Broadband USA Applications Database

Applicant Name: NEW EA, INC.

-----------------------------------Public Notice Submissions-----------------------------------

-----Service Area: State-ND6

Submitter: West River Telecommunications Cooperative

Comment: Carrier currently provides broadband service in the area that the applicant's PFSA overlaps the respondent's service area, with advertised speeds up to 10 Megs, within the proposed service area of New EA, Inc. dba Flow Mobile (“Flow Mobile” or “Applicant”). Carrier’s current broadband service passes greater than 50 percent of households and businesses. Thus, Carrier satisfies three of the three criteria for provision of broadband service in the relevant area. Because Carrier already meets these criteria, Applicant has erroneously claimed that the proposed service area is “underserved” (or “unserved for that matter). To the extent that Applicant may argue that it is proposing a mobile broadband service, and/or requests a waiver of the broadband criteria based on this fact, no such waiver is justified. In addition to Carrier’s wireline services, Carrier is also a partner in a cellular partnership with Verizon Wireless that provides mobile broadband to Applicant’s proposed service area, with speeds of up to 2 Mbps. The Verizon cellular service provides any commercial services proposed by applicant, and is a more suitable platform for the provision of any mobile broadband services that Applicant proposes to provide to public safety, for the following reasons:

• The Flow Mobile proposal to provide public safety broadband services depends on a grant of a waiver by the FCC to allow Flow Mobile to utilize both the 700 MHz spectrum allocated by the FCC for public safety use, and the public safety narrowband spectrum. The FCC has raised four significant issues regarding whether the proposed waiver would violate the Communications Act [47 USC §337] and contravene the Federal plan for interoperable public safety voice and broadband communications. See Public Notice, “Public Safety and Homeland Security Bureau Seeks Comment On Petitions for Waiver to Deploy 700 MHz Public Safety Broadband Networks”, Mimeo No. DA 09-1819, released August 14, 2009. Carrier is providing broadband services, and participating in the provision of broadband wireless services, without the need for FCC waivers and without harm to public safety interoperability.

• The Public Safety Spectrum Trust (PSST), which holds the license for the public safety broadband spectrum, has opposed the grant of a waiver for the proposed Flow Mobile service. See October 16, 2009 PSST comments filed in FCC PS Docket No. 06-229. APCO and other public safety organizations have also opposed a waiver grant. These public safety entities have pointed out that, among other issues, Flow Mobile’s proposed use of public safety narrowband spectrum for Flow’s untested,
proprietary technology will interfere with public safety voice operations by neighboring jurisdictions. There is thus a significant chance that Flow Mobile will NOT be granted the necessary FCC waiver. Therefore, a grant of stimulus money to Flow Mobile would be wasted if the FCC waiver is not granted.

- The Verizon cellular operation utilizes 3G EVDO technology that is an established path to 4G Long Term Evolution (“LTE”), the format that PSST and all other major public safety organizations have chosen for public safety broadband operations. Verizon has publicly announced its implementation of LTE technology throughout its cellular footprint on an expedited basis, which implementation has already begun; and Verizon has proposed to adapt both its 3G and 4G services to North Dakota’s public safety needs, by proposal submitted in response to North Dakota’s Request for Information (RFI) concerning the impact of advanced broadband technologies on the state’s public safety broadband capability. Verizon’s LTE network is expected to deliver average user throughputs of approximately 7-12 Mbps on the downlink and approximately 3-5 Mbps on the uplink.

Thus, Carrier already provides broadband services to the portions of Applicant’s proposed service area, and participates in the provision of mobile broadband services in that area as well. These broadband services follow the path to public safety interoperability as required by the FCC and PSST. It is requested that NTIA and RUS investigate the important issues concerning the Flow Mobile technology by reviewing the FCC’s PS Docket No. 06-229, consistent with the obligation to engage in peer review and be fully informed when deciding on the award of stimulus grants/loans, pursuant to the Commerce Department Inspector General’s March 2009 OIG Recovery Act Flash Report, “NTIA Should Apply Lessons Learned from Public Safety Interoperable Communications Program to Ensure Sound Management and Timely Execution of $4.7 Billion Broadband Technology Opportunities Program (ARR-19583)”.

