein, the Viaero Howard County PFSA likely fails to satisfy any other criteria that would qualify the PFSA as unserved or underserved (assuming it even asserted any other basis than availability as the justification for its unserved/underserved claim). Specifically, as described further herein, the GPC customers in the PFSA subscribe to the broadband services offered by GPC, and GPC advertises a broadband service with transmission speeds of at least 3 Mbps downstream within the Howard County PFSA. This is also likely the case for the other broadband providers in Howard County.

The Viaero application, based on its map and redacted Executive Summary proposes an extensive wireless-based solution relying on High Speed Packet Access (HSPA) technology. Viaero’s claim of 21 Mbps with HSPA is grossly exaggerated since the current HSPA standard limits the speed to 14 Mbps. Even the 14 Mbps would not be ubiquitously available across the broad expanses proposed by Viaero. HSPA is hardly a proven technology, particularly in rural areas, and it is unlikely that it would provide comprehensive broadband service to the 560 square miles identified in the Howard County PFSA. This is beyond the fact that this area is already significantly served by a number of facilities-based providers as noted above.

HSPA wireless is not only an extremely expensive technology to deploy with its dependence on large numbers of tower sites; but in addition, it suffers from the inherent technical limitations of any spectrum-based technology. It is inappropriate that scarce stimulus program resources would possibly be utilized for deployment of such an expensive and undeveloped technology in rural areas where another facilities-based service exists at a significant level of availability. In rural areas, such as those comprised in much of the Viaero application, the greater distance a customer is from a tower, the less likely that claimed speeds are attained. All wireless technologies, HSPA included are terrain-limited, with hills greatly reducing the distances in which service is available. Also, unlike fiber, engineering experts agree that wireless is not expected to be a good platform for video services due to limited bandwidth and external influences.

It is noteworthy that the Governor of Colorado has chosen to recommend the entire Viaero application – totaling over \$156,000,000 in grants and loans - for stimulus funding when almost 70% of the PFSA's identified in Viaero's application are in Nebraska with the Nebraska area being significantly greater than the area in Colorado. Nebraska Governor Dave Heineman also studied broadband applications that proposed to provide benefits to the state of Nebraska. Governor Heineman released his recommendations to NTIA and RUS and chose not to recommend Viaero's application. Governor Heineman is likely aware that Viaero already benefits from the dedicated Nebraska Universal Service Tower Building fund. Viaero was granted \$5,000,000 from that fund on October 20, 2009 as well as funds last year.

Finally, Viaero claims that funding its project will ultimately create "...between 12,054 and 18,066 jobs within five years." This relies not only on unsubstantiated assumptions but also on the multiplier effect of indirect and induced jobs – effects that are widely disputed among economists.

Granting Viaero's application constitutes an inefficient and redundant use of funds. Viaero's claims are unsubstantiated. Therefore, its application should be rejected.

Submitter: Qwest

Comment: As authorized by the BIP and BTOP Notice of Funds Availability and the Public Notice associated with the publication of BIP and BTOP broadband infrastructure project funding applications found on the BroadbandUSA.gov website, Qwest responds with broadband service data to the application of NE CO Cellular Howard for funding for an area represented as "unserved" that is located, in whole or in part, in Qwest's broadband service area.

Submitter: Hamilton.net, Inc.

Comment: Hamilton.net just began offering stationary broadband services using 3G 1XEVD0/Rev A in this location. This service is intended to provide an alternative to DSL and cable modem services. We also offer broadband using 5700 MHz and 900 MHz unlicensed wireless equipment in the same polygon.

-----**Service Area:** Cherry County, NE

Submitter: Consolidated Companies Inc.

Comment: Consolidated Companies is the parent company of four rural local exchange carriers providing telephone and broadband service to many of the PFSAs for which Viaero applied for broadband funding. Consolidated Companies' response polygon has been input to the mapping tool. One hundred percent of the households within the response polygon have access to broadband as defined in the NOFA.

The applicant's PFSA contains 2,161 households of which 97 households have access to broadband from Consolidated. The respondent provides, and advertises the availability of 3Mbps broadband service within the PFSA, so the PFSA does not qualify as underserved based on the 3Mbps criterion.

Submitter: Great Plains Communications, Inc.

Comment: NE Colorado Cellular, Inc. d/b/a Viaero Wireless (Viaero) has applied for broadband funding for 74 proposed funded service areas (PFSAs) throughout Nebraska. Great Plains Communications, Inc. (GPC) provides broadband service in 27 of those PFSAs. This specific response relates to the PFSA that Viaero proposes that encompasses most of Cherry County, NE. For the reasons set forth herein, the Cherry County PFSA should not be considered unserved or underserved. Viaero claims that 2 of the housing units are unserved with 2,683 being underserved.

GPC provides facilities-based terrestrial broadband service in portions of the Cherry County PFSA as can be seen in GPC's "overlay" map. Specifically, GPC provides broadband service availability (per the definition in the NOFA) to 611 residential and business locations, a population of 1,129.

Of the 2,685 units that Viaero designates as unserved or underserved, 22.8% of those have broadband service available from GPC -- i.e., these locations are served.

The GPC customers in the PFSA subscribe to the broadband services offered by GPC, and GPC advertises a broadband service with transmission speeds of at least 3 Mbps downstream within the Cherry County PFSA.

The Viaero application, based on its map and redacted Executive Summary proposes an extensive wireless-based solution relying on High Speed Packet Access (HSPA) technology. Viaero's claim of 21 Mbps with HSPA is grossly exaggerated since the current HSPA standard limits the speed to 14 Mbps. Even the 14 Mbps would not be ubiquitously available across the broad expanses proposed by Viaero. HSPA is hardly a proven technology, particularly in rural areas, and it is unlikely that it would provide comprehensive broadband service to the 3,297 square miles identified in the Cherry County PFSA.

HSPA wireless is not only an extremely expensive technology to deploy with its dependence on large numbers of tower sites; but in addition, it suffers from the inherent technical limitations of any spectrum-based technology. It is inappropriate that scarce stimulus program resources would possibly be utilized for deployment of such an expensive and undeveloped technology in rural areas where another facilities-based service exists at a significant level of availability. In rural areas, such as those comprised in much of the Viaero application, the greater distance a customer is from a tower, the less likely that claimed speeds are attained. All wireless technologies, HSPA included are terrain-limited, with hills greatly reducing the distances in which service is available. Also, unlike fiber, engineering experts agree that wireless is not expected to be a good platform for video services due to limited bandwidth and external influences.

It is noteworthy that the Governor of Colorado has chosen to recommend the entire Viaero application – totaling over \$156,000,000 in grants and loans - for stimulus funding when almost 70% of the PFSA's identified in Viaero's application are in Nebraska with the Nebraska area being significantly greater than the area in Colorado. Nebraska Governor Dave Heineman also studied broadband applications that proposed to provide benefits to the state of Nebraska. Governor Heineman released his recommendations to NTIA and RUS and chose not to recommend Viaero's application. Governor Heineman is likely aware that Viaero already benefits from the dedicated Nebraska Universal Service Tower Building fund. Viaero was granted \$5,000,000 from that fund on October 20, 2009 as well as funds last year.

Finally, Viaero claims that funding its project will ultimately create "...between 12,054 and 18,066 jobs within five years." This relies not only on unsubstantiated assumptions but also on the multiplier effect of indirect and induced jobs – effects that are widely disputed among economists.

Granting Viaero's application constitutes an inefficient and redundant use of funds. Viaero's claims are unsubstantiated. Therefore, its application should be rejected.

-----**Service Area:** Valley County, NE

Submitter: Hamilton.net,Inc.

Comment: Hamilton.net just began offering stationary unmetered broadband services using 3G 1XEVDO/Rev A in this location. Our brand name for this service is "GMAX". This service is configured as a data only solution and is intended to offer a competitive alternative to DSL and cable modem service.

Submitter: Nebraska Central Telephone Co.

Comment: The respondent (Nebraska Central Telephone Company) is a Local Exchange Carrier (Common Carrier) that offers facilities-based, terrestrial Broadband (high speed) Internet access service in the overlap area of the PFSA.

The respondent's overlap area of applicant's PFSA contains 361 households. Respondent provides Broadband Internet access service (as defined in the NOFA) exceeding 768K downstream and 200K upstream speeds to 100% of the households and businesses in its response polygon. Therefore, the PFSA does not qualify as "underserved" based on the availability criterion.

In response to the PFSA, respondent's advertising copy has been uploaded showing the availability and advertising of service tiers of Broadband speeds up to 5MB downstream and 1 MB upstream, so the PFSA does not qualify as underserved based on the 3Mbps criterion.

The third qualifying criterion for underserved areas requires the use of company specific market data, and is addressed in the Proprietary Comments section.

-----**Service Area:** Sherman County, NE

Submitter: Nebraska Central Telephone Co.

Comment: The respondent (Nebraska Central Telephone Company) is a Local Exchange Carrier (Common Carrier) that offers facilities-based, terrestrial Broadband (high speed) Internet access service in the overlap area of the PFSA.

The respondent's overlap area of applicant's PFSA contains 504 households. Respondent provides Broadband Internet access service (as defined in the NOFA) exceeding 768K downstream and 200K upstream speeds to 100% of the households and businesses in its response polygon. Therefore, the PFSA does not qualify as "underserved" based on the availability criterion.

In response to the PFSA, respondent's advertising copy has been uploaded showing the availability and advertising of service tiers of Broadband speeds up to 5MB downstream and 1 MB upstream, so the PFSA does not qualify as underserved based on the 3Mbps criterion.

The third qualifying criterion for underserved areas requires the use of company specific market data, and is addressed in the Proprietary Comments section.

Submitter: Qwest

Comment: As authorized by the BIP and BTOP Notice of Funds Availability and the Public Notice associated with the publication of BIP and BTOP broadband infrastructure project funding applications found on the BroadbandUSA.gov website, Qwest responds with broadband service data to the application of NE CO Cellular Sherman for funding for an area represented as "unserved" that is located, in whole or in part, in Qwest's broadband service area.

-----**Service Area:** Otero County, CO

Submitter: Bresnan Communications

Comment: Based on our research and exposure in this service area, we've concluded that this proposed funded service area fails to meet the NOFA definitions of underserved or unserved as defined in NOFA.

Bresnan, along with other local telcos such as Century Tel or Qwest, provide broadband service in this service area via cable modem and DSL technology. Bresnan provides several tiers of broadband service with download speeds ranging from 1.5mbps to 15mbps.

Our market research and in-depth knowledge of our markets show that we occupy approximately 45-55% of the market share of broadband subscribers in this market, with the remaining distributed among incumbent telcos. With the subscribers and penetration levels entered below, this market area exceeds the penetration and access thresholds as defined in the NOFA, thus making this application ineligible for BTOP/BIP funds in this proposed funded service area.

We have outlined our service areas on the mapping tool provided. Also, see the attached supporting document for additional information regarding our product offering and price points in this market. We also entered confidential and sensitive subscriber details to support our case.

Submitter: CenturyLink

Comment: CenturyLink has an extensive broadband footprint today, and has committed to extend that service even further. As part of its merger commitments to the Federal Communications Commission, CenturyLink committed to offer retail broadband Internet access service to 100% of its broadband eligible access lines by July 1, 2012. Consequently, virtually no areas served by CenturyTel or Embarq local operating companies, in any state, will be underserved or unserved at the end of three years.

CenturyLink also agreed to meet targets for minimum download speeds. CenturyLink will ensure availability of retail broadband Internet access service with a download speed of 1.5 Mbps to 87% of the broadband eligible access lines by July 1, 2011. It will ensure availability with a download speed of 3 Mbps to 75% of broadband eligible access lines by July 1, 2010, to 78% of broadband eligible lines by July 1, 2011, and to 80% of broadband eligible lines within 3 years of the close date. Nationwide, our average tele-density is 23 customers per square mile. This commitment ensures availability of broadband even to very rural consumers.

The agency should consider the importance of this commitment, as CenturyLink's continuing investment inevitably will make applications that overlap CenturyLink service areas less viable. CenturyLink has proven, industry-leading experience in deploying broadband networks and services using both wireline and wireless technology, and a strong commitment and focus on rural areas. Today, it serves 7 million access lines and 2.1 million broadband customers in 33 states.

Submitter: Stelera Wireless, LLC

Comment: The applicant's proposed service area does not qualify as unserved or underserved as defined by the BIP or BTOP programs. Stelera Broadband provides broadband access to the service area with peak speeds of 9-10 mbps. The towns of La Junta and Rocky Ford are served by Stelera Broadband, a broadband service provider which advertises and delivers broadband transmission speeds in excess of 3 mbps downstream. Over 50% of the households in the proposed service area have access to terrestrial broadband service at greater than the minimum broadband transmission speed.

-----**Service Area:** Garfield County, NE

Submitter: Nebraska Central Telephone Co.

Comment: The respondent (Nebraska Central Telephone Company) is a Local Exchange Carrier (Common Carrier) that offers facilities-based, terrestrial Broadband (high speed) Internet access service in the overlap area of the PFSA.

The respondent's overlap area of applicant's PFSA contains 765 households, of which over 98% have access to broadband. Respondent provides Broadband Internet access service (as defined in the NOFA) exceeding 768K downstream and 200K upstream speeds to over 98% of the households and businesses in its response polygon. Therefore, the PFSA does not qualify as "underserved" based on the availability criterion.

In response to the PFSA, respondent's advertising copy has been uploaded showing the availability and advertising of service tiers of Broadband speeds up to 5MB downstream and 1 MB upstream, so the PFSA does not qualify as underserved based on the 3Mbps criterion.

The third qualifying criterion for underserved areas requires the use of company specific market data, and is addressed in the Proprietary Comments section.

-----**Service Area:** Adams County, CO

Submitter: Eastern Slope Rural Telephone Association, Inc.

Comment: Eastern Slope Rural Telephone Association, Inc. (ESRTA) has been providing high-quality communications services to rural eastern Colorado for 57 years. Based on our history of serving difficult-to-serve areas that larger providers ignore, ESRTA is committed to providing our customers with advanced, reliable communications service, regardless of where they live and work. To this end, ESRTA is capable of providing broadband services at speeds exceeding 5 Mbps download.

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

-----**Service Area:** Frontier County, NE

Submitter: ATC Communications

Comment: Arapahoe Telephone Company (ATC Communications) provides high speed broadband internet service to its service territory with download speeds ranging from 1 Mbps up to 7 Mbps; and upload speeds from 256 kbps up to 768 kbps. ATC does not charge an installation fee and monthly

pricing plans begin at an affordable rate of \$29.95. ATC is capable of offering broadband service to all the households in its service territory.

Submitter: Consolidated Companies Inc.

Comment: Consolidated Companies is the parent company of four rural local exchange carriers providing telephone and broadband service to many of the PFSA's for which Viaero applied for broadband funding. Consolidated Companies' response polygon has been input to the mapping tool. One hundred percent of the households within the response polygon have access to broadband as defined in the NOFA.

The applicant's PFSA contains 1118 households of which 712 households or 64 percent have access to broadband from Consolidated. Therefore, the PFSA does not qualify as underserved based on the availability criterion. The respondent provides, and advertises the availability of 3Mbps broadband service within the PFSA, so the PFSA does not qualify as underserved based on the 3Mbps criterion.

The third qualifying criterion for underserved areas requires the use of company specific market data, and is addressed in the Proprietary Comments section.

Submitter: ATCjet.net LLC

Comment: ATCJet.net, LLC provides high speed broadband internet service to its service territory with download speeds ranging from 1 Mbps up to 7 Mbps; and upload speeds from 256 kbps up to 768 kbps. ATCJet.net, LLC does not charge an installation fee and monthly pricing plans begin at an affordable rate of \$29.95. ATCJet.net, LLC is capable of offering broadband service to all the households in its service territory.

-----**Service Area:** Kiowa County, CO

Submitter: Eastern Slope Rural Telephone Association, Inc.

Comment: Eastern Slope Rural Telephone Association, Inc. (ESRTA) has been providing high-quality communications services to rural eastern Colorado for 57 years. Based on our history of serving difficult-to-serve areas that larger providers ignore, ESRTA is committed to providing our customers with advanced, reliable communications service, regardless of where they live and work. To this end, ESRTA is capable of providing broadband services at speeds exceeding 5 Mbps download.

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

-----**Service Area:** Knox County, NE

Submitter: Three River Telco

Comment: Three River Telco currently provides service in its certificated exchange areas that meets or exceeds all ARRA NOFA requirements to be classified as a "Served" area. 100% of the households have access to Broadband service at a rate of 768/200 Kbps or higher. The current residential take rate of Broadband services in the application area at a speed of 768/200 Kbps or higher is 40% of households. Three River Telco offers an 8 Mbps service.

Submitter: Plainview Telephone Company

Comment: Plainview Telephone Company (PTC) offers FTTP broadband internet service with up to 6 Mbps download speed and up to 2 Mbps upload speed. PTC is capable of delivering FTTP broadband service to all households in its service territory.

Submitter: Great Plains Communications, Inc.

Comment: NE Colorado Cellular, Inc. d/b/a Viaero Wireless (Viaero) has applied for broadband funding for 74 proposed funded service areas (PFSAs) throughout Nebraska. Great Plains Communications, Inc. (GPC) provides broadband service in 27 of those PFSAs. This specific response relates to the PFSA that

Viaero proposes that encompasses most of Knox County, NE. For the reasons set forth herein, the Knox County PFSA should not be considered underserved. (Viaero has not claimed that the Knox County PFSA is unserved -- nor does it appear that it would have any basis to do so for the reasons explained in this submission.)

GPC provides facilities-based terrestrial broadband service in significant portions of the Knox County PFSA as can be seen in GPC's "overlay" map. Specifically, GPC provides broadband service availability (per the definition in the NOFA) to 3,104 residential and business locations, a population of almost 6,300.

