

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska Public)
Service Commission, on its Own)
Motion, to Administer the Nebraska)
Universal Service Fund Broadband)
Program.)

NUSF-92

MOBILE BROADBAND
PROJECT APPLICATION

APPLICATION OF NE COLORADO CELLULAR, INC.
d/b/a VIAERO WIRELESS

FOR FUNDING FROM THE

NEBRASKA UNIVERSAL SERVICE FUND BROADBAND PROGRAM

(REDACTED)

the Commission is not requested to fund any Project in any particular order. While the Commission determined in its recent Broadband Order that the historic twenty-five percent (25%) match provision is no longer a “bright line requirement”, Viaero has elected to continue its historic commitment to fund twenty-five percent (25%) of the cost of each Project, with the remaining cost of each Project to be funded from the Program, as presented in each Project’s individual detailed budget set forth herein. Viaero believes that each Project meets every criterion for funding from the Program as established in the Commission’s Orders in this Docket, including the Broadband Order and in NUSF-69.

II.

CHECKLIST ITEMS

Viaero has organized all of the relevant details regarding its Application in conformity with the Commission’s Proposed Application Checklist contained within the Order opening Commission Docket NUSF-92, as supplemented in accordance with the Broadband Order.

1. ASSOCIATED COMPANIES

The only company associated with the Projects is NE Colorado Cellular, Inc., d/b/a Viaero Wireless (“Viaero”). Pursuant to Progression Order No. 2, Viaero is a mobile broadband provider that offers mobile broadband service.

2. DESCRIPTION OF THE PROPOSED MOBILE BROADBAND PROJECT PLAN

Viaero hereby submits twelve (12) separate mobile broadband Projects for the Commission’s consideration. Each of the Projects consists of the construction of a new wireless tower and related infrastructure, and will be designed to deliver mobile wireless telecommunication service and broadband service to high-cost, rural areas in Nebraska that are either unserved or underserved. Support from the Program for these Projects would enable

consumers in these areas to obtain wireless services which exceed the Commission's specified minimum of at least 4 Mbps downstream and 1 Mbps upstream.

The following is a list of the Projects, with each Project identified by geographic location:

1. Kilgore DT Project (**Confidential Exhibit 1-A**)
2. Ericson Project (**Confidential Exhibit 1-B**)
3. Ruskin Project (**Confidential Exhibit 1-C**)
4. Humboldt Project (**Confidential Exhibit 1-D**)
5. Falls City Project (**Confidential Exhibit 1-E**)
6. Sterling Project (**Confidential Exhibit 1-F**)
7. Deshler Project (**Confidential Exhibit 1-G**)
8. Elk Creek Project (**Confidential Exhibit 1-H**)
9. Hebron Project (**Confidential Exhibit 1-I**)
10. Tecumseh Project (**Confidential Exhibit 1-J**)
11. Wakefield Project (**Confidential Exhibit 1-K**)
12. Lake Wa Con-Da Project (**Confidential Exhibit 1-L**)

Viaero has attached hereto **Confidential Exhibits 1-A to 1-L** containing detailed confidential site data information for each Project, including (i) location and demographic information, (ii) propagation maps depicting coverage before and after construction of the Project, and (iii) proposed budget and depreciation schedules and related information. Once a Project is completed, Viaero will provide broadband speeds which exceed the Commission's specified minimum of at least 4 Mbps downstream and 1 Mbps upstream.

3. “UNSERVED” AND “UNDERSERVED” ANALYSIS

Viaero utilized the Nebraska State Broadband Map to identify “served” areas based upon the Commission’s criteria of 4 Mbps download, and 1 Mbps upload. Further, through drive tests and extensive field investigations and analysis, Viaero has determined that all of the Projects proposed in this Application are either unserved or underserved. The “unserved” and “underserved” designation for each Project is organized by Project in attached **Confidential Exhibits 1-A to 1-L**.

4. HOUSEHOLD DENSITY

The Commission stated in the Broadband Order that it will continue to use population density to determine whether the funding support under the Program will be provided in a “rural area” rather than in an area where a business case would otherwise exist for providing mobile wireless broadband services to consumers in the absence of Program support. Having abandoned the historic NUSF-69 threshold of 4.5 households/square mile in the NUS-77 and NUSF-92 Program Applications, the Commission’s interest in assuring that Program support is used in “rural” areas is demonstrated by the Project Data Spreadsheet set forth in Exhibit 7 attached hereto, which shows that all proposed Projects are located in areas where household density is below 15 households/square mile, well below the density criteria used by the U.S. Census Bureau to identify a “rural” area.¹ The Project Map attached hereto as Exhibit 6 confirms this standard.

¹ In the United States, the Census Bureau classifies a rural area as a town with fewer than 1,000 people per 2.6 square kilometers (square mile), and surrounding areas with fewer than 500 people per 2.6 square kilometers (square mile).