Submitter: North Dakota Telephone

Comment: North Dakota Telephone Company (NDTC) service territory overlaps approximately 10% of the NEW EA, Inc. proposed funded service area (PFSA). NEW EA designates this area as underserved. In the overlapping area, NDTC advertises 30 Mbps service and has penetration rate of over 40%. When the NDTC numbers are combined with the rest of the state, the area may not be underserved. This response replaces a response that was incorrectly submitted

Submitter: United Tel./Turtle Mountain Communications
Comment: i. United Telecommunications service territory overlaps approximately 7% of the New EA, Inc statewide proposed funded service area (PFSA). New EA designates this area as underserved. United provides service in approximately 7% of the service area. In the overlapping area, United service advertises 3 meg service. The penetration for United alone is reasonable in the area so when combined with other providers the total penetration maybe over 40%.

Submitter: Dickey Rural Networks

Comment: Dickey Rural Networks demonstrates that it provides broadband service throughout Barnes, Dickey, LaMoure, Logan, McIntosh, Ransom and Sargent Counties which are encompassed in the proposed funded Service Area in the NEW EA, INC. application and that the proposed funded Service Area is not unserved or underserved.

As demonstrated, 100% of households in Dickey Rural’s service territory within the proposed funded Service Area are able to readily subscribe upon request to facilities-based, terrestrial broadband services with an advertised speed of greater than 768 kbps downstream and 200 kbps upstream from Dickey Rural; 100% of the households in Dickey Rural’s service territory within the proposed funded Service Area have access to facilities-based, terrestrial broadband service at greater than the minimum broadband transmission speed as set forth in the definition of broadband; Dickey Rural advertises broadband service at broadband transmission speeds of at least 3 megabits per second downstream throughout the proposed funded Service Area; and the rate of broadband subscribership for the proposed funded Service Area is greater than 40 percent of households.

Submitter: SRT Communications Inc.

Comment: Applicant has applied for Broadband Stimulus support in areas (Cities/Townships/Census Blocks identified below) in the SRT Communications Inc. service area that do not qualify as unserved or underserved:

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<tr>
<th>County Sub</th>
<th>Population</th>
<th>Housing Units</th>
<th>Households</th>
</tr>
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<tr>
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<tr>
<td>Town</td>
<td>Population</td>
<td>Existing Customers</td>
<td>New Customers</td>
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<tr>
<td>Eureka township</td>
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</table>

**Submitter:** Consolidated Telcom

**Comment:** Consolidated Telcom service territory overlaps approximately 6.5% of the Satellite NEW EA State proposed funded service area (PFSA). NEW EA designates this area as underserved. In the overlapping area, Consolidated service advertises 20 meg service and has penetration rate of over 40%.

**Submitter:** Red River Rural Telephone

**Comment:** Red River Rural Telephone demonstrates that it provides broadband service within Richland, Ransom and Sargent Counties which are encompassed in the proposed funded Service Area in
the NEW EA, INC. application and that the proposed funded Service Area is not unserved or underserved.

As demonstrated, over 50% of households in Red River’s service territory within the proposed funded Service Area are able to readily subscribe upon request to facilities-based, terrestrial broadband services with an advertised speed of greater than 768 kbps downstream and 200 kbps upstream from Red River; over 50% of the households in Red River’s service territory within the proposed funded Service Area have access to facilities-based, terrestrial broadband service at greater than the minimum broadband transmission speed as set forth in the definition of broadband; Red River advertises broadband service at broadband transmission speeds of at least 3 megabits per second downstream throughout the proposed funded Service Area; and the rate of broadband subscribership for the proposed funded Service Area is 38 percent of households.

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 NEW EA, INC. ENTIRE ND STATE for funding for an area represented as “underserved” that is located, in whole or in part, in Qwest’s broadband service area.