Of the 4,221 units that Viaero designates as underserved, 73.5% of those have broadband service available from GPC -- i.e., these locations are served. This is well over the 50% definition of served as set forth in the NOFA. The Viaero Knox County PFSA does not qualify as "underserved" based upon the availability criterion. Moreover, as discussed elsewhere herein, the Viaero Knox County PFSA likely fails to satisfy any other criteria that would qualify the PFSA as underserved (assuming it even asserted any other basis than availability as the justification for its underserved claim). Specifically, as described further herein, a substantial amount of the GPC customers in the PFSA subscribe to the broadband services offered by GPC, and GPC advertises a broadband service with transmission speeds of at least 3 Mbps downstream within the Knox County PFSA.

The Viaero application, based on its map and redacted Executive Summary proposes an extensive wireless-based solution relying on High Speed Packet Access (HSPA) technology. Viaero's claim of 21 Mbps with HSPA is grossly exaggerated since the current HSPA standard limits the speed to 14 Mbps. Even the 14 Mbps would not be ubiquitously available across the broad expanses proposed by Viaero. HSPA is hardly a proven technology, particularly in rural areas, and it is unlikely that it would provide comprehensive broadband service to the 1,035 square miles identified in the Knox County PFSA. This is beyond the fact that this area is already significantly served by a facilities-based provider as noted above.

HSPA wireless is not only an extremely expensive technology to deploy with its dependence on large numbers of tower sites; but in addition, it suffers from the inherent technical limitations of any spectrum-based technology. It is inappropriate that scarce stimulus program resources would possibly be utilized for deployment of such an expensive and undeveloped technology in rural areas where another facilities-based service exists at a significant level of availability. In rural areas, such as those comprised in much of the Viaero application, the greater distance a customer is from a tower, the less likely that claimed speeds are attained. All wireless technologies, HSPA included are terrain-limited,

with hills greatly reducing the distances in which service is available. Also, unlike fiber, engineering experts agree that wireless is not expected to be a good platform for video services due to limited bandwidth and external influences.

It is noteworthy that the Governor of Colorado has chosen to recommend the entire Viaero application – totaling over \$156,000,000 in grants and loans - for stimulus funding when almost 70% of the PFSA's identified in Viaero's application are in Nebraska with the Nebraska area being significantly greater than the area in Colorado. Nebraska Governor Dave Heineman also studied broadband applications that proposed to provide benefits to the state of Nebraska. Governor Heineman released his recommendations to NTIA and RUS and chose not to recommend Viaero's application. Governor Heineman is likely aware that Viaero already benefits from the dedicated Nebraska Universal Service Tower Building fund. Viaero was granted \$5,000,000 from that fund on October 20, 2009 as well as funds last year.

Finally, Viaero claims that funding its project will ultimately create "...between 12,054 and 18,066 jobs within five years." This relies not only on unsubstantiated assumptions but also on the multiplier effect of indirect and induced jobs – effects that are widely disputed among economists.

Granting Viaero's application constitutes an inefficient and redundant use of funds. Viaero's claims are unsubstantiated. Therefore, its application should be rejected.

-----**Service Area:** Hamilton County, NE

Submitter: Henderson Cooperative Telephone Company

Comment: Henderson Cooperative Telephone Company currently provides service in its certificated exchange area that meets or exceeds all ARRA NOFA requirements to be classified as a "Served" area. 100% of the households have access to Broadband service of at least 768/200 Kbps. The current household penetration rate of Broadband service at a speed of 768/200 Kbps or higher in this application area is 62%. Henderson Cooperative Telephone offers a 5 Mbps service package.

Submitter: Glenwood Telecommunications Inc.

Comment: Glenwood Telecommunications has been providing state-of-the-art telecommunication services in this area including High Speed Internet for over 8 years.

Submitter: Windstream

Comment: Windstream's data strongly suggest that the proposed funded service area likely does not qualify as an unserved area. Windstream offers facilities-based, terrestrial broadband service at advertised speeds of greater than 768 kbps downstream and 200 kbps upstream to some of the households within 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 unserved.

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 "unserved area" as follows: "Unserved area means a proposed funded service area, composed of one or more contiguous census blocks, where at least 90 percent of households in the proposed funded service area lack access to facilities-based, terrestrial broadband service, either fixed or mobile, at the minimum broadband transmission speed (set forth in the definition of broadband above). A household has access to broadband service if the household can readily subscribe to that service upon request."

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: Hamilton.net, Inc.

Comment: All residents and businesses within this service area have had access to broadband DSL services for several years. Currently our market penetration for just our broadband DSL service in this area is 48.37% for residential households. Additionally, in some areas of our response polygon we are offering unmetered broadband services using 3G 1XEVDO/Rev A in this location. Our brand name for this service is "GMAX". This service is configured as a data only solution and is intended to offer a competitive alternative to DSL and cable modem service.

-----**Service Area:** Morrill County, NE

Submitter: Mobius Communications Company

Comment: Mobius Communications Company (Mobius) is a pioneer, providing Internet service in the Nebraska Panhandle since 1996 and broadband service since 1999. We were among the first in the area to provide broadband service to rural Americans, with 100% of the customers in our service areas capable of receiving this advanced service. We are proud of our service to our communities including some of the most remote areas in the Nebraska Panhandle as well as community anchor institutions including public safety agencies, schools, libraries and healthcare providers. As a community-based company, we provide much-needed jobs, 24-7 customer support and local offices for our customers' convenience in Alliance, Gering, and Hemingford, Nebraska.

Submitter: Inventive Wireless of Nebraska, LLC dba Vistabeam

Comment: Viera Wireless has proposed a project that includes several service areas that are already served with 3meg or faster broadband by Vistabeam and multiple other broadband providers. Vistabeam provides service to 32 towns in the Nebraska Panhandle.

Submitter: Dalton Telephone Company

Comment: Dalton Telephone Company, Inc. (DTC) has been providing high-quality communications services to the residents of the rural communities and Villages of Dalton, Gurley, Lodgepole, Dix, Potter and Bushnell, Nebraska for 92 years. It was one of the first providers in this remote area to offer broadband services seven years ago. Currently, 99% of DTC's service areas have broadband capability. Because of DTC's advanced network it can meet the local geographical challenges providing important community anchor institutions including local government and public safety agencies with broadband

services. This local presence also allows DTC to provide 24-7 customer service and support. Due to DTC's entrepreneurial spirit and its dedication to its customers and through a substantial investment in advanced network facilities, the rural communities and surrounding areas of Dalton, Gurley, Lodgepole, Dix, Potter, and Bushnell, Nebraska enjoy the same level of service as offered in metropolitan areas.

-----**Service Area:** Webster County, NE

Submitter: Glenwood Telecommunications Inc.

Comment: Glenwood Telecommunications has been providing state-of-the-art telecommunication services in this area including High Speed Internet for over 8 years.

Submitter: Windstream

Comment: Windstream's data strongly suggest that the proposed funded service area likely does not qualify as an unserved area. Windstream offers facilities-based, terrestrial broadband service at advertised speeds of greater than 768 kbps downstream and 200 kbps upstream to some of the households within 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 unserved.

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 "unserved area" as follows: "Unserved area means a proposed funded service area, composed of one or more contiguous census blocks, where at least 90 percent of households in the proposed funded service area lack access to facilities-based, terrestrial broadband service, either fixed or mobile, at the minimum broadband transmission speed (set forth in the definition of broadband above). A household has access to broadband service if the household can readily subscribe to that service upon request."

Submitter: Glenwood Telephone Membership Corporation

Comment: Glenwood Telephone has been providing state-of-the-art telecommunication services to this area since 1957 and High Speed Internet for over 8 years.

Submitter: Great Plains Communications, Inc.

Comment: NE Colorado Cellular, Inc. d/b/a Viaero Wireless (Viaero) has applied for broadband funding for 74 proposed funded service areas (PFSAs) throughout Nebraska. Great Plains Communications, Inc. (GPC) provides broadband service in 27 of those PFSAs. This specific response relates to the PFSA that Viaero proposes that encompasses most of Webster County, NE. For the reasons set forth herein, the Webster County PFSA should not be considered unserved or underserved. Viaero claims that 1,966 of the housing units are underserved.

GPC provides facilities-based terrestrial broadband service in portions of the Webster County PFSA as can be seen in GPC's "overlay" map. Specifically, GPC provides broadband service availability (per the definition in the NOFA) to 883 residential and business locations, a population of 1,662.

Of the 1,966 units that Viaero designates as underserved, 44.9% of those have broadband service available from GPC -- i.e., these locations are served.

There are other broadband providers serving some portion of the Webster County PFSA -- these other broadband providers include Glenwood, Windstream, Superior iNET and Glenwood Wireless. In addition, it appears that Verizon Wireless may have coverage in Webster County. This can be ascertained by entering a selected zip code from the Viaero Webster County PFSA into the Verizon Wireless coverage locator at www.verizonwireless.com. Thus, once one takes into account GPC and all of the other facilities-based providers offering terrestrial broadband service within the Viaero Webster County PFSA, it is highly likely that more than 50% of the households in that PFSA have access to facilities-based terrestrial broadband services (as such services are defined in the NOFA) -- meaning that it would not qualify as "underserved" based upon the availability criterion.

Moreover, as discussed elsewhere herein, the Viaero Webster County PFSA likely fails to satisfy any other criteria that would qualify the PFSA as underserved (assuming it even asserted any other basis

than availability as the justification for its underserved claim). Specifically, as described further herein, the GPC customers in the PFSA subscribe to the broadband services offered by GPC, and GPC advertises a broadband service with transmission speeds of at least 3 Mbps downstream within the Webster County PFSA. This is also likely the case for the other broadband providers in Webster County.

The Viaero application, based on its map and redacted Executive Summary proposes an extensive wireless-based solution relying on High Speed Packet Access (HSPA) technology. Viaero's claim of 21 Mbps with HSPA is grossly exaggerated since the current HSPA standard limits the speed to 14 Mbps. Even the 14 Mbps would not be ubiquitously available across the broad expanses proposed by Viaero. HSPA is hardly a proven technology, particularly in rural areas, and it is unlikely that it would provide comprehensive broadband service to the 562 square miles identified in the Webster County PFSA. This is beyond the fact that this area is already significantly served by a number of facilities-based providers as noted above.

HSPA wireless is not only an extremely expensive technology to deploy with its dependence on large numbers of tower sites; but in addition, it suffers from the inherent technical limitations of any spectrum-based technology. It is inappropriate that scarce stimulus program resources would possibly be utilized for deployment of such an expensive and undeveloped technology in rural areas where another facilities-based service exists at a significant level of availability. In rural areas, such as those comprised in much of the Viaero application, the greater distance a customer is from a tower, the less likely that claimed speeds are attained. All wireless technologies, HSPA included are terrain-limited, with hills greatly reducing the distances in which service is available. Also, unlike fiber, engineering experts agree that wireless is not expected to be a good platform for video services due to limited bandwidth and external influences.

It is noteworthy that the Governor of Colorado has chosen to recommend the entire Viaero application – totaling over \$156,000,000 in grants and loans - for stimulus funding when almost 70% of the PFSA's identified in Viaero's application are in Nebraska with the Nebraska area being significantly greater than the area in Colorado. Nebraska Governor Dave Heineman also studied broadband applications that proposed to provide benefits to the state of Nebraska. Governor Heineman released his recommendations to NTIA and RUS and chose not to recommend Viaero's application. Governor Heineman is likely aware that Viaero already benefits from the dedicated Nebraska Universal Service Tower Building fund. Viaero was granted \$5,000,000 from that fund on October 20, 2009 as well as funds last year.

Finally, Viaero claims that funding its project will ultimately create “...between 12,054 and 18,066 jobs within five years.” This relies not only on unsubstantiated assumptions but also on the multiplier effect of indirect and induced jobs – effects that are widely disputed among economists.

Granting Viaero’s application constitutes an inefficient and redundant use of funds. Viaero’s claims are unsubstantiated. Therefore, its application should be rejected.

-----**Service Area:** Madison County, NE

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.

-----**Service Area:** Thomas County, NE

Submitter: Consolidated Companies INC.

Comment: Consolidated Companies is the parent company of four rural local exchange carriers providing telephone and broadband service to many of the PFSA's for which Viaero applied for broadband funding. Consolidated Companies' response polygon has been input to the mapping tool. One hundred percent of the households within the response polygon have access to broadband as defined in the NOFA.

The applicant's PFSA contains 316 households of which 235 households or 74 percent have access to broadband from Consolidated. Therefore, the PFSA does not qualify as underserved based on the availability criterion. The respondent provides, and advertises the availability of 3Mbps broadband service within the PFSA, so the PFSA does not qualify as underserved based on the 3Mbps criterion.

The third qualifying criterion for underserved areas requires the use of company specific market data, and is addressed in the Proprietary Comments section.

-----**Service Area:** Conejos County, CO

Submitter: CenturyLink

Comment: CenturyLink has an extensive broadband footprint today, and has committed to extend that service even further. As part of its merger commitments to the Federal Communications Commission, CenturyLink committed to offer retail broadband Internet access service to 100% of its broadband eligible access lines by July 1, 2012. Consequently, virtually no areas served by CenturyTel or Embarq local operating companies, in any state, will be underserved or unserved at the end of three years.

CenturyLink also agreed to meet targets for minimum download speeds. CenturyLink will ensure availability of retail broadband Internet access service with a download speed of 1.5 Mbps to 87% of the broadband eligible access lines by July 1, 2011. It will ensure availability with a download speed of 3 Mbps to 75% of broadband eligible access lines by July 1, 2010, to 78% of broadband eligible lines by July 1, 2011, and to 80% of broadband eligible lines within 3 years of the close date. Nationwide, our average tele-density is 23 customers per square mile. This commitment ensures availability of broadband even to very rural consumers.

The agency should consider the importance of this commitment, as CenturyLink's continuing investment inevitably will make applications that overlap CenturyLink service areas less viable. CenturyLink has proven, industry-leading experience in deploying broadband networks and services using both wireline and wireless technology, and a strong commitment and focus on rural areas. Today, it serves 7 million access lines and 2.1 million broadband customers in 33 states.

Submitter: Blanca Telephone Company

Comment: As the NTIA begins their process of reviewing and awarding grants for the BTOP, it is important that they take into consideration the capabilities of the existing providers like BTC. BTC fully supports helping to fund truly un-served or under-served areas in Colorado. However, many of the BTOP applications propose to overbuild existing facilities which results in an unnecessary duplication of service. This may be the case for BTC should some of these grants be approved in our service territory.

The Blanca Telephone Company, BTC, a family owned telephone company, has been providing telephone service to the North Costilla County and Eastern Alamosa County since 1922. The Blanca Telephone Company has a local office and hires local people. The staff has grown from 1 to over 13 individuals. BTC has always had the mindset that the members of the counties and communities it serves need advanced services much more than the people in the city, because rural Americas must travel miles and miles to the nearest information source, while those in the city can walk across the street.

The BTC also furnishes high speed EVDO wireless in Costilla and Conejos Counties. The EVDO system offers 3 Mbps down and 1 Mbps up.

This appears to be a duplicate facility and is not necessary.

-----**Service Area:** Grant County, NE

Submitter: Mobius Communications Company

Comment: Mobius Communications Company (Mobius) is a pioneer, providing Internet service in the Nebraska Panhandle since 1996 and broadband service since 1999. We were among the first in the area to provide broadband service to rural Americans, with 100% of the customers in our service areas capable of receiving this advanced service. We are proud of our service to our communities including some of the most remote areas in the Nebraska Panhandle as well as community anchor institutions including public safety agencies, schools, libraries and healthcare providers. As a community-based company, we provide much-needed jobs, 24-7 customer support and local offices for our customers' convenience in Alliance, Gering, and Hemingford, Nebraska.

Submitter: Consolidated Companies

Comment: Consolidated Companies is the parent company of four rural local exchange carriers providing telephone and broadband service to many of the PFSAs for which Viaero applied for broadband funding. Consolidated Companies' response polygon has been input to the mapping tool. One hundred percent of the households within the response polygon have access to broadband as defined in the NOFA.

The applicant's PFSA contains 286 households of which 232 or 81 percent have access to broadband from Consolidated. Therefore, the PFSA does not qualify as underserved based on the availability criterion. The respondent provides, and advertises the availability of 3Mbps broadband service within the PFSA, so the PFSA does not qualify as underserved based on the 3Mbps criterion.

The third qualifying criterion for underserved areas requires the use of company specific market data, and is addressed in the Proprietary Comments section.

-----**Service Area:** Boone County, NE

Submitter: Cable Nebraska, LLC

Comment: Cable Nebraska offers high speed data services to Albion, Cedar Rapids and St. Edwards, NE. The speeds offered are 3, 5 and 8 Meg download speeds. We also compete with the local telephone providers which serve these communities with DSL high speed data service. It does not seem beneficial nor necessary to provide funding to build out last mile projects in these communities which are served.

Submitter: Great Plains Communications, Inc.

Comment: NE Colorado Cellular, Inc. d/b/a Viaero Wireless (Viaero) has applied for broadband funding for 74 proposed funded service areas (PFSAs) throughout Nebraska. Great Plains Communications, Inc. (GPC) provides broadband service in 27 of those PFSAs. This specific response relates to the PFSA that Viaero proposes that encompasses most of Boone County, NE. For the reasons set forth herein, the Boone County PFSA should not be considered unserved or underserved. Viaero claims that 35 of the housing units are unserved with 2,731 being underserved.

GPC provides facilities-based terrestrial broadband service in portions of the Boone County PFSA as can be seen in GPC's "overlay" map. Specifically, GPC provides broadband service availability (per the definition in the NOFA) to 1,138 residential and business locations, a population of 2,478.