5. CENSUS BLOCKS

Viaero has provided, as **Exhibit 2**, 2010 Census Block information, on a per Project basis, showing where its mobile broadband facilities will be deployed for each proposed Project. As required by the Commission’s Broadband Order, **Exhibit 2** is being provided in Excel format.

6. ESTIMATE OF THE NUMBER OF POTENTIAL NEW SUBSCRIBERS

Viaero’s estimate of the number of potential new subscribers for each Project is set forth by Project in attached **Confidential Exhibits 1-A to 1-L**.

7. DEPLOYMENT SCHEDULE

Overall time for completion of a Project is estimated to be approximately nine (9) months, excluding unforeseen delays associated with obtaining equipment, licenses, or zoning permits. Estimated completion milestones and time frames for each milestone are as follows:

<u>Completion Percentage</u>	<u>Description of Milestone</u>	<u>Time Frame</u>
25%	Completion of all equipment ordering, submission of applications and commencement of update installation	8 weeks
50%	Delivery of all equipment and completion of all construction and implementation plans	16 weeks
75%	Receipt of all approvals and commitments of construction; implementation and deployment	25 weeks
100%	Completion of all installations, tuning, testing and turn-up	36 weeks

8. PROPOSED BUDGET

The proposed budgets showing the total cost for each Project, including a depreciation schedule showing the life of the investment for each Project, are attached as **Confidential Exhibits 1-A to 1-L**. The proposed costs to the Program for each Project are as follows:

1. Kilgore DT Project
2. Ericson Project
3. Ruskin Project
4. Humboldt Project
5. Falls City Project
6. Sterling Project
7. Deshler Project
8. Elk Creek Project
9. Hebron Project
10. Tecumseh Project
11. Wakefield Project
12. Lake Wa Con-Da

9. PROPOSED RETAIL PRICING

Viaero's proposed retail pricing plans, including both monthly recurring costs and nonrecurring costs for its broadband products, are attached hereto as **Exhibit 3**. Viaero does not charge a monthly recurring rate to the end user for broadband Customer Premises Equipment (CPE).

10. RETAIL RATES FOR BASIC VOICE SERVICE

Viaero's retail pricing plans for basic voice service are attached hereto as **Exhibit 3**.

Viaero does not assess a subscriber line charge.

11. SERVICE COMMITMENT

Viaero commits to provide broadband service within the approved service area for each Project for at least five (5) years.

12. COMMITMENT TO PARTICIPATE IN MAPPING EFFORTS

Viaero commits to participate and provide data to the Commission and its vendors for the duration of the State Broadband Data and Development (SBDD) Program or any successor programs.

13. DESCRIPTION OF THE APPLICANT'S FINANCIAL QUALIFICATIONS

To demonstrate Viaero's financial qualifications, copies of its audited financial statements as of December 31, 2014 (the most recent financial statements available) are attached hereto as **Confidential Exhibit 4**.

14. FINANCIAL, TECHNICAL AND MANAGERIAL COMPETENCE

Reference is first made to **Confidential Exhibit 4**, which outlines Viaero's strong financial position. Viaero is managed by a team of experienced telecommunications professionals with extensive experience providing wireless service, including wireless data service, within the proposed service territory of the Projects. A description of the background of the senior management team is attached hereto as **Exhibit 5**.

Viaero currently operates an extensive wireless network, including 4G broadband in some areas, within the State of Nebraska and has a proven track record of technical competence in the design and operation of wireless voice and broadband telecommunications networks. Viaero monitors the performance of its voice and data network on a site-by-site basis from its

Network Operations Center in Fort Morgan, Colorado on a 24 hours per day, 7 days a week, 365 days a year basis.

15. FINANCIAL MATCH NEEDED TO MEET PROJECT COMMITMENTS.

Viaero commits to a twenty-five percent (25%) match for each Project selected for funding by the Commission. A statement of Viaero's financial commitment to each Project in this Application is included in the Proposed Budget for each Project, as set forth in **Confidential Exhibits 1-A to 1-L.**

16. PROJECT MAP

A map depicting the location of each Project is attached hereto as **Exhibit 6.**

17. OTHER PROJECT DATA

A Spreadsheet identifying the following data for each Project is attached hereto as **Exhibit 7:**

- a) Covered POPS
- b) Covered Households
- c) Latitude/Longitude
- d) Tower Height
- e) Coverage Area
- f) Household Density

18. TRUTH AND ACCURACY AFFIDAVIT

The Affidavit attesting to the truth and accuracy of the information contained in the Application is attached as **Exhibit 8.**

III.