Submitter: Reservation Telephone Cooperative

Comment: RTC currently provides broadband service via DSL and FTTH facilities, with advertised speeds up to 3 Mbps, within the Applicant’s proposed service area. According to RTC’s analysis of information it has as the incumbent service provider, 100 percent of the residential households in its service area have access to broadband service, as defined in the NOFA, and are capable of being served. RTC’s subscriber penetration rate for broadband service is over 64 percent of the households and over 64 percent of the businesses in its service area. Thus, RTC satisfies the three criteria for provision of broadband service, as defined in the NOFA, in the relevant area. Because RTC already meets these criteria, Applicant has erroneously claimed that the proposed service area is “underserved” (or “unserved” for that matter). To the extent that Applicant may argue that it is proposing a mobile broadband service, and/or requests a waiver of the broadband criteria based on this fact, no such waiver is justified. In addition to RTC’s wireline services, RTC is also a partner in a cellular partnership with Verizon Wireless that provides mobile broadband to Applicant’s proposed service area, with speeds of up to 2 Mbps. The Verizon cellular service provides any commercial services proposed by applicant, and is a more suitable platform for the provision of any mobile broadband services that Applicant proposes to provide to public safety, for the following reasons:
• The Flow Mobile proposal to provide public safety broadband services depends on a grant of a waiver by the FCC to allow Flow Mobile to utilize both the 700 MHz spectrum allocated by the FCC for public safety use, and the public safety narrowband spectrum. The FCC has raised four significant issues regarding whether the proposed waiver would violate the Communications Act [47 USC §337] and contravene the Federal plan for interoperable public safety voice and broadband communications. See Public Notice, “Public Safety and Homeland Security Bureau Seeks Comment On Petitions for Waiver to Deploy 700 MHz Public Safety Broadband Networks”, Mimeo No. DA 09-1819, released August 14, 2009. RTC is providing broadband services, and participating in the provision of broadband wireless services, without the need for FCC waivers and without harm to public safety interoperability.

• The Public Safety Spectrum Trust (PSST), which holds the license for the public safety broadband spectrum, has opposed the grant of a waiver for the proposed Flow Mobile service. See October 16, 2009 PSST comments filed in FCC PS Docket No. 06-229. APCO and other public safety organizations have also opposed a waiver grant. These public safety entities have pointed out that, among other issues, Flow Mobile’s proposed use of public safety narrowband spectrum for Flow’s untested, proprietary technology will interfere with public safety voice operations by neighboring jurisdictions. There is thus a significant chance that Flow Mobile will NOT be granted the necessary FCC waiver. Therefore, a grant of stimulus money to Flow Mobile would be wasted if the FCC waiver is not granted.

• The Verizon cellular operation utilizes 3G EVDO technology that is an established path to 4G Long Term Evolution (“LTE”), the format that PSST and all other major public safety organizations have chosen for public safety broadband operations. Verizon has publicly announced its implementation of LTE technology throughout its cellular footprint on an expedited basis, which implementation has already begun; and Verizon has proposed to adapt both its 3G and 4G services to North Dakota’s public safety needs, by proposal submitted in response to North Dakota’s Request for Information (RFI) concerning the impact of advanced broadband technologies on the state’s public safety broadband capability. Verizon’s LTE network is expected to deliver average user throughputs of approximately 7-12 Mbps on the downlink and approximately 3-5 Mbps on the uplink.

Thus, RTC already provides broadband services to the portions of Applicant’s proposed service area, and participates in the provision of mobile broadband services in that area as well. These broadband services follow the path to public safety interoperability as required by the FCC and PSST. It is requested that NTIA and RUS investigate the important issues concerning the Flow Mobile technology by reviewing the FCC’s PS Docket No. 06-229, consistent with the obligation to engage in peer review and be fully informed when deciding on the award of stimulus grants/loans, pursuant to the Commerce Department Inspector General’s March 2009 OIG Recovery Act Flash Report, “NTIA Should Apply Lessons Learned
from Public Safety Interoperable Communications Program to Ensure Sound Management and Timely Execution of $4.7 Billion Broadband Technology Opportunities Program (ARR-19583)”.

RTC has completed or will soon complete FTTH to portions of their entire service area within 4 years (2013). These projects are already underway and being constructed, some of which are already complete. RTC has an RUS Loan funding over $34,000,000 in improvements of which are mostly FTTH. As the FTTH is completed, the 3 Mbps area will be expanded to fill in some of the areas in RTCs service area. FTTH adds the capabilities of higher speeds, video services and expanding the area served with high quality FTTH capable of 1000 Mbps.