Of the 2,766 units that Viaero designates as unserved or underserved, 41.1% of those have broadband service available from GPC -- i.e., these locations are served.

There is at least one other broadband providers serving some portion of the Boone County PFSA -- DTN Speednet. In addition, it appears that Verizon Wireless may have coverage in Boone County. This can be ascertained by entering a selected zip code from the Viaero Boone county PFSA into the Verizon Wireless coverage locator at www.verizonwireless.com. Thus, once one takes into account GPC (with 41% on its own) and DTN Speednet there as facilities-based providers offering terrestrial broadband service within the Viaero Boone County PFSA, it is highly likely that more than 50% of the households in that PFSA have access to facilities-based terrestrial broadband services (as such services are defined in the NOFA) -- meaning that it would not qualify as "unserved" or "underserved" based upon the availability criterion.

Moreover, as discussed elsewhere herein, the Viaero Boone County PFSA likely fails to satisfy any other criteria that would qualify the PFSA as unserved or underserved (assuming it even asserted any other basis than availability as the justification for its unserved/underserved claim). Specifically, as described further herein, the GPC customers in the PFSA subscribe to the broadband services offered by GPC, and GPC advertises a broadband service with transmission speeds of at least 3 Mbps downstream within the Boone County PFSA. This is also likely the case for the other broadband provider in Boone County.

The Viaero application, based on its map and redacted Executive Summary proposes an extensive wireless-based solution relying on High Speed Packet Access (HSPA) technology. Viaero's claim of 21 Mbps with HSPA is grossly exaggerated since the current HSPA standard limits the speed to 14 Mbps. Even the 14 Mbps would not be ubiquitously available across the broad expanses proposed by Viaero. HSPA is hardly a proven technology, particularly in rural areas, and it is unlikely that it would provide comprehensive broadband service to the 686 square miles identified in the Boone County PFSA. This is beyond the fact that this area is already significantly served by at least 2 facilities-based providers as noted above.

HSPA wireless is not only an extremely expensive technology to deploy with its dependence on large numbers of tower sites; but in addition, it suffers from the inherent technical limitations of any spectrum-based technology. It is inappropriate that scarce stimulus program resources would possibly be utilized for deployment of such an expensive and undeveloped technology in rural areas where another facilities-based service exists at a significant level of availability. In rural areas, such as those comprised in much of the Viaero application, the greater distance a customer is from a tower, the less likely that claimed speeds are attained. All wireless technologies, HSPA included are terrain-limited, with hills greatly reducing the distances in which service is available. Also, unlike fiber, engineering experts agree that wireless is not expected to be a good platform for video services due to limited bandwidth and external influences.

It is noteworthy that the Governor of Colorado has chosen to recommend the entire Viaero application – totaling over \$156,000,000 in grants and loans - for stimulus funding when almost 70% of the PFSA's identified in Viaero's application are in Nebraska with the Nebraska area being significantly greater than the area in Colorado. Nebraska Governor Dave Heineman also studied broadband applications that proposed to provide benefits to the state of Nebraska. Governor Heineman released his recommendations to NTIA and RUS and chose not to recommend Viaero's application. Governor Heineman is likely aware that Viaero already benefits from the dedicated Nebraska Universal Service Tower Building fund. Viaero was granted \$5,000,000 from that fund on October 20, 2009 as well as funds last year.

Finally, Viaero claims that funding its project will ultimately create "...between 12,054 and 18,066 jobs within five years." This relies not only on unsubstantiated assumptions but also on the multiplier effect of indirect and induced jobs – effects that are widely disputed among economists.

Granting Viaero's application constitutes an inefficient and redundant use of funds. Viaero's claims are unsubstantiated. Therefore, its application should be rejected.

-----**Service Area:** Alamosa County, CO

Submitter: Bresnan Communications

Comment: Based on our research and exposure in this service area, we've concluded that this proposed funded service area fails to meet the NOFA definitions of underserved or unserved as defined in NOFA.

Bresnan, along with other local telcos such as Qwest, provide broadband service in this service area via cable modem and DSL technology. Bresnan provides several tiers of broadband service with download speeds ranging from 1.5mbps to 15mbps.

Our market research and in-depth knowledge of our markets show that we occupy approximately 45-55% of the market share of broadband subscribers in this market, with the remaining distributed among incumbent telcos. With the subscribers and penetration levels entered below, this market area exceeds the penetration and access thresholds as defined in the NOFA, thus making this application ineligible for BTOP/BIP funds in this proposed funded service area.

We have outlined our service areas on the mapping tool provided. Also, see the attached supporting document for additional information regarding our product offering and price points in this market. We also entered confidential and sensitive subscriber details to support our case.

Submitter: Stelera Wireless, LLC

Comment: The applicant's proposed service area does not qualify as unserved or underserved as defined by the BIP or BTOP programs. Stelera Broadband will provide broadband access to the service area with peak speeds of 9-10 mbps in the next 6 months. The town of Alamosa will be served by Stelera Broadband, a broadband service provider under the RUS Broadband Loan program. Stelera plans to advertise and deliver broadband transmission speeds in excess of 3 mbps downstream. Over 50% of the households in the proposed service area will soon have access to terrestrial broadband service at greater than the minimum broadband transmission speed.

-----**Service Area:** Deuel County, NE

Submitter: ATCJet.net LLC

Comment: ATCJet.net, LLC provides high speed broadband internet service to its service territory with download speeds ranging from 1 Mbps up to 7 Mbps; and upload speeds from 256 kbps up to 768 kbps. ATCJet.net, LLC does not charge an installation fee and monthly pricing plans begin at an affordable rate of \$29.95. ATCJet.net, LLC is capable of offering broadband service to all the households in its service territory.

Submitter: Dalton Telephone Company

Comment: Dalton Telephone Company, Inc. (DTC) has been providing high-quality communications services to the residents of the rural communities and Villages of Dalton, Gurley, Lodgepole, Dix, Potter and Bushnell, Nebraska for 92 years. It was one of the first providers in this remote area to offer broadband services seven years ago. Currently, 99% of DTC's service areas have broadband capability. Because of DTC's advanced network it can meet the local geographical challenges providing important community anchor institutions including local government and public safety agencies with broadband services. This local presence also allows DTC to provide 24-7 customer service and support. Due to DTC's entrepreneurial spirit and its dedication to its customers and through a substantial investment in advanced network facilities, the rural communities and surrounding areas of Dalton, Gurley, Lodgepole, Dix, Potter, and Bushnell, Nebraska enjoy the same level of service as offered in metropolitan areas.

Submitter: Qwest

Comment: As authorized by the BIP and BTOP Notice of Funds Availability and the Public Notice associated with the publication of BIP and BTOP broadband infrastructure project funding applications found on the BroadbandUSA.gov website, Qwest responds with broadband service data to the application of NE CO Cell Deuell for funding for an area represented as "underserved" that is located, in whole or in part, in Qwest's broadband service area.

-----**Service Area:** Larimer County, CO

Submitter: US Cable of Coastal-Texas, L.P.

Comment: US Cable of Coastal-Texas, L.P. provides high speed internet service in communities that are within the applicant's proposed service area.

Submitter: AT&T

Comment: AT&T is providing data about its wireline and mobile broadband footprint to assist in determining whether the applicant's proposed service area, which may be part of a larger application and project, satisfies the unserved and underserved eligibility requirements.

Additional information regarding other broadband service providers' currently operating in the service area may be needed in order to make a reasonable analysis or a conclusive determination.

Submitter: Qwest

Comment: As authorized by the BIP and BTOP Notice of Funds Availability and the Public Notice associated with the publication of BIP and BTOP broadband infrastructure project funding applications found on the BroadbandUSA.gov website, Qwest responds with broadband service data to the application of NE Colorado Cellular, Inc., d/b/a Viaero Wireless, Larimer for funding for an area represented as "underserved" that is located, in whole or in part, in Qwest's broadband service area.

-----**Service Area:** Adams County, NE

Submitter: Glenwood Telecommunications Inc.

Comment: Glenwood Telecommunications has been providing state-of-the-art telecommunication services in this area including High Speed Internet for over 8 years.

Submitter: Windstream

Comment: Windstream's data strongly suggest that the proposed funded service area likely does not qualify as an unserved area. Windstream offers facilities-based, terrestrial broadband service at advertised speeds of greater than 768 kbps downstream and 200 kbps upstream to some of the households within 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 unserved.

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 “unserved area” as follows: “Unserved area means a proposed funded service area, composed of one or more contiguous census blocks, where at least 90 percent of households in the proposed funded service area lack access to facilities-based, terrestrial broadband service, either fixed or mobile, at the minimum broadband transmission speed (set forth in the definition of broadband above). A household has access to broadband service if the household can readily subscribe to that service upon request.”

Submitter: Glenwood Telephone Membership Corporation

Comment: Glenwood Telephone has been providing state-of-the-art telecommunication services to this area since 1957 and High Speed Internet for over 8 years.

-----**Service Area:** Kit Carson, CO

Submitter: S&T Telephone Cooperative Association

Comment: S&T Telephone Cooperative Assn. currently provides Broadband service in its certificated exchange areas. 100% of the households have access to Broadband service at a rate of 768/200 Kbps or higher. The current residential take rate of Broadband services in the application area at a speed of 768/200 Kbps or higher is 30% of households. S&T Telephone Cooperative Assn. offers a 3 Mbps service. Therefore, S&T Telephone Cooperative Assn. service areas do not meet the ARRA NOFA classification of “Unserved”

Submitter: CenturyLink

Comment: CenturyLink has an extensive broadband footprint today, and has committed to extend that service even further. As part of its merger commitments to the Federal Communications Commission, CenturyLink committed to offer retail broadband Internet access service to 100% of its broadband eligible access lines by July 1, 2012. Consequently, virtually no areas served by CenturyTel or Embarq local operating companies, in any state, will be underserved or unserved at the end of three years.

CenturyLink also agreed to meet targets for minimum download speeds. CenturyLink will ensure availability of retail broadband Internet access service with a download speed of 1.5 Mbps to 87% of the broadband eligible access lines by July 1, 2011. It will ensure availability with a download speed of 3 Mbps to 75% of broadband eligible access lines by July 1, 2010, to 78% of broadband eligible lines by July 1, 2011, and to 80% of broadband eligible lines within 3 years of the close date. Nationwide, our average tele-density is 23 customers per square mile. This commitment ensures availability of broadband even to very rural consumers.

The agency should consider the importance of this commitment, as CenturyLink's continuing investment inevitably will make applications that overlap CenturyLink service areas less viable. CenturyLink has proven, industry-leading experience in deploying broadband networks and services using both wireline and wireless technology, and a strong commitment and focus on rural areas. Today, it serves 7 million access lines and 2.1 million broadband customers in 33 states.

Submitter: Plains Cooperative Telephone Association, Inc.

Comment: Plains Cooperative Telephone Association, Inc. (PCTA) owns and operates a broadband system providing Broadband services to a substantial portion of the Applicant's proposed service area. USDA(RUS) funding supported the construction in PCTA's area. Broadband is provided with copper based ADSL and ADSL2+ technologies. PCTA's Broadband system is available to any user in the PCTA area.

-----**Service Area:** York County, NE

Submitter: Henderson Cooperative Telephone Company

Comment: Henderson Cooperative Telephone Company, dba Mainstay Communications, currently provides service in its certificated exchange area that meets or exceeds all ARRA NOFA requirements to be classified as a "Served" area. 100% of the households have access to Broadband service of at least 768/200 Kbps. The current residential penetration rate of Broadband service at a speed of 768/200 Kbps or higher in this application area is 57%. Henderson Cooperative Telephone offers a 5 Mbps Broadband service

Submitter: Windstream

Comment: Windstream's data strongly suggest that the proposed funded service area likely does not qualify as an unserved area. Windstream offers facilities-based, terrestrial broadband service at advertised speeds of greater than 768 kbps downstream and 200 kbps upstream to some of the households within 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 unserved.

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 "unserved area" as follows: "Unserved area means a proposed funded service area, composed of one or more contiguous census blocks, where at least 90 percent of households in the proposed funded service area lack access to facilities-based, terrestrial broadband service, either fixed or mobile, at the minimum broadband transmission speed (set forth in the definition of broadband above). A household has access to broadband service if the household can readily subscribe to that service upon request."

Submitter: Hamilton.net, Inc.

Comment: All residents and businesses within this service area have had access to broadband DSL services for several years.

-----**Service Area:** Washington County, CO

Submitter: CenturyLink

Comment: CenturyLink has an extensive broadband footprint today, and has committed to extend that service even further. As part of its merger commitments to the Federal Communications Commission, CenturyLink committed to offer retail broadband Internet access service to 100% of its broadband eligible access lines by July 1, 2012. Consequently, virtually no areas served by CenturyTel or Embarq local operating companies, in any state, will be underserved or unserved at the end of three years.

CenturyLink also agreed to meet targets for minimum download speeds. CenturyLink will ensure availability of retail broadband Internet access service with a download speed of 1.5 Mbps to 87% of the broadband eligible access lines by July 1, 2011. It will ensure availability with a download speed of 3 Mbps to 75% of broadband eligible access lines by July 1, 2010, to 78% of broadband eligible lines by July 1, 2011, and to 80% of broadband eligible lines within 3 years of the close date. Nationwide, our average tele-density is 23 customers per square mile. This commitment ensures availability of broadband even to very rural consumers.

The agency should consider the importance of this commitment, as CenturyLink's continuing investment inevitably will make applications that overlap CenturyLink service areas less viable. CenturyLink has proven, industry-leading experience in deploying broadband networks and services using both wireline and wireless technology, and a strong commitment and focus on rural areas. Today, it serves 7 million access lines and 2.1 million broadband customers in 33 states.

Submitter: Plains Cooperative Telephone Association, Inc.

Comment: Plains Cooperative Telephone Association, Inc. (PCTA) owns and operates a broadband system providing Broadband services to a substantial portion of the Applicant's proposed service area. USDA(RUS) funding supported the construction in PCTA's area. Broadband is provided with copper based ADSL and ADSL2+ technologies. PCTA's Broadband system is available to any user in the PCTA area.

-----**Service Area:** Arthur County, NE

Submitter: Consolidated Companies Inc.

Comment: Consolidated Companies is the parent company of four rural local exchange carriers providing telephone and broadband service to many of the PFSA's for which Viaero applied for broadband funding. Consolidated Companies' response polygon has been input to the mapping tool. One hundred percent of the households within the response polygon have access to broadband as defined in the NOFA.

The applicant seeks funding for Arthur County, asserting that the rural portions of the county are unserved, and the Village of Arthur is underserved. In the Village of Arthur, as shown by Consolidated's response broadband coverage map, 100 percent of the households have access to broadband, as defined. Therefore, the PFSA does not qualify as underserved based on the availability criterion. The respondent provides, and advertises the availability of 3Mbps broadband service within the PFSA, so the PFSA does not qualify as underserved based on the 3Mbps criterion.

The rural portions of the applicant's PFSA contain 122 households of which 94 households, or 77 percent have access to broadband from Consolidated. Therefore this portion of the PFSA does not qualify as unserved, and the applicant's request for funding should be denied. Broadband stimulus funds can be used more effectively elsewhere.

-----**Service Area:** Hooker County, NE

Submitter: Consolidated Companies Inc.

Comment: Consolidated Companies is the parent company of four rural local exchange carriers providing telephone and broadband service to many of the PFSA's for which Viaero applied for broadband funding. Consolidated Companies' response polygon has been input to the mapping tool. One hundred percent of the households within the response polygon have access to broadband as defined in the NOFA.

The applicant's PFSA contains 333 households of which 271 households or 81 percent have access to broadband from Consolidated. Therefore, the PFSA does not qualify as underserved based on the availability criterion. The respondent provides, and advertises the availability of 3Mbps broadband service within the PFSA, so the PFSA does not qualify as underserved based on the 3Mbps criterion.

The third qualifying criterion for underserved areas requires the use of company specific market data, and is addressed in the Proprietary Comments section.

-----**Service Area:** Clay County, NE

Submitter: Glenwood Telecommunications Inc.

Comment: Glenwood Telecommunications has been providing state-of-the-art telecommunication services in this area including High Speed Internet for over 8 years.

Submitter: Windstream

Comment: Windstream's data strongly suggest that the proposed funded service area likely does not qualify as an unserved area. Windstream offers facilities-based, terrestrial broadband service at advertised speeds of greater than 768 kbps downstream and 200 kbps upstream to some of the households within 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 unserved.

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 “unserved area” as follows: “Unserved area means a proposed funded service area, composed of one or more contiguous census blocks, where at least 90 percent of households in the proposed funded service area lack access to facilities-based, terrestrial broadband service, either fixed or mobile, at the minimum broadband transmission speed (set forth in the definition of broadband above). A household has access to broadband service if the household can readily subscribe to that service upon request.”

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: Hamilton.net, Inc.

Comment: All residents and businesses within this service area have had access to broadband DSL services for several years. The number of businesses listed within the zipcode(s) associated with our response are severely skewed and cannot be used for any legitimate analysis.

-----**Service Area:** Cuming County, NE

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: Great Plains Communications, Inc.

Comment: NE Colorado Cellular, Inc. d/b/a Viaero Wireless (Viaero) has applied for broadband funding for 74 proposed funded service areas (PFSAs) throughout Nebraska. Great Plains Communications, Inc. (GPC) provides broadband service in 27 of those PFSAs. This specific response relates to the PFSA that

Viaero proposes that encompasses most of Cuming County, NE. For the reasons set forth herein, the Cuming County PFSA should not be considered unserved or underserved. Viaero claims that 43 of the housing units are underserved.