SATISFACTION OF ELIGIBILITY REQUIREMENTS

Viaero satisfies each of the eligibility requirements and criteria established by the Commission in this Docket and in Orders entered by the Commission in NUSF-69, and in support thereof states as follows:

a) Roaming Agreements

Viaero is currently a party to roaming agreements with 78 domestic partners serving millions of subscribers nationwide, and 303 international partner carriers in Canada, Mexico, Central and South America, Europe, Africa and Asia. Those agreements would permit roaming on any new towers added to Viaero's network without need for additional agreement or amendment. Viaero is willing to add additional roaming partners at commercially reasonable rates as needed to accommodate access for additional wireless users;

b) Infrastructure Sharing/Collocation

Viaero is willing and able to construct any NUSF supported tower to accommodate the collocation of additional equipment. Viaero considers collocation requests from other entities on a case-by-case basis. Where technically feasible and subject to commercially reasonable and mutually-agreeable terms and conditions, Viaero is able and willing to reserve space on NUSF-supported towers or facilities for additional equipment of other carriers, public safety communications equipment, internet providers and other providers with wireless technologies that qualify;

c) Phase II Enhanced 911 Capability

Viaero Wireless will equip each tower with the equipment and software necessary for Phase II E-911 deployment as requested and in a manner consistent with federal regulations. Viaero will continue to comply with the requirements imposed by the FCC regarding E-911 implementation as it has across its entire network to date.

d) Supported Broadband Services

Viaero hereby commits to offer the supported broadband services described in this Application upon completion of any funded Project to all households within the service area defined in this Application for a minimum of five (5) years;

e) Voice Grade Service

Viaero hereby commits to offer a voice grade service to customers within the service area of each of Viaero's proposed Projects as defined in this Application;

f) Access to Emergency Services

Viaero hereby commits to offer access to emergency services throughout its service area;

g) Use of Support

Viaero hereby commits to use support from the Nebraska Universal Fund Broadband Program only for the purposes intended and which have been approved by the Commission through the application process established in this Docket;

h) Reasonably Comparable Rates

Viaero hereby commits to offer its voice and broadband services at reasonably comparable rates for comparable services in urban areas;

i) Reporting/Audit Requirements

Viaero hereby commits to fulfill all reporting and audit requirements by the Commission for oversight by the Nebraska Universal Fund Broadband Program; and

j) Commission Rules

Viaero hereby commits to abide by all applicable Commission rules, regulations and orders.

IV.

VIAERO CONTACT INFORMATION

The following Viaero representatives are authorized to serve as contacts for this Application:

1. Frank DiRico

President
Viaero Wireless
1224 West Platte Ave
Fort Morgan, CO 80701
Office: 970-768-3000
reefclan@aol.com

2. Wes Burnett

VP Technical Operations/CTO
Viaero Wireless
1224 West Platte Ave
Fort Morgan, CO 80701
Office: 970-542-3667
Fax: 970-867-3589
wes.burnett@viaero.com

3. Mike Felicissimo

VP Finance
Viaero Wireless
1224 West Platte Avenue
Fort Morgan, CO 80701
Office: 970-542-3605
Fax: 970-867-3589
mike.felicissimo@viaero.com

4. Eric Preston

General Counsel
Viaero Wireless
1224 West Platte Avenue
Fort Morgan, CO 80701
Office: 970-542-3605
Fax: 970-867-3589
eric.preston@viaero.com

5. Loel P. Brooks

Local Counsel
Viaero Wireless
Brooks, Pansing Brooks, PC, LLO
1248 O Street, Suite 984
Lincoln, NE 68508
Office: 402-476-3300
Fax: 402-476-6368
lbrooks@brookspanlaw.com

V.

CONCLUSION

By this Application for funding from the Nebraska Universal Service Fund Broadband Program, and the exhibits attached hereto, Viaero has demonstrated that its proposed Projects satisfy the Application and Eligibility Requirements established by the Commission in its Broadband Order and related Orders in this Docket and in NUSF-69. Viaero believes that each proposed Project effectively and efficiently advances the objectives of the Nebraska Telecommunication Universal Services Fund Act and the specific objectives of the Commission set forth in its Broadband Order and related Orders in this Docket and in NUSF-69.

FOR THE ABOVE REASONS, Viaero respectfully requests that the Commission enter an Order approving the Application and authorizing Viaero to recover support from the Nebraska

Universal Service Fund Broadband Program for the recovery of applicable costs for the deployment of these Projects, as determined by the Commission.

Respectfully submitted this 31st day of March, 2016.

NE COLORADO CELLULAR, INC.
d/b/a VIAERO WIRELESS

By: _____
Loel P. Brooks, #15352
BROOKS, PANSING BROOKS, PC, LLO
1248 O Street, Suite 984
Lincoln, NE 68508-1424
(402) 476-3300
lbrooks@brookspanlaw.com

and

Eric Preston, #21380
General Counsel, Viaero Wireless
1224 West Platte Ave
Fort Morgan, CO 80701
(970) 768-3000
eric.preston@aol.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 31st day of March, 2016, an original and an electronic copy of Viaero Wireless' Mobile Broadband Application for Funding from the Nebraska Universal Service Fund Broadband Program (Redacted Version) in Docket No. NUSF-92 were delivered to:

Brandy Zierott Nebraska Public Service Commission 1200 N Street, Suite 300 Lincoln, NE 68508 brandy.zierott@nebraska.gov	psc.nusf-filings@nebraska.gov
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Loel P. Brooks