Submitter: Northwest Communications Cooperative

Comment: Northwest Communications Cooperative (“NCC”) 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. NCC is also providing information regarding the number of existing customers purchasing broadband service in the area of overlap. NCC’s 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, greater than 50% of households have access to facilities-based broadband service. NCC also advertises broadband transmission speeds of at least 3 Mbps downstream within the area of overlap. There are areas within NCC’s ILEC service area that are underserved. These areas would include the rural areas of the exchanges of Crosby, Powers Lake, Ray, Tioga, and Wildrose. In addition, the entire exchange of Round Prairie is underserved. The number of households indicated below in the polygon are overstated. The number of businesses in Zip codes in Polygon indicated below are extremely overstated and is an inaccurate assessment of the number of businesses capable of receiving broadband.

Submitter: Moore and Liberty, Griggs County Telephone

Comment: MLGC currently provides broadband service via DSL, with advertised speeds up to 3 Mbps, within the Applicant’s proposed service area. According to MLGC’s analysis of information it has as the incumbent service provider, 100 percent of the residential households in its drawn service area have access to broadband service, as defined in the NOFA, and are capable of being served. MLGC’s subscriber penetration rate for broadband service is over 27 percent for the DSL service area drawn. Thus, MLGC satisfies two of the three criteria for provision of broadband service, as defined in the NOFA, in the relevant area. Because MLGC already meets these criteria, Applicant has erroneously claimed that the proposed service area is “underserved”. To the extent that Applicant may argue that it is proposing a mobile broadband service, and/or requests a waiver of the broadband criteria based on
this fact, no such waiver is justified. In addition to MLGC’s wireline services, MLGC is also a partner in a cellular partnership with Verizon Wireless that provides mobile broadband to Applicant’s proposed service area, with speeds of up to 2 Mbps. The Verizon cellular service provides any commercial services proposed by applicant, and is a more suitable platform for the provision of any mobile broadband services that Applicant proposes to provide to public safety, for the following reasons:

• The Flow Mobile proposal to provide public safety broadband services depends on a grant of a waiver by the FCC to allow Flow Mobile to utilize both the 700 MHz spectrum allocated by the FCC for public safety use, and the public safety narrowband spectrum. The FCC has raised four significant issues regarding whether the proposed waiver would violate the Communications Act [47 USC §337] and contravene the Federal plan for interoperable public safety voice and broadband communications. See Public Notice, “Public Safety and Homeland Security Bureau Seeks Comment On Petitions for Waiver to Deploy 700 MHz Public Safety Broadband Networks”, Mimeo No. DA 09-1819, released August 14, 2009. MLGC is providing broadband services, and participating in the provision of broadband wireless services, without the need for FCC waivers and without harm to public safety interoperability.

• The Public Safety Spectrum Trust (PSST), which holds the license for the public safety broadband spectrum, has opposed the grant of a waiver for the proposed Flow Mobile service. See October 16, 2009 PSST comments filed in FCC PS Docket No. 06-229. APCO and other public safety organizations have also opposed a waiver grant. These public safety entities have pointed out that, among other issues, Flow Mobile’s proposed use of public safety narrowband spectrum for Flow’s untested, proprietary technology will interfere with public safety voice operations by neighboring jurisdictions. There is thus a significant chance that Flow Mobile will NOT be granted the necessary FCC waiver. Therefore, a grant of stimulus money to Flow Mobile would be wasted if the FCC waiver is not granted.

• The Verizon cellular operation utilizes 3G EVDO technology that is an established path to 4G Long Term Evolution (“LTE”), the format that PSST and all other major public safety organizations have chosen for public safety broadband operations. Verizon has publicly announced its implementation of LTE technology throughout its cellular footprint on an expedited basis, which implementation has already begun; and Verizon has proposed to adapt both its 3G and 4G services to North Dakota’s public safety needs, by proposal submitted in response to North Dakota’s Request for Information (RFI) concerning the impact of advanced broadband technologies on the state’s public safety broadband capability. Verizon’s LTE network is expected to deliver average user throughputs of approximately 7-12 Mbps on the downlink and approximately 3-5 Mbps on the uplink.