GPC provides facilities-based terrestrial broadband service in portions of the Cuming County PFSA as can be seen in GPC's "overlay" map. Specifically, GPC provides broadband service availability (per the definition in the NOFA) to 22 residential and business locations, a population of 26.

Of the 43 units that Viaero designates as underserved, 51.29% of those have broadband service available from GPC -- i.e., these locations are served.

There are other broadband providers serving some portion of the Cuming County PFSA -- these other broadband providers include PT Flashnet, Connecting Point, American Broadband and CableONE. In addition, it appears that Verizon Wireless may have coverage in Cuming County. This can be ascertained by entering a selected zip code from the Viaero Cuming County PFSA into the Verizon Wireless coverage locator at www.verizonwireless.com. Thus, once one takes into account GPC and all of the other facilities-based providers offering terrestrial broadband service within the Viaero Cuming County PFSA, more than 50% of the households in that PFSA have access to facilities-based terrestrial broadband services (as such services are defined in the NOFA) -- meaning that it would not qualify as "underserved" based upon the availability criterion.

Moreover, as discussed elsewhere herein, the Viaero Cuming County PFSA likely fails to satisfy any other criteria that would qualify the PFSA as underserved (assuming it even asserted any other basis than availability as the justification for its underserved claim). Specifically, as described further herein, the GPC customers in the PFSA subscribe to the broadband services offered by GPC, and GPC advertises a broadband service with transmission speeds of at least 3 Mbps downstream within the Cuming County PFSA. This is also likely the case for the other broadband providers in Cuming County.

The Viaero application, based on its map and redacted Executive Summary proposes an extensive wireless-based solution relying on High Speed Packet Access (HSPA) technology. Viaero's claim of 21 Mbps with HSPA is grossly exaggerated since the current HSPA standard limits the speed to 14 Mbps. Even the 14 Mbps would not be ubiquitously available across the broad expanses proposed by Viaero. HSPA is hardly a proven technology, particularly in rural areas, and it is unlikely that it would provide comprehensive broadband service to the 16 square miles identified in the Cuming County PFSA. This is

beyond the fact that this area is already significantly served by a number of facilities-based providers as noted above.

HSPA wireless is not only an extremely expensive technology to deploy with its dependence on large numbers of tower sites; but in addition, it suffers from the inherent technical limitations of any spectrum-based technology. It is inappropriate that scarce stimulus program resources would possibly be utilized for deployment of such an expensive and undeveloped technology in rural areas where another facilities-based service exists at a significant level of availability. In rural areas, such as those comprised in much of the Viaero application, the greater distance a customer is from a tower, the less likely that claimed speeds are attained. All wireless technologies, HSPA included are terrain-limited, with hills greatly reducing the distances in which service is available. Also, unlike fiber, engineering experts agree that wireless is not expected to be a good platform for video services due to limited bandwidth and external influences.

It is noteworthy that the Governor of Colorado has chosen to recommend the entire Viaero application – totaling over \$156,000,000 in grants and loans - for stimulus funding when almost 70% of the PFSA's identified in Viaero's application are in Nebraska with the Nebraska area being significantly greater than the area in Colorado. Nebraska Governor Dave Heineman also studied broadband applications that proposed to provide benefits to the state of Nebraska. Governor Heineman released his recommendations to NTIA and RUS and chose not to recommend Viaero's application. Governor Heineman is likely aware that Viaero already benefits from the dedicated Nebraska Universal Service Tower Building fund. Viaero was granted \$5,000,000 from that fund on October 20, 2009 as well as funds last year.

Finally, Viaero claims that funding its project will ultimately create "...between 12,054 and 18,066 jobs within five years." This relies not only on unsubstantiated assumptions but also on the multiplier effect of indirect and induced jobs – effects that are widely disputed among economists.

Granting Viaero's application constitutes an inefficient and redundant use of funds. Viaero's claims are unsubstantiated. Therefore, its application should be rejected.

-----**Service Area:** Custer County, NE

Submitter: Consolidated Companies Inc.

Comment: Consolidated Companies is the parent company of four rural local exchange carriers providing telephone and broadband service to many of the PFSA's for which Viaero applied for broadband funding. Consolidated Companies' response polygon has been input to the mapping tool. One hundred percent of the households within the response polygon have access to broadband as defined in the NOFA.

The applicant's PFSA contains 4,495 households of which 366 households have access to broadband from Consolidated. The respondent provides, and advertises the availability of 3Mbps broadband service within the PFSA, so the PFSA does not qualify as underserved based on the 3Mbps criterion.

Submitter: Nebraska Central Telephone Co.

Comment: The respondent (Nebraska Central Telephone Company) is a Local Exchange Carrier (Common Carrier) that offers facilities-based, terrestrial Broadband (high speed) Internet access service in the overlap area of the PFSA.

The respondent's overlap area of applicant's PFSA contains 1,223 households. Respondent provides Broadband Internet access service (as defined in the NOFA) exceeding 768K downstream and 200K upstream speeds to 100% of the households and businesses in its response polygon. Therefore, the PFSA does not qualify as "underserved" based on the availability criterion.

In response to the PFSA, respondent's advertising copy has been uploaded showing the availability and advertising of service tiers of Broadband speeds up to 5MB downstream and 1 MB upstream, so the PFSA does not qualify as underserved based on the 3Mbps criterion.

The third qualifying criterion for underserved areas requires the use of company specific market data, and is addressed in the Proprietary Comments section.

Submitter: Great Plains Communications, Inc.

Comment: NE Colorado Cellular, Inc. d/b/a Viaero Wireless (Viaero) has applied for broadband funding for 74 proposed funded service areas (PFSAs) throughout Nebraska. Great Plains Communications, Inc. (GPC) provides broadband service in 27 of those PFSAs. This specific response relates to the PFSA that Viaero proposes that encompasses most of Custer County, NE. For the reasons set forth herein, the Custer County PFSA should not be considered unserved or underserved. Viaero claims that 5,205 of the housing units are underserved.

GPC provides facilities-based terrestrial broadband service in portions of the Custer County PFSA as can be seen in GPC's "overlay" map. Specifically, GPC provides broadband service availability (per the definition in the NOFA) to 728 residential and business locations, a population of 1,464.

Of the 5,205 units that Viaero designates as underserved, 14% of those have broadband service available from GPC -- i.e., these locations are served.

There are other broadband providers serving some portion of the Custer County PFSA -- these other broadband providers include Consolidated, Nebraska Central, Qwest, KDSI and McCookNet. In addition, it appears that Verizon Wireless may have coverage in Custer County. This can be ascertained by entering a selected zip code from the Viaero Custer County PFSA into the Verizon Wireless coverage locator at www.verizonwireless.com. Thus, once one takes into account GPC and all of the other facilities-based providers offering terrestrial broadband service within the Viaero Custer County PFSA, it is highly likely that more than 50% of the households in that PFSA have access to facilities-based terrestrial broadband services (as such services are defined in the NOFA) -- meaning that it would not qualify as "underserved" based upon the availability criterion.

Moreover, as discussed elsewhere herein, the Viaero Custer County PFSA likely fails to satisfy any other criteria that would qualify the PFSA as underserved (assuming it even asserted any other basis than availability as the justification for its underserved claim). Specifically, as described further herein, the GPC customers in the PFSA subscribe to the broadband services offered by GPC, and GPC advertises a broadband service with transmission speeds of at least 3 Mbps downstream within the Custer County PFSA. This is also likely the case for the other broadband providers in Custer County.

The Viaero application, based on its map and redacted Executive Summary proposes an extensive wireless-based solution relying on High Speed Packet Access (HSPA) technology. Viaero's claim of 21 Mbps with HSPA is grossly exaggerated since the current HSPA standard limits the speed to 14 Mbps. Even the 14 Mbps would not be ubiquitously available across the broad expanses proposed by Viaero.

HSPA is hardly a proven technology, particularly in rural areas, and it is unlikely that it would provide comprehensive broadband service to the 2,067 square miles identified in the Custer County PFSA. This is beyond the fact that this area is already significantly served by a number of facilities-based providers as noted above.

HSPA wireless is not only an extremely expensive technology to deploy with its dependence on large numbers of tower sites; but in addition, it suffers from the inherent technical limitations of any spectrum-based technology. It is inappropriate that scarce stimulus program resources would possibly be utilized for deployment of such an expensive and undeveloped technology in rural areas where another facilities-based service exists at a significant level of availability. In rural areas, such as those comprised in much of the Viaero application, the greater distance a customer is from a tower, the less likely that claimed speeds are attained. All wireless technologies, HSPA included, are terrain-limited, with hills greatly reducing the distances in which service is available. Also, unlike fiber, engineering experts agree that wireless is not expected to be a good platform for video services due to limited bandwidth and external influences.

It is noteworthy that the Governor of Colorado has chosen to recommend the entire Viaero application – totaling over \$156,000,000 in grants and loans - for stimulus funding when almost 70% of the PFSA's identified in Viaero's application are in Nebraska with the Nebraska area being significantly greater than the area in Colorado. Nebraska Governor Dave Heineman also studied broadband applications that proposed to provide benefits to the state of Nebraska. Governor Heineman released his recommendations to NTIA and RUS and chose not to recommend Viaero's application. Governor Heineman is likely aware that Viaero already benefits from the dedicated Nebraska Universal Service Tower Building fund. Viaero was granted \$5,000,000 from that fund on October 20, 2009 as well as funds last year.

Finally, Viaero claims that funding its project will ultimately create “....between 12,054 and 18,066 jobs within five years.” This relies not only on unsubstantiated assumptions but also on the multiplier effect of indirect and induced jobs – effects that are widely disputed among economists.

Granting Viaero's application constitutes an inefficient and redundant use of funds. Viaero's claims are unsubstantiated. Therefore, its application should be rejected.

Submitter: Cozad Telephone Company

Comment: Cozad Telephone Company (CTC) provides wireline and wireless high speed broadband internet service at 3 Mbps downstream and 1 Mbps upstream. CTC is capable of delivering broadband internet to 100% of the households in its service territory.

-----**Service Area:** Costilla County, CO

Submitter: CenturyLink

Comment: CenturyLink has an extensive broadband footprint today, and has committed to extend that service even further. As part of its merger commitments to the Federal Communications Commission, CenturyLink committed to offer retail broadband Internet access service to 100% of its broadband eligible access lines by July 1, 2012. Consequently, virtually no areas served by CenturyTel or Embarq local operating companies, in any state, will be underserved or unserved at the end of three years.

CenturyLink also agreed to meet targets for minimum download speeds. CenturyLink will ensure availability of retail broadband Internet access service with a download speed of 1.5 Mbps to 87% of the broadband eligible access lines by July 1, 2011. It will ensure availability with a download speed of 3 Mbps to 75% of broadband eligible access lines by July 1, 2010, to 78% of broadband eligible lines by July 1, 2011, and to 80% of broadband eligible lines within 3 years of the close date. Nationwide, our average tele-density is 23 customers per square mile. This commitment ensures availability of broadband even to very rural consumers.

The agency should consider the importance of this commitment, as CenturyLink's continuing investment inevitably will make applications that overlap CenturyLink service areas less viable. CenturyLink has proven, industry-leading experience in deploying broadband networks and services using both wireline and wireless technology, and a strong commitment and focus on rural areas. Today, it serves 7 million access lines and 2.1 million broadband customers in 33 states.

Submitter: Blanca Telephone Company

Comment: As the NTIA begins their process of reviewing and awarding grants for the BTOP, it is important that they take into consideration the capabilities of the existing providers like BTC. BTC fully supports helping to fund truly un-served or under-served areas in Colorado. However, many of the BTOP applications propose to overbuild existing facilities which results in an unnecessary duplication of service. This may be the case for BTC should some of these grants be approved in our service territory.

The Blanca Telephone Company, BTC, a family owned telephone company, has been providing telephone service to the North Costilla County and Eastern Alamosa County since 1922. The Blanca Telephone Company has a local office and hires local people. The staff has grown from 1 to over 13 individuals. BTC has always had the mindset that the members of the counties and communities it serves need advanced services much more than the people in the city, because rural Americas must travel miles and miles to the nearest information source, while those in the city can walk across the street.

Therefore, BTC started installing fiber in 1994. Today the Blanca Telephone Company has provided over 20% of its customers with fiber to the home and by the end of 2010, over 50% of the customers in the BTC service area will have access to high speed data at a minimum of 30 Mbps. By the end of 2012 all of the customers in the service area will have access to over 30 Mbps.

The BTC also furnishes high speed EVDO wireless in Costilla and Conejos Counties. The EVDO system offers 3 Mbps down and 1 Mbps up.

This appears to be a duplicate facility and is not necessary.

-----**Service Area:** Garden County, NE

Submitter: Mobius Communications Company

Comment: Mobius Communications Company (Mobius) is a pioneer, providing Internet service in the Nebraska Panhandle since 1996 and broadband service since 1999. We were among the first in the area to provide broadband service to rural Americans, with 100% of the customers in our service areas

capable of receiving this advanced service. We are proud of our service to our communities including some of the most remote areas in the Nebraska Panhandle as well as community anchor institutions including public safety agencies, schools, libraries and healthcare providers. As a community-based company, we provide much-needed jobs, 24-7 customer support and local offices for our customers' convenience in Alliance, Gering, and Hemingford, Nebraska.

Submitter: Inventive Wireless of Nebraska, LLC dba Vistabeam

Comment: Viaero Wireless has proposed a project that includes several service areas that are already served with 3meg or faster broadband by Vistabeam and multiple other broadband providers. Our coverage area includes the towns of Henry, Lyman, Morrill, Mitchell, Scottsbluff, Gering, Terrytown, Melbeta, Minatare, Bayard, McGrew, Bridgeport, Dalton, Gurley, Broadwater, Lisco, Oshkosh, Lewellen, Potter, Lodgepole, Chappell and Big Springs.

Submitter: Consolidated Companies

Comment: Consolidated Companies is the parent company of four rural local exchange carriers providing telephone and broadband service to many of the PFSAs for which Viaero applied for broadband funding. Consolidated Companies' response polygon has been input to the mapping tool. One hundred percent of the households within the response polygon have access to broadband as defined in the NOFA. One hundred percent of the customers to which Consolidated provides landline telephone service within the PFSA are broadband capable.

Submitter: Great Plains Communications, Inc.

Comment: NE Colorado Cellular, Inc. d/b/a Viaero Wireless (Viaero) has applied for broadband funding for 74 proposed funded service areas (PFSAs) throughout Nebraska. Great Plains Communications, Inc. (GPC) provides broadband service in 27 of those PFSAs. This specific response relates to the PFSA that Viaero proposes that encompasses most of Garden County, NE. For the reasons set forth herein, the Garden County PFSA should not be considered unserved or underserved. Viaero claims that 36 of the housing units are unserved with 1,175 being underserved.

GPC provides facilities-based terrestrial broadband service in portions of the Garden County PFSA as can be seen in GPC's "overlay" map. Specifically, GPC provides broadband service availability (per the definition in the NOFA) to 511 residential locations, a population of 939.

Of the 1,211 units that Viaero designates as unserved or underserved, 42.2% of those have broadband service available from GPC -- i.e., these locations are served.

There are other broadband providers serving some portion of the Garden County PFSA -- these other broadband providers include EMBARQ (CenturyLink) Telecom west and Vistabeam. In addition, it appears that Verizon Wireless may have coverage in Garden County. This can be ascertained by entering a selected zip code from the Viaero Garden county PFSA into the Verizon Wireless coverage locator at www.verizonwireless.com. Thus, once one takes into account GPC and all of the other facilities-based providers offering terrestrial broadband service within the Viaero Garden County PFSA, it is highly likely that more than 50% of the households in that PFSA have access to facilities-based terrestrial broadband services (as such services are defined in the NOFA) -- meaning that it would not qualify as "unserved" or "underserved" based upon the availability criterion.

Moreover, as discussed elsewhere herein, the Viaero Garden County PFSA likely fails to satisfy any other criteria that would qualify the PFSA as unserved or underserved (assuming it even asserted any other basis than availability as the justification for its unserved/underserved claim). Specifically, as described further herein, the GPC customers in the PFSA subscribe to the broadband services offered by GPC, and GPC advertises a broadband service with transmission speeds of at least 3 Mbps downstream within the Garden County PFSA. This is also likely the case for the other broadband providers in Garden County.

The Viaero application, based on its map and redacted Executive Summary proposes an extensive wireless-based solution relying on High Speed Packet Access (HSPA) technology. Viaero's claim of 21 Mbps with HSPA is grossly exaggerated since the current HSPA standard limits the speed to 14 Mbps. Even the 14 Mbps would not be ubiquitously available across the broad expanses proposed by Viaero. HSPA is hardly a proven technology, particularly in rural areas, and it is unlikely that it would provide comprehensive broadband service to the 976 square miles identified in the Garden County PFSA. This is beyond the fact that this area is already significantly served by a number of facilities-based providers as noted above.

HSPA wireless is not only an extremely expensive technology to deploy with its dependence on large numbers of tower sites; but in addition, it suffers from the inherent technical limitations of any

spectrum-based technology. It is inappropriate that scarce stimulus program resources would possibly be utilized for deployment of such an expensive and undeveloped technology in rural areas where another facilities-based service exists at a significant level of availability. In rural areas, such as those comprised in much of the Viaero application, the greater distance a customer is from a tower, the less likely that claimed speeds are attained. All wireless technologies, HSPA included are terrain-limited, with hills greatly reducing the distances in which service is available. Also, unlike fiber, engineering experts agree that wireless is not expected to be a good platform for video services due to limited bandwidth and external influences.

It is noteworthy that the Governor of Colorado has chosen to recommend the entire Viaero application – totaling over \$156,000,000 in grants and loans - for stimulus funding when almost 70% of the PFSA's identified in Viaero's application are in Nebraska with the Nebraska area being significantly greater than the area in Colorado. Nebraska Governor Dave Heineman also studied broadband applications that proposed to provide benefits to the state of Nebraska. Governor Heineman released his recommendations to NTIA and RUS and chose not to recommend Viaero's application. Governor Heineman is likely aware that Viaero already benefits from the dedicated Nebraska Universal Service Tower Building fund. Viaero was granted \$5,000,000 from that fund on October 20, 2009 as well as funds last year.

Finally, Viaero claims that funding its project will ultimately create "...between 12,054 and 18,066 jobs within five years." This relies not only on unsubstantiated assumptions but also on the multiplier effect of indirect and induced jobs – effects that are widely disputed among economists.

Granting Viaero's application constitutes an inefficient and redundant use of funds. Viaero's claims are unsubstantiated. Therefore, its application should be rejected.

-----**Service Area:** Logan County, CO

Submitter: Bresnan Communications

Comment: Based on our research and exposure in this service area, we've concluded that this proposed funded service area fails to meet the NOFA definitions of underserved or unserved as defined in NOFA.

Bresnan, along with other local telcos such as Qwest, provide broadband service in this service area via cable modem and DSL technology. Bresnan provides several tiers of broadband service with download speeds ranging from 1.5mbps to 15mbps.

Our market research and in-depth knowledge of our markets show that we occupy approximately 45-55% of the market share of broadband subscribers in this market, with the remaining distributed among incumbent telcos. With the subscribers and penetration levels entered below, this market area exceeds the penetration and access thresholds as defined in the NOFA, thus making this application ineligible for BTOP/BIP funds in this proposed funded service area.

We have outlined our service areas on the mapping tool provided. Also, see the attached supporting document for additional information regarding our product offering and price points in this market. We also entered confidential and sensitive subscriber details to support our case.

Submitter: Haxtun Telephone Co.

Comment: Haxtun Telephone Company demonstrates that the application filed by NE Colorado Cellular, Inc. d/b/a Viaero Wireless is incorrect in its claim that the area it proposes to serve which overlaps Haxtun Telephone's service area is unserved. Further, Haxtun Telephone demonstrates that the area NE Colorado Cellular, Inc. d/b/a Viaero Wireless proposes to serve which overlaps Haxtun Telephone's service area does not meet all of the criteria which categorize an area as underserved.

As demonstrated, 99% of households in Haxtun Telephone's service area, including those areas which are part of NE Colorado Cellular, Inc. d/b/a Viaero Wireless's proposed funded service area, are able to readily subscribe upon request to facilities-based, terrestrial broadband services at a minimum transmission speed of greater than 768 kbps downstream and 200 kbps upstream from Haxtun Telephone. Therefore NE Colorado Cellular, Inc. d/b/a Viaero Wireless's claim that this overlapping area is unserved is incorrect. Further, no part of this overlapping area is underserved on the basis of access to broadband service. In addition, HaxtunTelephone demonstrates that the rate of broadband

subscribership for households in [the part of the proposed funded service area which overlaps Haxtun Telephone's service area] [its service area] is significant.

Submitter: Haxtun Telephone Co

Comment: Haxtun Telephone Company demonstrates that the application filed by NE Colorado Cellular, Inc. d/b/a Viaero Wireless is incorrect in its claim that the area it proposes to serve which overlaps Haxtun Telephone's service area is unserved. Further, Haxtun Telephone demonstrates that the area NE Colorado Cellular, Inc. d/b/a Viaero Wireless proposes to serve which overlaps Haxtun Telephone's service area does not meet all of the criteria which categorize an area as underserved.

As demonstrated, 60% of households in Haxtun Telephone's service area, including those areas which are part of NE Colorado Cellular, Inc. d/b/a Viaero Wireless's proposed funded service area, are able to readily subscribe upon request to facilities-based, terrestrial broadband services at a minimum transmission speed of greater than 768 kbps downstream and 200 kbps upstream from Haxtun Telephone. Therefore NE Colorado Cellular, Inc. d/b/a Viaero Wireless's claim that this overlapping area is unserved is incorrect. Further, no part of this overlapping area is underserved on the basis of access to broadband service. In addition, HaxtunTelephone demonstrates that the rate of broadband subscribership for households in [the part of the proposed funded service area which overlaps Haxtun Telephone's service area] [its service area] is significant.

Submitter: Stelera Wireless, LLC

Comment: The applicant's proposed service area does not qualify as unserved or underserved as defined by the BIP or BTOP programs. Stelera Broadband will provide broadband access to the service area with peak speeds of 9-10 mbps in the next 6 months. The town of Sterling will be served by Stelera Broadband, a broadband service provider under the RUS Broadband Loan program. Stelera plans to advertise and deliver broadband transmission speeds in excess of 3 mbps downstream. Over 50% of the households in the proposed service area will soon have access to terrestrial broadband service at greater than the minimum broadband transmission speed. The area does not qualify as unserved because the number of households lacking access to broadband is less than 90% based on Stelera research.

-----**Service Area:** Hall County, NE

Submitter: Glenwood Telecommunications Inc.

Comment: Glenwood Telecommunications has been providing state-of-the-art telecommunication services in this area including High Speed Internet for over 8 years.

Submitter: Windstream

Comment: Windstream's data strongly suggest that the proposed funded service area likely does not qualify as an unserved area. Windstream offers facilities-based, terrestrial broadband service at advertised speeds of greater than 768 kbps downstream and 200 kbps upstream to some of the households within 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 unserved.

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 "unserved area" as follows: "Unserved area means a proposed funded service area, composed of one or more contiguous census blocks, where at least 90 percent of households in the proposed funded service area lack access to facilities-based, terrestrial broadband service, either fixed or mobile, at the minimum broadband transmission speed (set forth in the definition of broadband above). A household has access to broadband service if the household can readily subscribe to that service upon request."

Submitter: Nebraska Central Telephone Co.

Comment: The respondent (Nebraska Central Telephone Company) is a Local Exchange Carrier (Common Carrier) that offers facilities-based, terrestrial Broadband (high speed) Internet access service in the overlap area of the PFSA.

The respondent's overlap area of applicant's PFSA contains 98 households. Respondent provides Broadband Internet access service (as defined in the NOFA) exceeding 768K downstream and 200K upstream speeds to 100% of the households and businesses in its response polygon. Therefore, the PFSA does not qualify as "underserved" based on the availability criterion.

In response to the PFSA, respondent's advertising copy has been uploaded showing the availability and advertising of service tiers of Broadband speeds up to 5MB downstream and 1 MB upstream, so the PFSA does not qualify as underserved based on the 3Mbps criterion.

The third qualifying criterion for underserved areas requires the use of company specific market data, and is addressed in the Proprietary Comments section.

Submitter: Hamilton.net, Inc.

Comment: DSL continues to be offered in the southeast section of our response area. With DSL our standard packages offer speeds from 768k down/256k up to 6Mb down/512Mb up.. In addition to DSL, in the majority of this area we offer unmetered broadband services using 3G 1XEVD0/Rev A. Our brand name for this service is "GMAX" and has a maximum download speed of 3.1Mb. This service is configured as a data only solution and is intended to offer a competitive alternative to DSL and cable modem service. We also offer unlicensed wireless services in portions of of this area as well with 768k down/ 768 up speeds.

-----**Service Area:** Perkins County, NE

Submitter: Great Plains Communications, Inc

Comment: NE Colorado Cellular, Inc. d/b/a Viaero Wireless (Viaero) has applied for broadband funding for 74 proposed funded service areas (PFSAs) throughout Nebraska. Great Plains Communications, Inc. (GPC) provides broadband service in 27 of those PFSAs. This specific response relates to the PFSA that Viaero proposes that encompasses most of Perkins County, NE. For the reasons set forth herein, the Perkins County PFSA should not be considered unserved or underserved. Viaero claims that 1,444 of the housing units are underserved.

GPC provides facilities-based terrestrial broadband service in portions of the Perkins County PFSA as can be seen in GPC's "overlay" map. Specifically, GPC provides broadband service availability (per the definition in the NOFA) to 822 residential and business locations, a population of 1,751.

Of the 1,444 units that Viaero designates as underserved, 56.9% of those have broadband service available from GPC -- i.e., these locations are served.

There are other broadband providers serving some portion of the Perkins County PFSA -- these other broadband providers include Consolidated, Elsie and Chase 3000. In addition, it appears that Verizon Wireless may have coverage in Perkins County. This can be ascertained by entering a selected zip code from the Viaero Perkins County PFSA into the Verizon Wireless coverage locator at www.verizonwireless.com. Thus, once one takes into account GPC and all of the other facilities-based providers offering terrestrial broadband service within the Viaero Perkins County PFSA, more than 50% of the households in that PFSA have access to facilities-based terrestrial broadband services (as such services are defined in the NOFA) -- meaning that it would not qualify as "underserved" based upon the availability criterion.

Moreover, as discussed elsewhere herein, the Viaero Perkins County PFSA likely fails to satisfy any other criteria that would qualify the PFSA as underserved (assuming it even asserted any other basis than availability as the justification for its underserved claim). Specifically, as described further herein, the GPC customers in the PFSA subscribe to the broadband services offered by GPC, and GPC advertises a broadband service with transmission speeds of at least 3 Mbps downstream within the Perkins County PFSA. This is also likely the case for the other broadband providers in Perkins County.

The Viaero application, based on its map and redacted Executive Summary proposes an extensive wireless-based solution relying on High Speed Packet Access (HSPA) technology. Viaero's claim of 21 Mbps with HSPA is grossly exaggerated since the current HSPA standard limits the speed to 14 Mbps. Even the 14 Mbps would not be ubiquitously available across the broad expanses proposed by Viaero. HSPA is hardly a proven technology, particularly in rural areas, and it is unlikely that it would provide comprehensive broadband service to the 881 square miles identified in the Perkins County PFSA. This is beyond the fact that this area is already significantly served by a number of facilities-based providers as noted above.

HSPA wireless is not only an extremely expensive technology to deploy with its dependence on large numbers of tower sites; but in addition, it suffers from the inherent technical limitations of any spectrum-based technology. It is inappropriate that scarce stimulus program resources would possibly be utilized for deployment of such an expensive and undeveloped technology in rural areas where another facilities-based service exists at a significant level of availability. In rural areas, such as those comprised in much of the Viaero application, the greater distance a customer is from a tower, the less likely that claimed speeds are attained. All wireless technologies, HSPA included are terrain-limited, with hills greatly reducing the distances in which service is available. Also, unlike fiber, engineering experts agree that wireless is not expected to be a good platform for video services due to limited bandwidth and external influences.

It is noteworthy that the Governor of Colorado has chosen to recommend the entire Viaero application – totaling over \$156,000,000 in grants and loans - for stimulus funding when almost 70% of the PFSA's identified in Viaero's application are in Nebraska with the Nebraska area being significantly greater than the area in Colorado. Nebraska Governor Dave Heineman also studied broadband applications that proposed to provide benefits to the state of Nebraska. Governor Heineman released his recommendations to NTIA and RUS and chose not to recommend Viaero's application. Governor Heineman is likely aware that Viaero already benefits from the dedicated Nebraska Universal Service Tower Building fund. Viaero was granted \$5,000,000 from that fund on October 20, 2009 as well as funds last year.

Finally, Viaero claims that funding its project will ultimately create "...between 12,054 and 18,066 jobs within five years." This relies not only on unsubstantiated assumptions but also on the multiplier effect of indirect and induced jobs – effects that are widely disputed among economists.

Granting Viaero's application constitutes an inefficient and redundant use of funds. Viaero's claims are unsubstantiated. Therefore, its application should be rejected.

Submitter: Consolidated Companies Inc.

Comment: Consolidated Companies is the parent company of four rural local exchange carriers providing telephone and broadband service to many of the PFSA's for which Viaero applied for broadband funding. Consolidated Companies' response polygon has been input to the mapping tool. One hundred percent of the households within the response polygon have access to broadband as defined in the NOFA. One hundred percent of the customers to which Consolidated provides landline

telephone service within the PFSA are broadband capable. Broadband stimulus funds can be used more effectively elsewhere.

Submitter: Elsie Communications, Inc.

Comment: Elsie Communications, Inc. (ECI) has been providing high-quality communications services to the residents of the rural community of Elsie, Nebraska for 103 years. It was one of the first providers in this remote area to offer broadband services seven years ago. Currently, 100% of ECI's service areas have broadband capability. Because of ECI's advanced network it can meet the local geographical challenges providing important community anchor institutions including local government and public safety agencies with broadband services. This local presence also allows ECI to provide 24-7 customer service and support. Due to ECI's entrepreneurial spirit and its dedication to its customers and through a substantial investment in advanced network facilities, the rural communities surrounding the village of Elsie, Nebraska enjoy the same level of service as offered in metropolitan areas.

-----**Service Area:** Wayne County, NE

Submitter: American Broadband exchange (DSL) and wireless

Comment: HunTel Inc., doing business as American Broadband – Nebraska has four telephone company subsidiaries, consisting of the Arlington Telephone Company, Blair Telephone Company, Eastern Nebraska Telephone Company (ENTC), and the Rock Telephone Company. All four are classified as incumbent local exchange carriers (ILECs) and are authorized by the Nebraska Public Service Commission (PSC) and the Federal Communications Commission (FCC) to provide reliable and ubiquitous telecommunications services within their designated service areas. These ILECs offer broadband service predominantly utilizing Digital Subscriber Line (DSL) technology at speeds that meet and exceed the minimum download (768 Kbps) and upload (200 Kbps) speeds defined in the NOFA.

HunTel Inc. also owns HunTel CableVision, doing business as American Broadband, and it offers broadband services utilizing cable modem and fixed wireless technologies.

American Broadband - Nebraska advertises broadband service at speeds that meet and exceed minimum download and upload speeds defined in the NOFA.

American Broadband - Nebraska enjoys broadband penetration rates that exceed 40% of households in many of the census blocks contained within its exchange serving areas.

Viaero has submitted a last mile broadband stimulus application that overlaps a rural portion of the American Broadband – Nebraska telephone company exchange serving areas in Wayne County, Nebraska, as well as areas served by American Broadband’s fixed wireless broadband technology in Wayne County, Nebraska. This Viaero application overlaps with 525 census blocks in which American Broadband – Nebraska offers broadband services using DSL and fixed wireless technologies. In these 525 census blocks, American Broadband - Nebraska provides broadband service to 160 residential customers and 1 business customer. These subscriber numbers do not include the broadband subscribers served by other broadband providers. Thus, the overlap area in the Viaero application is not unserved and it is not underserved. Furthermore, American Broadband - Nebraska offers its DSL broadband service at speeds that exceed the NOFA minimums.

The Viaero stimulus application should be rejected for several reasons, which include but are not limited to:

1. Viaero applied for Stimulus dollars in areas (Census Blocks) that are not unserved or underserved.
2. The Viaero application did not seek to perform validations of broadband penetration rates at the Census Block level, whereas American Broadband - Nebraska currently provides, advertises, and tracks broadband penetration to the Census Block level within its designated serving areas.
3. Broadband stimulus dollars should not be directed to areas that do not meet the definitions of unserved or underserved territory.
4. Viaero proposes a wireless technology solution. Only Fiber-to-the-Premise solutions offer a future-proof solution for meeting the challenge of a rapidly increasing definition of minimum download and upload speeds. Viaero is only one of several wireless providers within the geography applied for that offer wireless data services (Verizon, AllTel, U.S. Cellular, etc.)
5. Viaero’s application overlaps with the designated service area of American Broadband - Nebraska. It is not apparent that Viaero has addressed the challenge of its application’s ability to be economically sustainable in areas of low population density already served by multiple providers.
6. Beyond initial network deployment, wireless infrastructure solutions have not demonstrated the ability to create sustained employment opportunities within the immediate service area. This is contrasted by the fact that American Broadband - Nebraska has a resident work force, located within its designated serving areas in Nebraska, and it has a history of sustained employment.

Submitter: American Broadband Cable TV (cable modem)

Comment: HunTel CableVision is an incumbent cable television provider with municipal franchise authority to offer cable television service in 20 communities in northeast Nebraska. HunTel Cablevision offers broadband internet and data services utilizing cable modem (within municipal franchise boundaries) and high speed wireless technologies in rural areas that extend beyond the municipal boundaries of its franchised cable television serving areas. HunTel Cablevision is also classified as a competitive local exchange carrier (CLEC), and is designated by the Nebraska Public Service Commission (PSC) as an eligible telecommunications carrier (ETC) for purposes of receiving Federal Universal Service Support (FUSF). HunTel CableVision offers broadband services at speeds that meet and exceed the minimum download (768 Kbps) and upload (200 Kbps) speeds defined in the NOFA. HunTel CableVision does business as (dba) American Broadband in Nebraska. This specific response is from the perspective of the cable modem broadband service that is offered within the municipal franchised areas that overlap with the Viaero Last Mile Stimulus Application in Wayne County, Nebraska.

HunTel CableVision (dba American Broadband) advertises broadband service alternatives that meet and exceed minimum download and upload speeds defined in the NOFA.

HunTel CableVision enjoys broadband penetration rates that exceed 40% of households in many of census blocks contained within its serving areas, and this does not count/include the penetration of Qwest, which is the ILEC in communities where HunTel CableVision operates as a CLEC, or other broadband competitors that operate in the service area that Viaero has applied for.