Thus, MLGC already provides broadband services to the portions of Applicant’s proposed service area, and participates in the provision of mobile broadband services in that area as well. These broadband services follow the path to public safety interoperability as required by the FCC and PSST. It is requested that NTIA and RUS investigate the important issues concerning the Flow Mobile technology by reviewing the FCC’s PS Docket No. 06-229, consistent with the obligation to engage in peer review and be fully informed when deciding on the award of stimulus grants/loans, pursuant to the Commerce Department
MLGC continues to push DSL out further into its exchanges and is working on a FTTH plan for all of its areas bring broadband to all subscribers who want to subscribe.

Submitter: BEK Communications Cooperative

Comment: NEW EA’s proposed project covers all of the exchanges served by BEK Communications Cooperative. All incorporated cities were excluded from the applicant’s proposed service area, leaving the most rural and remote areas which have a lot fewer inhabitants and homes. BEK currently serves all its exchanges by an existing fiber network that extends from our corporate headquarters in Steele, ND. In this public notice response BEK is providing; 1) a map of the overlapping area where BEK provides broadband services, 2) BEK’s DSL high speed Internet advertising 3) the number of residential households and business establishments capable of receiving broadband services from BEK within its service territory, 4) the number of residential households and business establishments subscribing to BEK’s broadband service within the proposed service area, 5) the advertised download and upload speeds and service rates, and 6) comments addressing the existing services offered within the proposed funded service area.

Submitter: Nemont Telephone Cooperative, Inc./Missouri Valley

Comment: The proposed funded service area is not fully contained within the service area of Nemont Telephone Cooperative, Inc (Nemont). Nemont is aware of broadband services provided by others in our service area. Nemont can demonstrate that within the area Nemont serves, of the three criteria used to qualify an area as underserved, two are not applicable to this proposed funded service area. The services that Nemont offers and provides in this proposed funded service area exceed the thresholds set of 50% of households having access to broadband service (as defined in the NOFA) and advertising at least three megabits per second (3Mbs).

Submitter: Dakota Central Telecommunications

Comment: Dakota Central Telecommunications demonstrates that it provides broadband service throughout Barnes, Eddy, Foster, Kidder, Lamoure, Logan and Wells Counties which are encompassed in
the proposed funded Service Area in the New EA Inc. application and that the proposed funded Service Area is not unserved or underserved.

As demonstrated, 95% of households in Dakota Central’s service territory within the proposed funded Service Area are able to readily subscribe upon request to facilities-based, terrestrial broadband services with an advertised speed of greater than 768 kbps downstream and 200 kbps upstream from Dakota Central; 95% of the households in Dakota Central’s service territory within the proposed funded Service Area have access to facilities-based, terrestrial broadband service at greater than the minimum broadband transmission speed as set forth in the definition of broadband; Dakota Central advertises broadband service at broadband transmission speeds of at least 3 megabits per second downstream throughout the proposed funded Service Area; and the rate of broadband subscribership for the proposed funded Service Area is greater than 40 percent of households.

Submitter:  Polar Telcom, Inc.

Comment: In the area of overlap with the Applicant's proposed funded service area as indicated on the included map, Polar Telcom, Inc. ("Polar") currently has the capability to provide broadband service to greater than 50 percent of the households, has a broadband subscribership rate greater than 40 percent and advertises broadband service in excess of 3 Mbps. In fact, as noted in the table illustrating existing subscribership levels within the proposed funded service area, Polar subscribers receive broadband service with speeds of 5 Mbps down and 1 Mbps up.

Submitter:  Wolverton Telephone Company

Comment: In the area of overlap with the Applicant's proposed funded service area as indicated on the included map, Wolverton Telephone Company currently has the capability to provide broadband service to greater than 50 percent of the households, has a broadband subscribership rate greater than 40 percent and advertises broadband service in excess of 3 Mbps. In fact, as noted in the table illustrating existing subscribership levels within the proposed funded service area, Wolverton subscribers receive broadband service with speeds of 5 Mbps down and 1 Mbps up.

Submitter:  Polar Communications Mutual Aid Corp.

Comment: In the area of overlap with the Applicant's proposed funded service area as indicated on the included map, Polar Communications Mutual Aid Corporation currently has the capability to provide broadband service to greater than 50 percent of the households, has a broadband subscribership rate greater than 40 percent and advertises broadband service in excess of 3 Mbps. In fact, as noted in the
table illustrating existing subscribership levels within the proposed funded service area, Polar subscribers receive broadband service with speeds of 5 Mbps down and 1 Mbps up.