Viaero has submitted a last mile broadband stimulus application that overlaps HunTel CableVision serving areas in Pierce County, Nebraska. The Viaero application overlaps with 21 census blocks in which HunTel CableVision offers cable modem broadband speeds. In these 21 census blocks, HunTel CableVision provides broadband service to 104 residential customers and 9 business customers. HunTel CableVision approaches 45% penetration amongst residences all by itself and this does not include the number of residences served by Qwest and other broadband competitors. Thus, the overlap area in the Viaero application is not unserved and it is not underserved. Furthermore, HunTel CableVision offers its cable modem broadband service at speeds that exceed the NOFA minimums and exceed 3 Mbps, and HunTel CableVision (doing business as American Broadband) advertises speeds that exceed 3 Mbps.

The Viaero stimulus application should be rejected for several reasons, which include but are not limited to:

1. Viaero applied for Stimulus dollars in areas (Census Blocks) that are not unserved or underserved.
2. The Viaero application is overly broad because it did not seek to perform validations of broadband penetration rates at the Census Block level, whereas HunTel CableVision currently provides, advertises, and tracks broadband penetration to the Census Block level within its designated serving areas.
3. Broadband stimulus dollars should not be directed to areas that do not meet the definitions of unserved or underserved territory.

4. Viaero proposes a wireless technology solution. Only Fiber-to-the-Premise solutions offer a long term future-proof solution for meeting the challenge of a rapidly increasing definition of minimum download and upload speeds. Viaero is only one of several wireless providers within the geography applied for that already offer data services over their wireless networks (Verizon, AllTel, Viaero, etc.)

5. Viaero's application overlaps with the designated service areas of HunTel CableVision. It is not apparent that Viaero has addressed the challenge of its application's ability to be economically sustainable in areas that lack population density, and are already populated with multiple providers.

6. Beyond initial network deployment, wireless infrastructure solutions have not demonstrated the ability to create sustained employment opportunities within the immediate service area. This is contrasted by the fact that HunTel CableVision has a resident work force, located within its designated serving areas in Eastern Nebraska, and it has a history of sustained employment.

Submitter: Pierce Telephone Company, Inc.

Comment: For the portion of this application that overlaps the Pierce Telephone Company, Inc. serving area, broadband of at least 768kbps downstream and 200kbps upstream is accessible to 100% of households and 100% of businesses. Additionally, Pierce Telephone Company, Inc. offers 3Mbps, 8Mbps, 10Mbps, and 12Mbps service in this area. Lastly, Pierce Telephone Company, Inc. 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: Northeast Nebraska Telephone Company

Comment: Northeast Nebraska Telephone Company (NNTC) is filing this response to the NE Colorado Cellular, Inc., d/b/a Viaero Wireless, (Applicant) Application because we are of the belief that this Application misrepresents the availability of Broadband service (786k downstream/200k upstream) within the area that the Applicant's proposed funded service area (PFSA) overlaps NNTC's service area.

NNTC was organized as a cooperative in 1955 and is owned by its customer/members.

NNTC is presently a borrower with the Rural Utilities Service and has been since 1955.

Within the PFSA overlap NNTC's buried fiber optics cable to the node (FTTN) network provides access to Broadband services to 100% of the residential households and businesses, NNTC advertises Broadband service of 3 Megabits and greater to 100% of the residential households and businesses, and NNTC has a rate of Broadband subscribership that is equal to 40% and growing.

Applicant's request for funds to build another Broadband capable network, if granted, will be a duplication of investment, duplication of an existing FTTN Broadband capable network, and divert funding that could be available for unserved areas.

-----**Service Area:** Banner County, NE

Submitter: Mobius Communications Company

Comment: Mobius Communications Company (Mobius) is a pioneer, providing Internet service in the Nebraska Panhandle since 1996 and broadband service since 1999. We were among the first in the area to provide broadband service to rural Americans, with 100% of the customers in our service areas capable of receiving this advanced service. We are proud of our service to our communities including some of the most remote areas in the Nebraska Panhandle as well as community anchor institutions including public safety agencies, schools, libraries and healthcare providers. As a community-based company, we provide much-needed jobs, 24-7 customer support and local offices for our customers' convenience in Alliance, Gering, and Hemingford, Nebraska.

Submitter: Inventive Wireless of Nebraska, LLC dba Vistabeam

Comment: NE Colorado Cellular, Inc., dba Viaero Wireless has proposed a project that includes several service areas that are already served with 3meg or faster broadband by Vistabeam and multiple other broadband providers. Our coverage area includes the towns of Henry, Lyman, Morrill, Mitchell, Scottsbluff, Gering, Terrytown, Melbeta, Minatare, Bayard, McGrew, Bridgeport, Dalton, Gurley, Broadwater, Lisco, Oshkosh, Lewellen, Potter, Lodgepole, Chappell and Big Springs.

-----**Service Area:** Cedar County, NE

Submitter: American Broadband Cable TV (cable modem)

Comment: HunTel CableVision is an incumbent cable television provider with municipal franchise authority to offer cable television service in 20 communities in northeast Nebraska. HunTel Cablevision offers broadband internet and data services utilizing cable modem (within municipal franchise boundaries) and high speed wireless technologies in rural areas that extend beyond the municipal boundaries of its franchised cable television serving areas. HunTel Cablevision is also classified as a competitive local exchange carrier (CLEC), and is designated by the Nebraska Public Service Commission (PSC) as an eligible telecommunications carrier (ETC) for purposes of receiving Federal Universal Service Support (FUSF). HunTel CableVision offers broadband services at speeds that meet and exceed the minimum download (768 Kbps) and upload (200 Kbps) speeds defined in the NOFA. HunTel CableVision does business as (dba) American Broadband in Nebraska. This specific response is from the perspective of the cable modem broadband service that is offered within the municipal franchised areas that overlap with the Viaero Last Mile Stimulus Application. We have also filed a separate response from the perspective of our wireless broadband service that is offered in rural areas that extend beyond our municipal cable television service areas.

HunTel CableVision (dba American Broadband) advertises broadband service alternatives that meet and exceed minimum download and upload speeds defined in the NOFA.

HunTel CableVision enjoys broadband penetration rates that exceed 40% of households in many of census blocks contained within its serving areas, and this does not count/include the penetration of Qwest, which is the ILEC in communities where HunTel CableVision operates as a CLEC, or other broadband competitors that operate in the service area that Viaero has applied for.

Viaero has submitted a last mile broadband stimulus application that overlaps HunTel CableVision serving areas. The Lone Lines application overlaps with 81 census blocks in which HunTel CableVision offers cable modem broadband speeds. In these 81 census blocks, HunTel CableVision provides broadband service to 98 residential customers and 5 business customers. HunTel CableVision approaches 21% penetration amongst residences all by itself and this does not include the number of residences served by Qwest and other broadband competitors. Thus, the overlap area in the Viaero application is not unserved and it is not underserved. Furthermore, HunTel CableVision offers its cable modem broadband service at speeds that exceed the NOFA minimums and exceed 3 Mbps, and HunTel CableVision (doing business as American Broadband) advertises speeds that exceed 3 Mbps.

The Viaero stimulus application should be rejected for several reasons, which include but are not limited to:

1. Viaero applied for Stimulus dollars in areas (Census Blocks) that are not unserved or underserved.

2. The Viaero application is overly broad because it did not seek to perform validations of broadband penetration rates at the Census Block level, whereas HunTel CableVision currently provides, advertises, and tracks broadband penetration to the Census Block level within its designated serving areas.

3. Broadband stimulus dollars should not be directed to areas that do not meet the definitions of unserved or underserved territory.

4. Viaero proposes a wireless technology solution. Only Fiber-to-the-Premise solutions offer a long term future-proof solution for meeting the challenge of a rapidly increasing definition of minimum download and upload speeds. Viaero is only one of several wireless providers within the geography applied for that already offer data services over their wireless networks (Verizon, AllTel, Viaero, etc.)

5. Viaero's application overlaps with the designated service areas of HunTel CableVision. It is not apparent that Viaero has addressed the challenge of its application's ability to be economically sustainable in areas that lack population density, and are already populated with multiple providers.

6. Beyond initial network deployment, wireless infrastructure solutions have not demonstrated the ability to create sustained employment opportunities within the immediate service area. This is contrasted by the fact that HunTel CableVision has a resident work force, located within its designated serving areas in Eastern Nebraska, and it has a history of sustained employment.

Submitter: American Broadband exchanges (DSL)

Comment: HunTel Inc., doing business as American Broadband – Nebraska has four telephone company subsidiaries, consisting of the Arlington Telephone Company, Blair Telephone Company, Eastern Nebraska Telephone Company (ENTC), and the Rock Telephone Company. All four are classified as incumbent local exchange carriers (ILECs) and are authorized by the Nebraska Public Service Commission (PSC) and the Federal Communications Commission (FCC) to provide reliable and ubiquitous telecommunications services within their designated service areas. These ILECs offer broadband service predominantly utilizing Digital Subscriber Line (DSL) technology at speeds that meet and exceed the minimum download (768 Kbps) and upload (200 Kbps) speeds defined in the NOFA.

American Broadband - Nebraska advertises broadband service at speeds that meet and exceed minimum download and upload speeds defined in the NOFA.

American Broadband - Nebraska enjoys broadband penetration rates that exceed 40% of households in many of the census blocks contained within its exchange serving areas.

Viaero has submitted a last mile broadband stimulus application that overlaps the American Broadband – Nebraska exchange serving areas. This Viaero application overlaps with 82 census blocks in which

American Broadband – Nebraska offers broadband services using DSL technology. In these 82 census blocks, American Broadband - Nebraska provides broadband service to 13 residential customers. American Broadband - Nebraska also offers cable modem and wireless broadband service offerings that overlap with this particular Viaero application and are addressed in separate responses to this Viaero application. Thus, the overlap area in the Viaero application is not unserved and it is not underserved. Furthermore, American Broadband - Nebraska offers its DSL broadband service at speeds that exceed the NOFA minimums and exceed 3 Mbps, and American Broadband – Nebraska advertises speeds that exceed 3 Mbps.

The Viaero stimulus application should be rejected for several reasons, which include but are not limited to:

1. Viaero applied for Stimulus dollars in areas (Census Blocks) that are not unserved or underserved.
2. The Viaero application did not seek to perform validations of broadband penetration rates at the Census Block level, whereas American Broadband - Nebraska currently provides, advertises, and tracks broadband penetration to the Census Block level within its designated serving areas.
3. Broadband stimulus dollars should not be directed to areas that do not meet the definitions of unserved or underserved territory.
4. Viaero proposes a wireless technology solution. Only Fiber-to-the-Premise solutions offer a future-proof solution for meeting the challenge of a rapidly increasing definition of minimum download and upload speeds. Viaero is only one of several wireless providers within the geography applied for that offer wireless data services (Verizon, AllTel, Viaero, etc.)
5. Viaero's application overlaps with the designated service area of American Broadband -Nebraska. It is not apparent that Viaero has addressed the challenge of its application's ability to be economically sustainable in areas of low population density already served by multiple providers.
6. Beyond initial network deployment, wireless infrastructure solutions have not demonstrated the ability to create sustained employment opportunities within the immediate service area. This is contrasted by the fact that American Broadband - Nebraska has a resident work force, located within its designated serving areas in Nebraska, and it has a history of sustained employment.

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: American Broadband wireless

Comment: HunTel CableVision is an incumbent cable television provider with municipal franchise authority to offer cable television service in 20 communities in northeast Nebraska. HunTel Cablevision offers broadband internet and data services utilizing high speed wireless technologies in rural areas that extend beyond the municipal boundaries of its franchised cable television serving areas. HunTel Cablevision is also classified as a competitive local exchange carrier (CLEC), and is designated by the Nebraska Public Service Commission (PSC) as an eligible telecommunications carrier (ETC) for purposes of receiving Federal Universal Service Support (FUSF). HunTel CableVision offers rural wireless broadband services at speeds that meet and exceed the minimum download (768 Kbps) and upload (200 Kbps) speeds defined in the NOFA. HunTel CableVision does business as (dba) American Broadband in Nebraska. This specific response is from the perspective of the wireless broadband service that is offered in the rural areas that extend beyond our municipal franchise serving areas that overlap with the Viaero Last Mile Stimulus Application. We have also filed a separate response from the perspective of our cable modem broadband service.

HunTel CableVision (dba American Broadband) advertises broadband service alternatives using wireless technologies that meet and exceed minimum download and upload speeds defined in the NOFA.

HunTel CableVision subscriber numbers provided in this response do not include the cable modem subscribers included in our companion cable modem response to the Viaero application and do not count/include the penetration of Qwest, which is the ILEC in communities where HunTel CableVision operates as a CLEC, or other broadband competitors that operate in the service area that Viaero has applied for.

Viaero has submitted a last mile broadband stimulus application that overlaps HunTel CableVision wireless serving areas. The Viaero application overlaps with 372 census blocks in which HunTel CableVision offers wireless broadband services. In these census blocks, HunTel CableVision provides wireless broadband service to 75 residential customers and 13 business customers. This does not include the number of residences served by Qwest and other broadband competitors, and our own cable modem broadband services offered within our cable television municipal franchise areas. Thus, the overlap area in the Viaero application is not unserved and it is not underserved. Furthermore, HunTel CableVision offers its wireless broadband service at speeds that exceed the NOFA minimums, and HunTel CableVision (doing business as American Broadband) advertises speeds that exceed NOFA minimums.

The Viaero stimulus application should be rejected for several reasons, which include but are not limited to:

1. Viaero applied for Stimulus dollars in areas (Census Blocks) that are not unserved or underserved.

2. The Viaero application is overly broad because it did not seek to perform validations of broadband penetration rates at the Census Block level, whereas HunTel CableVision currently provides, advertises, and tracks broadband penetration to the Census Block level within its designated serving areas.

3. Broadband stimulus dollars should not be directed to areas that do not meet the definitions of unserved or underserved territory.

4. Viaero proposes a wireless technology solution. Only Fiber-to-the-Premise solutions offer a long term future-proof solution for meeting the challenge of a rapidly increasing definition of minimum download and upload speeds. Viaero is only one of several wireless providers within the geography applied for that offer wireless data services (Verizon, AllTel, Viaero, etc.)

5. Viaero's application overlaps with the designated service areas of HunTel CableVision. It is not apparent that Viaero has addressed the challenge of its application's ability to be economically sustainable in areas that lack population density and are already served by multiple providers.

6. Beyond initial network deployment, wireless infrastructure solutions have not demonstrated the ability to create sustained employment opportunities within the immediate service area. This is contrasted by the fact that HunTel CableVision has a resident work force, located within its designated serving areas in Eastern Nebraska, and it has a history of sustained employment.

Submitter: Hartington Telecommunications Co., Inc.

Comment: Hartington Telecommunications Co., Inc. is providing information regarding the number of residential households and business establishments capable of receiving broadband in the area that the applicant's PFSA overlaps the respondent's service area. Hartington Telecommunications Co., Inc. is also providing information regarding the number of existing customers purchasing broadband service in the area of overlap. Hartington Telecommunications Co., Inc. overlapping broadband service area, at a minimum defined as 768k downstream and 200k upstream are displayed on the associated mapping tool. In the area of overlap, 100% of households have access to facilities-based broadband service and the rate of broadband subscribership for residential households and business establishments exceeds 40%. Hartington Telecommunications Co., Inc. also advertises broadband transmission speeds of at least 3 Mbps downstream within the area of overlap. Accordingly, such area is not underserved.

Submitter: Northeast Nebraska Telephone Company

Comment: Northeast Nebraska Telephone Company (NNTC) is filing this response to the NE Colorado Cellular, Inc., d/b/a Viaero Wireless, (Applicant) Application because we are of the belief that this

Application misrepresents the availability of Broadband service (786k downstream/200k upstream) within the area that the Applicant's proposed funded service area (PFSA) overlaps NNTC's service area.

NNTC was organized as a cooperative in 1955 and is owned by its customer/members.

NNTC is presently a borrower with the Rural Utilities Service and has been since 1955.

Within the PFSA overlap NNTC's buried fiber optics cable to the node (FTTN) network provides access to Broadband services to 100% of the residential households and businesses, NNTC advertises Broadband service of 3 Megabits and greater to 100% of the residential households and businesses, and NNTC has a rate of Broadband subscribership that is greater than 40%.

Applicant's request for funds to build another Broadband capable network, if granted, will be a duplication of investment, duplication of an existing FTTN Broadband capable network, and divert funding that could be available for unserved areas.

Submitter: Great Plains Communications, Inc.

Comment: NE Colorado Cellular, Inc. d/b/a Viaero Wireless (Viaero) has applied for broadband funding for 74 proposed funded service areas (PFSAs) throughout Nebraska. Great Plains Communications, Inc. (GPC) provides broadband service in 27 of those PFSAs. This specific response relates to the PFSA that Viaero proposes that encompasses most of Cedar County, NE. For the reasons set forth herein, the Cedar County PFSA should not be considered unserved or underserved. Viaero claims that 102 of the housing units are unserved with 3,773 being underserved.

GPC provides facilities-based terrestrial broadband service in portions of the Cedar County PFSA as can be seen in GPC's "overlay" map. Specifically, GPC provides broadband service availability (per the definition in the NOFA) to 334 residential and business locations, a population of 964.

Of the 3,875 units that Viaero designates as unserved or underserved, 8.65% of those have broadband service available from GPC -- i.e., these locations are served.

There are many other broadband providers serving some portion of the Cedar County PFSA – these other broadband providers include Northeast Nebraska, Connecting Point, Qwest, and CableOne. In addition, it appears that Verizon Wireless may have coverage in Cedar County. This can be ascertained by entering a selected zip code from the Viaero Cedar county PFSA into the Verizon Wireless coverage locator at www.verizonwireless.com. Thus, once one takes into account GPC and all of the other facilities-based providers offering terrestrial broadband service within the Viaero Cedar County PFSA, it is highly likely that more than 50% of the households in that PFSA have access to facilities-based terrestrial broadband services (as such services are defined in the NOFA) -- meaning that it would not qualify as “unserved” or “underserved” based upon the availability criterion.

Moreover, as discussed elsewhere herein, the Viaero Cedar County PFSA likely fails to satisfy any other criteria that would qualify the PFSA as underserved (assuming it even asserted any other basis than availability as the justification for its underserved claim). Specifically, as described further herein, the GPC customers in the PFSA subscribe to the broadband services offered by GPC, and GPC advertises a broadband service with transmission speeds of at least 3 Mbps downstream within the Cedar County PFSA. This is also likely the case for the other broadband providers in Cedar County.

The Viaero application, based on its map and redacted Executive Summary proposes an extensive wireless-based solution relying on High Speed Packet Access (HSPA) technology. Viaero’s claim of 21 Mbps with HSPA is grossly exaggerated since the current HSPA standard limits the speed to 14 Mbps. Even the 14 Mbps would not be ubiquitously available across the broad expanses proposed by Viaero. HSPA is hardly a proven technology, particularly in rural areas, and it is unlikely that it would provide comprehensive broadband service to the 645 square miles identified in the Cedar County PFSA. This is beyond the fact that this area is already significantly served by a number of facilities-based providers as noted above.

HSPA wireless is not only an extremely expensive technology to deploy with its dependence on large numbers of tower sites; but in addition, it suffers from the inherent technical limitations of any spectrum-based technology. It is inappropriate that scarce stimulus program resources would possibly be utilized for deployment of such an expensive and undeveloped technology in rural areas where another facilities-based service exists at a significant level of availability. In rural areas, such as those comprised in much of the Viaero application, the greater distance a customer is from a tower, the less likely that claimed speeds are attained. All wireless technologies, HSPA included are terrain-limited, with hills greatly reducing the distances in which service is available. Also, unlike fiber, engineering experts agree that wireless is not expected to be a good platform for video services due to limited bandwidth and external influences.

It is noteworthy that the Governor of Colorado has chosen to recommend the entire Viaero application – totaling over \$156,000,000 in grants and loans - for stimulus funding when almost 70% of the PFSA's identified in Viaero's application are in Nebraska with the Nebraska area being significantly greater than the area in Colorado. Nebraska Governor Dave Heineman also studied broadband applications that proposed to provide benefits to the state of Nebraska. Governor Heineman released his recommendations to NTIA and RUS and chose not to recommend Viaero's application. Governor Heineman is likely aware that Viaero already benefits from the dedicated Nebraska Universal Service Tower Building fund. Viaero was granted \$5,000,000 from that fund on October 20, 2009 as well as funds last year.

Finally, Viaero claims that funding its project will ultimately create "...between 12,054 and 18,066 jobs within five years." This relies not only on unsubstantiated assumptions but also on the multiplier effect of indirect and induced jobs – effects that are widely disputed among economists.

Granting Viaero's application constitutes an inefficient and redundant use of funds. Viaero's claims are unsubstantiated. Therefore, its application should be rejected.

-----**Service Area:** Sioux County, NE

Submitter: Mobius Communications Company

Comment: Mobius Communications Company (Mobius) is a pioneer, providing Internet service in the Nebraska Panhandle since 1996 and broadband service since 1999. We were among the first in the area to provide broadband service to rural Americans, with 100% of the customers in our service areas capable of receiving this advanced service. We are proud of our service to our communities including some of the most remote areas in the Nebraska Panhandle as well as community anchor institutions including public safety agencies, schools, libraries and healthcare providers. As a community-based company, we provide much-needed jobs, 24-7 customer support and local offices for our customers' convenience in Alliance, Gering, and Hemingford, Nebraska.

Submitter: WinDBreak Cable

Comment: The village of Harrison, NE in Sioux County, NE is served by 3 broadband providers. WinDBreak Cable provides broadband transmission speeds of at least 3 Mbps downstream.

Submitter: Hemingford Coop Telephone Co. dba Mobius Comm Co.

Comment: The Hemingford Cooperative Telephone Company (HCTC) was established in 1931 and has been serving customers in these remote and rural communities for over 78 years. Our company, d.b.a. Mobius Communications Company, was among the first in the area to provide broadband service to rural Americans. HCTC began providing Internet service in 1996 and broadband service in 1999. We currently provide high quality, high speed broadband throughout the Nebraska Panhandle and surrounding areas. Broadband service is available to 100% of the homes and businesses in HCTC's service areas. We are rightly proud of our service to our communities including some of the most remote areas in the Nebraska Panhandle. HCTC provides broadband service to community anchor institutions including public safety agencies, schools, libraries and healthcare providers. We are a community-based company and our customers are also our owners. We employ 26 members and offer three local offices for our customers' convenience in Alliance, Gering and Hemingford, Nebraska.

Submitter: Inventive Wireless of Nebraska, LLC dba Vistabeam

Comment: Vistabeam Wireless has proposed a project that includes several service areas that are already served with 3meg or faster broadband by Vistabeam and multiple other broadband providers. Vistabeam provides service to 32 towns in the Nebraska Panhandle.

-----**Service Area:** Fremont County, CO

Submitter: Bresnan Communications

Comment: Based on our research and exposure in this service area, we've concluded that this proposed funded service area fails to meet the NOFA definitions of underserved or unserved as defined in NOFA.

Bresnan, along with other local telcos such as Qwest, provide broadband service in this service area via cable modem and DSL technology. Bresnan provides several tiers of broadband service with download speeds ranging from 1.5mbps to 15mbps.

Our market research and in-depth knowledge of our markets show that we occupy approximately 45-55% of the market share of broadband subscribers in this market, with the remaining distributed among incumbent telcos. With the subscribers and penetration levels entered below, this market area exceeds the penetration and access thresholds as defined in the NOFA, thus making this application ineligible for BTOP/BIP funds in this proposed funded service area.

We have outlined our service areas on the mapping tool provided. Also, see the attached supporting document for additional information regarding our product offering and price points in this market. We also entered confidential and sensitive subscriber details to support our case.

-----**Service Area:** Sheridan County, CO

Submitter: Mobius Communications Company

Comment: Mobius Communications Company (Mobius) is a pioneer, providing Internet service in the Nebraska Panhandle since 1996 and broadband service since 1999. We were among the first in the area to provide broadband service to rural Americans, with 100% of the customers in our service areas capable of receiving this advanced service. We are proud of our service to our communities including some of the most remote areas in the Nebraska Panhandle as well as community anchor institutions including public safety agencies, schools, libraries and healthcare providers. As a community-based company, we provide much-needed jobs, 24-7 customer support and local offices for our customers' convenience in Alliance, Gering, and Hemingford, Nebraska.

Submitter: Great Plains Communications, Inc.

Comment: NE Colorado Cellular, Inc. d/b/a Viaero Wireless (Viaero) has applied for broadband funding for 74 proposed funded service areas (PFSAs) throughout Nebraska. Great Plains Communications, Inc. (GPC) provides broadband service in 27 of those PFSAs. This specific response relates to the PFSA that Viaero proposes that encompasses most of Sheridan County, NE. (Note: Viaero labeled this PFSA Sheridan County, Colorado but the map and census data are for Sheridan County, Nebraska) For the reasons set forth herein, the Sheridan County PFSA should not be considered unserved or underserved. Viaero claims that 2,764 of the housing units are underserved.

GPC provides facilities-based terrestrial broadband service in portions of the Sheridan County PFSA as can be seen in GPC's "overlay" map. Specifically, GPC provides broadband service availability (per the definition in the NOFA) to 2,211 residential and business locations, a population of 4,595.

Of the 2,764 units that Viaero designates as underserved, 80% of those have broadband service available from GPC -- i.e., these locations are served.

There are other broadband providers serving some portion of the Sheridan County PFSA -- these other broadband providers include Consolidated, enebraska.net and Telecom West. In addition, it appears that Verizon Wireless may have coverage in Sheridan County. This can be ascertained by entering a selected zip code from the Viaero Sheridan County PFSA into the Verizon Wireless coverage locator at www.verizonwireless.com. Thus, once one takes into account GPC and all of the other facilities-based providers offering terrestrial broadband service within the Viaero Sheridan County PFSA, well over 50% of the households in that PFSA have access to facilities-based terrestrial broadband services (as such services are defined in the NOFA) -- meaning that it would not qualify as "underserved" based upon the availability criterion.

Moreover, as discussed elsewhere herein, the Viaero Sheridan County PFSA likely fails to satisfy any other criteria that would qualify the PFSA as underserved (assuming it even asserted any other basis than availability as the justification for its underserved claim). Specifically, as described further herein, the GPC customers in the PFSA subscribe to the broadband services offered by GPC, and GPC advertises a broadband service with transmission speeds of at least 3 Mbps downstream within the Sheridan County PFSA. This is also likely the case for the other broadband providers in Sheridan County.

The Viaero application, based on its map and redacted Executive Summary proposes an extensive wireless-based solution relying on High Speed Packet Access (HSPA) technology. Viaero's claim of 21 Mbps with HSPA is grossly exaggerated since the current HSPA standard limits the speed to 14 Mbps. Even the 14 Mbps would not be ubiquitously available across the broad expanses proposed by Viaero. HSPA is hardly a proven technology, particularly in rural areas, and it is unlikely that it would provide comprehensive broadband service to the 1,594 square miles identified in the Sheridan County PFSA. This is beyond the fact that this area is already significantly served by a number of facilities-based providers as noted above.

HSPA wireless is not only an extremely expensive technology to deploy with its dependence on large numbers of tower sites; but in addition, it suffers from the inherent technical limitations of any spectrum-based technology. It is inappropriate that scarce stimulus program resources would possibly be utilized for deployment of such an expensive and undeveloped technology in rural areas where another facilities-based service exists at a significant level of availability. In rural areas, such as those comprised in much of the Viaero application, the greater distance a customer is from a tower, the less likely that claimed speeds are attained. All wireless technologies, HSPA included are terrain-limited, with hills greatly reducing the distances in which service is available. Also, unlike fiber, engineering experts agree that wireless is not expected to be a good platform for video services due to limited bandwidth and external influences.

It is noteworthy that the Governor of Colorado has chosen to recommend the entire Viaero application – totaling over \$156,000,000 in grants and loans - for stimulus funding when almost 70% of the PFSA's identified in Viaero's application are in Nebraska with the Nebraska area being significantly greater than the area in Colorado. Nebraska Governor Dave Heineman also studied broadband applications that proposed to provide benefits to the state of Nebraska. Governor Heineman released his recommendations to NTIA and RUS and chose not to recommend Viaero's application. Governor Heineman is likely aware that Viaero already benefits from the dedicated Nebraska Universal Service Tower Building fund. Viaero was granted \$5,000,000 from that fund on October 20, 2009 as well as funds last year.

Finally, Viaero claims that funding its project will ultimately create "...between 12,054 and 18,066 jobs within five years." This relies not only on unsubstantiated assumptions but also on the multiplier effect of indirect and induced jobs – effects that are widely disputed among economists.

Granting Viaero's application constitutes an inefficient and redundant use of funds. Viaero's claims are unsubstantiated. Therefore, its application should be rejected.

Submitter: Consolidated Companies

Comment: Please note that this PFSA is incorrectly labeled Sheridan County, CO. The correct label should be Sheridan County, NE.

Consolidated Companies is the parent company of four rural local exchange carriers providing telephone and broadband service to many of the PFSA's for which Viaero applied for broadband funding. Consolidated Companies' response polygon has been input to the mapping tool. One hundred percent of the households within the response polygon have access to broadband as defined in the NOFA. One hundred percent of the customers to which Consolidated provides landline telephone service within the PFSA are broadband capable.

-----**Service Area:** Scotts Bluff County, NE

Submitter: CenturyLink

Comment: CenturyLink is submitting data that shows the application's proposed service area is not underserved or unserved, under program guidelines. Accordingly, the application must be denied as ineligible. With limited funding and a large pool of applications, program grants and loans must be directed only to areas that are truly underserved or unserved, as stipulated in the program guidelines.

CenturyLink can certify that its affiliates currently offer broadband service in some or all of the applicant's proposed service areas. We attach a representative sample of areas where the application overlaps our existing broadband deployment. This data is not exhaustive; the application may include other areas also currently served with broadband by CenturyLink or other providers. We will provide additional information on request if that will further assist the agency's review.

CenturyLink also provides data showing broadband availability in local telephone exchanges within the proposed service areas. This includes areas served by CenturyLink and/or other broadband providers. This data further shows the applicant would duplicate and overlap existing broadband services in the proposed service areas.

Submitter: Mobius Communications Company

Comment: Mobius Communications Company (Mobius) is a pioneer, providing Internet service in the Nebraska Panhandle since 1996 and broadband service since 1999. We were among the first in the area to provide broadband service to rural Americans, with 100% of the customers in our service areas capable of receiving this advanced service. We are proud of our service to our communities including some of the most remote areas in the Nebraska Panhandle as well as community anchor institutions including public safety agencies, schools, libraries and healthcare providers. As a community-based company, we provide much-needed jobs, 24-7 customer support and local offices for our customers' convenience in Alliance, Gering, and Hemingford, Nebraska.

Submitter: Inventive Wireless of Nebraska, LLC dba Vistabeam

Comment: Viaero Wireless has proposed a project that includes several service areas that are already served with 3meg or faster broadband by Vistabeam and multiple other broadband providers. Vistabeam provides service to 32 towns in the Nebraska Panhandle.

-----**Service Area:** Polk County, NE

Submitter: Clarks Telecommunications Company

Comment: Clarks Telecommunications Company (CTC) is filing this response to the NE Colorado Cellular, Inc., d/b/a Viaero Wireless (Applicant) Application because we are of the belief that this Application misrepresents the availability of Broadband service (786k downstream/200k upstream) within the area that the Applicant's proposed funded service area (PFSA) overlaps CTC's service area.

CTC was organized in 1908 and in 2007 was acquired by Northeast Nebraska Telephone Company (NNTC), a customer owned cooperative.

CTC is presently a borrower with the Rural Utilities Service and has been since 1957.

Within the PFSA overlap, CTC's recently constructed buried fiber optics cable to the premise (FTTP) network provides access to Broadband services to 100% of the residential households and businesses,

CTC advertises Broadband service of 3 Megabits and greater to 100% of the residential households and businesses, and with this new buried FTTP network CTC anticipates the rate of subscription to be greater than 40% in a relatively short period of time.

Applicant's request for funds to build another Broadband capable network, if granted, will be a duplication of investment, duplication of an existing FTTP Broadband capable network, and divert funding that could be available for unserved areas.

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: Hamilton.net, Inc.

Comment: Hamilton.net has been offering broadband services using 5700 MHz and 900 MHz unlicensed wireless equipment in this area for several years.

-----**Service Area:** Lincoln County, NE

Submitter: ATCJet.net LLC

Comment: ATCJet.net, LLC provides high speed broadband internet service to its service territory with download speeds ranging from 1 Mbps up to 7 Mbps; and upload speeds from 256 kbps up to 768 kbps. ATCJet.net, LLC does not charge an installation fee and monthly pricing plans begin at an affordable rate of \$29.95. ATCJet.net, LLC is capable of offering broadband service to all the households in its service territory.

Submitter: Hershey Cooperative Telephone Co.

Comment: All customers in the Hershey exchange are 100% capable of receiving 3 meg. down and 768k up.

Submitter: Consolidated Companies Inc.

Comment: Consolidated Companies is the parent company of four rural local exchange carriers providing telephone and broadband service to many of the PFSA's for which Viaero applied for broadband funding. Consolidated Companies' response polygon has been input to the mapping tool. One hundred percent of the households within the response polygon have access to broadband as defined in the NOFA.

The applicant's PFSA contains 4146 underserved households of which 642 households have access to broadband from Consolidated. The respondent provides, and advertises the availability of 3Mbps broadband service within the PFSA, so the PFSA does not qualify as underserved based on the 3Mbps criterion.

Submitter: Great Plains Communications, Inc.

Comment: NE Colorado Cellular, Inc. d/b/a Viaero Wireless (Viaero) has applied for broadband funding for 74 proposed funded service areas (PFSA's) throughout Nebraska. Great Plains Communications, Inc. (GPC) provides broadband service in 27 of those PFSA's. This specific response relates to the PFSA that Viaero proposes that encompasses most of Lincoln County, NE. For the reasons set forth herein, the Lincoln County PFSA should not be considered unserved or underserved. Viaero claims that 4,645 of the housing units are underserved.

GPC provides facilities-based terrestrial broadband service in portions of the Lincoln County PFSA as can be seen in GPC's "overlay" map. Specifically, GPC provides broadband service availability (per the definition in the NOFA) to 612 residential and business locations, a population of 1,662.

Of the 1,966 units that Viaero designates as underserved, 13.2% of those have broadband service available from GPC -- i.e., these locations are served.

Viaero itself indicates in its application that 10,583 housing units -- or almost 70% of the total housing units in its PFSA -- are SERVED (15,228 Total – 4,645 Underserved). While some of these housing units are likely those served by GPC as discussed above, there are other broadband providers serving some portion of the Lincoln County PFSA – these other broadband providers include Consolidated, Facspro.Net, Hamilton.Net, Qwest, Windstream, KDSI, McCookNet and ATC JETNET. In addition, it appears that Verizon Wireless may have coverage in Lincoln County. This can be ascertained by entering a selected zip code from the Viaero Lincoln County PFSA into the Verizon Wireless coverage locator at www.verizonwireless.com. Thus, once one takes into account GPC and all of the other facilities-based providers offering terrestrial broadband service within the Viaero Lincoln County PFSA, it is highly likely that more than 50% of the households in that PFSA have access to facilities-based terrestrial broadband services (as such services are defined in the NOFA) -- meaning that it would not qualify as “underserved” based upon the availability criterion.

Moreover, as discussed elsewhere herein, the Viaero Lincoln County PFSA likely fails to satisfy any other criteria that would qualify the PFSA as underserved (assuming it even asserted any other basis than availability as the justification for its underserved claim). Specifically, as described further herein, the GPC customers in the PFSA subscribe to the broadband services offered by GPC within the Lincoln County PFSA. This is also likely the case for the other broadband providers in Lincoln County.

The Viaero application, based on its map and redacted Executive Summary proposes an extensive wireless-based solution relying on High Speed Packet Access (HSPA) technology. Viaero’s claim of 21 Mbps with HSPA is grossly exaggerated since the current HSPA standard limits the speed to 14 Mbps. Even the 14 Mbps would not be ubiquitously available across the broad expanses proposed by Viaero. HSPA is hardly a proven technology, particularly in rural areas, and it is unlikely that it would provide comprehensive broadband service to the 2,262 square miles identified in the Lincoln County PFSA. This is beyond the fact that this area is already significantly served by a number of facilities-based providers as noted above.

HSPA wireless is not only an extremely expensive technology to deploy with its dependence on large numbers of tower sites; but in addition, it suffers from the inherent technical limitations of any spectrum-based technology. It is inappropriate that scarce stimulus program resources would possibly be utilized for deployment of such an expensive and undeveloped technology in rural areas where another facilities-based service exists at a significant level of availability. In rural areas, such as those comprised in much of the Viaero application, the greater distance a customer is from a tower, the less likely that claimed speeds are attained. All wireless technologies, HSPA included are terrain-limited, with hills greatly reducing the distances in which service is available. Also, unlike fiber, engineering experts agree that wireless is not expected to be a good platform for video services due to limited bandwidth and external influences.

It is noteworthy that the Governor of Colorado has chosen to recommend the entire Viaero application – totaling over \$156,000,000 in grants and loans - for stimulus funding when almost 70% of the PFSA's identified in Viaero's application are in Nebraska with the Nebraska area being significantly greater than the area in Colorado. Nebraska Governor Dave Heineman also studied broadband applications that proposed to provide benefits to the state of Nebraska. Governor Heineman released his recommendations to NTIA and RUS and chose not to recommend Viaero's application. Governor Heineman is likely aware that Viaero already benefits from the dedicated Nebraska Universal Service Tower Building fund. Viaero was granted \$5,000,000 from that fund on October 20, 2009 as well as funds last year.

Finally, Viaero claims that funding its project will ultimately create "...between 12,054 and 18,066 jobs within five years." This relies not only on unsubstantiated assumptions but also on the multiplier effect of indirect and induced jobs – effects that are widely disputed among economists.

Granting Viaero's application constitutes an inefficient and redundant use of funds. Viaero's claims are unsubstantiated. Therefore, its application should be rejected.

Submitter: Hamilton.net, Inc.

Comment: Hamilton.net has been offering stationary broadband services using 3G 1XEVD0/Rev A in this location for 4.5 years. This service is intended to provide an alternative to DSL and cable modem services. We have also offered, and continue to offer broadband using 5700 MHz and 900 MHz unlicensed wireless equipment in the same polygon for several years.

-----**Service Area:** Rock County, NE

Submitter: Northeast Nebraska Telephone Company

Comment: Northeast Nebraska Telephone Company (NNTC) is filing this response to the NE Colorado Cellular, Inc., d/b/a Viaero Wireless, (Applicant) Application because we are of the belief that this

Application misrepresents the availability of Broadband service (786k downstream/200k upstream) within the area that the Applicant's proposed funded service area (PFSA) overlaps NNTC's service area.

NNTC was organized as a cooperative in 1955 and is owned by its customer/members.

NNTC is presently a borrower with the Rural Utilities Service and has been since 1955.

Within the PFSA overlap NNTC's buried fiber optics cable to the node (FTTN) network provides access to Broadband services to 100% of the residential households and businesses, NNTC advertises Broadband service of 3 Megabits and greater to 100% of the residential households and businesses, and while demand for Broadband service in this rural area has not reached the 40% target rate, we are confident that it will.

Applicant's request for funds to build another Broadband capable network, if granted, will be a duplication of investment, duplication of an existing FTTN Broadband capable network, and divert funding that could be available for unserved areas.

Submitter: Nebraska Central Telephone Co.

Comment: The respondent (Nebraska Central Telephone Company) is a Local Exchange Carrier (Common Carrier) that offers facilities-based, terrestrial Broadband (high speed) Internet access service in the overlap area of the PFSA.

The respondent's overlap area of applicant's PFSA contains 8 households. Respondent provides Broadband Internet access service (as defined in the NOFA) exceeding 768K downstream and 200K upstream speeds to 100% of the households and businesses in its response polygon. Therefore, the PFSA does not qualify as "underserved" based on the availability criterion.

In response to the PFSA, respondent's advertising copy has been uploaded showing the availability and advertising of service tiers of Broadband speeds up to 5MB downstream and 1 MB upstream, so the PFSA does not qualify as underserved based on the 3Mbps criterion.

The third qualifying criterion for underserved areas requires the use of company specific market data, and is addressed in the Proprietary Comments section.

Submitter: American Broadband exchanges (DSL)

Comment: HunTel Inc., doing business as American Broadband – Nebraska has four telephone company subsidiaries, consisting of the Arlington Telephone Company, Blair Telephone Company, Eastern Nebraska Telephone Company (ENTC), and the Rock Telephone Company. All four are classified as incumbent local exchange carriers (ILECs) and are authorized by the Nebraska Public Service Commission (PSC) and the Federal Communications Commission (FCC) to provide reliable and ubiquitous telecommunications services within their designated service areas. These ILECs offer broadband service predominantly utilizing Digital Subscriber Line (DSL) technology at speeds that meet and exceed the minimum download (768 Kbps) and upload (200 Kbps) speeds defined in the NOFA.

American Broadband - Nebraska advertises broadband service at speeds that meet and exceed minimum download and upload speeds defined in the NOFA.

American Broadband - Nebraska enjoys broadband penetration rates that exceed 40% of households in many of the census blocks contained within its exchange serving areas.

Viaero has submitted a last mile broadband stimulus application that overlaps the American Broadband – Nebraska exchange serving areas in Rock County, Nebraska. This Viaero application overlaps with 366 census blocks in which American Broadband – Nebraska offers broadband services using DSL technology. In these 366 census blocks, American Broadband - Nebraska provides broadband service to 218 residential customers and 38 business customers. American Broadband – Nebraska exceeds 30% penetration all by itself, and these subscriber numbers do not include the broadband subscribers served by other broadband providers. Thus, the overlap area in the Viaero application is not unserved and it is not underserved. Furthermore, American Broadband - Nebraska offers its DSL broadband service at speeds that exceed the NOFA minimums and exceed 3 Mbps, and American Broadband – Nebraska advertises speeds that exceed 3 Mbps.

The Viaero stimulus application should be rejected for several reasons, which include but are not limited to:

1. Viaero applied for Stimulus dollars in areas (Census Blocks) that are not unserved or underserved.
2. The Viaero application did not seek to perform validations of broadband penetration rates at the Census Block level, whereas American Broadband - Nebraska currently provides, advertises, and tracks broadband penetration to the Census Block level within its designated serving areas.

3. Broadband stimulus dollars should not be directed to areas that do not meet the definitions of unserved or underserved territory.

4. Viaero proposes a wireless technology solution. Only Fiber-to-the-Premise solutions offer a future-proof solution for meeting the challenge of a rapidly increasing definition of minimum download and upload speeds. Viaero is only one of several wireless providers within the geography applied for that offer wireless data services (Verizon, AllTel, U.S. Cellular, etc.)

5. Viaero's application overlaps with the designated service area of American Broadband - Nebraska. It is not apparent that Viaero has addressed the challenge of its application's ability to be economically sustainable in areas of low population density already served by multiple providers.

6. Beyond initial network deployment, wireless infrastructure solutions have not demonstrated the ability to create sustained employment opportunities within the immediate service area. This is contrasted by the fact that American Broadband - Nebraska has a resident work force, located within its designated serving areas in Nebraska, and it has a history of sustained employment.

----**Service Area:** Kearney County, NE

Submitter: Glenwood Telecommunications Inc.

Comment: Glenwood Telecommunications has been providing state-of-the-art telecommunication services in this area including High Speed Internet for over 8 years.

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 unserved area. Windstream offers facilities-based, terrestrial broadband service at advertised speeds of greater than 768 kbps downstream and 200 kbps upstream to some of the households within 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 unserved.

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 "unserved area" as follows: "Unserved area means a proposed funded service area, composed of one or more contiguous census blocks, where at least 90 percent of households in the proposed funded service area lack access to facilities-based, terrestrial broadband service, either fixed or mobile, at the minimum broadband transmission speed (set forth in the definition of broadband above). A household has access to broadband service if the household can readily subscribe to that service upon request."

Submitter: Glenwood Telephone Membership Corporation

Comment: Glenwood Telephone has been providing state-of-the-art telecommunication services to this area since 1957 and High Speed Internet for over 8 years.

Submitter: Nebraska Central Telephone Co.

Comment: The respondent (Nebraska Central Telephone Company) is a Local Exchange Carrier (Common Carrier) that offers facilities-based, terrestrial Broadband (high speed) Internet access service in the overlap area of the PFSA.

The respondent's overlap area of applicant's PFSA contains 56 households. Respondent provides Broadband Internet access service (as defined in the NOFA) exceeding 768K downstream and 200K

upstream speeds to 100% of the households and businesses in its response polygon. Therefore, the PFSA does not qualify as “underserved” based on the availability criterion.

In response to the PFSA, respondent’s advertising copy has been uploaded showing the availability and advertising of service tiers of Broadband speeds up to 5MB downstream and 1 MB upstream, so the PFSA does not qualify as underserved based on the 3Mbps criterion.

The third qualifying criterion for underserved areas requires the use of company specific market data, and is addressed in the Proprietary Comments section.

Submitter: Great Plains Communications, Inc.

Comment: NE Colorado Cellular, Inc. d/b/a Viaero Wireless (Viaero) has applied for broadband funding for 74 proposed funded service areas (PFSAs) throughout Nebraska. Great Plains Communications, Inc. (GPC) provides broadband service in 27 of those PFSAs. This specific response relates to the PFSA that Viaero proposes that encompasses most of Kearney County, NE. For the reasons set forth herein, the Kearney County PFSA should not be considered unserved or underserved. Viaero claims that 2,846 of the housing units are underserved.

GPC provides facilities-based terrestrial broadband service in portions of the Kearney County PFSA as can be seen in GPC’s “overlay” map. Specifically, GPC provides broadband service availability (per the definition in the NOFA) to 178 residential and business locations, a population of 1,662.

Of the 1,966 units that Viaero designates as underserved, 6.3% of those have broadband service available from GPC -- i.e., these locations are served.

There are other broadband providers serving some portion of the Kearney County PFSA – these other broadband providers include Frontier, RCOM, Glenwood, Glenwood Wireless, Qwest, McCookNet, KDSI and Allo Communications. In addition, it appears that Verizon Wireless may have coverage in Kearney County. This can be ascertained by entering a selected zip code from the Viaero Kearney County PFSA into the Verizon Wireless coverage locator at www.verizonwireless.com. Thus, once one takes into account GPC and all of the other facilities-based providers offering terrestrial broadband service within the Viaero Kearney County PFSA, it is highly likely that more than 50% of the households in that PFSA

have access to facilities-based terrestrial broadband services (as such services are defined in the NOFA) - meaning that it would not qualify as “underserved” based upon the availability criterion.

Moreover, as discussed elsewhere herein, the Viaero Kearney County PFSA likely fails to satisfy any other criteria that would qualify the PFSA as underserved (assuming it even asserted any other basis than availability as the justification for its underserved claim). Specifically, as described further herein, the GPC customers in the PFSA subscribe to the broadband services offered by GPC within the Kearney County PFSA. This is also likely the case for the other broadband providers in Kearney County.

The Viaero application, based on its map and redacted Executive Summary proposes an extensive wireless-based solution relying on High Speed Packet Access (HSPA) technology. Viaero’s claim of 21 Mbps with HSPA is grossly exaggerated since the current HSPA standard limits the speed to 14 Mbps. Even the 14 Mbps would not be ubiquitously available across the broad expanses proposed by Viaero. HSPA is hardly a proven technology, particularly in rural areas, and it is unlikely that it would provide comprehensive broadband service to the 519 square miles identified in the Kearney County PFSA. This is beyond the fact that this area is already significantly served by a number of facilities-based providers as noted above.

HSPA wireless is not only an extremely expensive technology to deploy with its dependence on large numbers of tower sites; but in addition, it suffers from the inherent technical limitations of any spectrum-based technology. It is inappropriate that scarce stimulus program resources would possibly be utilized for deployment of such an expensive and undeveloped technology in rural areas where another facilities-based service exists at a significant level of availability. In rural areas, such as those comprised in much of the Viaero application, the greater distance a customer is from a tower, the less likely that claimed speeds are attained. All wireless technologies, HSPA included are terrain-limited, with hills greatly reducing the distances in which service is available. Also, unlike fiber, engineering experts agree that wireless is not expected to be a good platform for video services due to limited bandwidth and external influences.

It is noteworthy that the Governor of Colorado has chosen to recommend the entire Viaero application – totaling over \$156,000,000 in grants and loans - for stimulus funding when almost 70% of the PFSA’s identified in Viaero’s application are in Nebraska with the Nebraska area being significantly greater than the area in Colorado. Nebraska Governor Dave Heineman also studied broadband applications that proposed to provide benefits to the state of Nebraska. Governor Heineman released his recommendations to NTIA and RUS and chose not to recommend Viaero’s application. Governor Heineman is likely aware that Viaero already benefits from the dedicated Nebraska Universal Service

Tower Building fund. Viaero was granted \$5,000,000 from that fund on October 20, 2009 as well as funds last year.

Finally, Viaero claims that funding its project will ultimately create “...between 12,054 and 18,066 jobs within five years.” This relies not only on unsubstantiated assumptions but also on the multiplier effect of indirect and induced jobs – effects that are widely disputed among economists.

Granting Viaero’s application constitutes an inefficient and redundant use of funds. Viaero’s claims are unsubstantiated. Therefore, its application should be rejected.

-----**Service Area:** McPherson County, NE

Submitter: Great Plains Communications, Inc.

Comment: NE Colorado Cellular, Inc. d/b/a Viaero Wireless (Viaero) has applied for broadband funding for 74 proposed funded service areas (PFSAs) throughout Nebraska. Great Plains Communications, Inc. (GPC) provides broadband service in 27 of those PFSAs. This specific response relates to the PFSA that Viaero proposes that encompasses most of McPherson County, NE. For the reasons set forth herein, the McPherson County PFSA should not be considered unserved or underserved. Viaero claims that 210 of the housing units are underserved.

GPC provides facilities-based terrestrial broadband service in portions of the McPherson County PFSA as can be seen in GPC’s “overlay” map. Specifically, GPC provides broadband service availability (per the definition in the NOFA) to 454 residential and business locations, a population of 925.

Of the 210 units that Viaero designates as unserved or underserved leading to a calculation of GPC serving more than a 100% of Viaero’s McPherson County PFSA. Something appears to be inconsistent here since the GPC “overlay” map is entirely within the McPherson County PFSA. Based on this it seems clear the all of the McPherson County PFSA is served.

The GPC customers in the PFSA subscribe to the broadband services offered by GPC, and GPC advertises a broadband service with transmission speeds of at least 3 Mbps downstream within the McPherson County PFSA.

The Viaero application, based on its map and redacted Executive Summary proposes an extensive wireless-based solution relying on High Speed Packet Access (HSPA) technology. Viaero's claim of 21 Mbps with HSPA is grossly exaggerated since the current HSPA standard limits the speed to 14 Mbps. Even the 14 Mbps would not be ubiquitously available across the broad expanses proposed by Viaero. HSPA is hardly a proven technology, particularly in rural areas, and it is unlikely that it would provide comprehensive broadband service to the 526 square miles identified in the McPherson County PFSA.

HSPA wireless is not only an extremely expensive technology to deploy with its dependence on large numbers of tower sites; but in addition, it suffers from the inherent technical limitations of any spectrum-based technology. It is inappropriate that scarce stimulus program resources would possibly be utilized for deployment of such an expensive and undeveloped technology in rural areas where another facilities-based service exists at a significant level of availability. In rural areas, such as those comprised in much of the Viaero application, the greater distance a customer is from a tower, the less likely that claimed speeds are attained. All wireless technologies, HSPA included, are terrain-limited, with hills greatly reducing the distances in which service is available. Also, unlike fiber, engineering experts agree that wireless is not expected to be a good platform for video services due to limited bandwidth and external influences.

It is noteworthy that the Governor of Colorado has chosen to recommend the entire Viaero application – totaling over \$156,000,000 in grants and loans - for stimulus funding when almost 70% of the PFSA's identified in Viaero's application are in Nebraska with the Nebraska area being significantly greater than the area in Colorado. Nebraska Governor Dave Heineman also studied broadband applications that proposed to provide benefits to the state of Nebraska. Governor Heineman released his recommendations to NTIA and RUS and chose not to recommend Viaero's application. Governor Heineman is likely aware that Viaero already benefits from the dedicated Nebraska Universal Service Tower Building fund. Viaero was granted \$5,000,000 from that fund on October 20, 2009 as well as funds last year.

Finally, Viaero claims that funding its project will ultimately create "...between 12,054 and 18,066 jobs within five years." This relies not only on unsubstantiated assumptions but also on the multiplier effect of indirect and induced jobs – effects that are widely disputed among economists.

Granting Viaero's application constitutes an inefficient and redundant use of funds. Viaero's claims are unsubstantiated. Therefore, its application should be rejected.