

**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**

**APPLICATION OF N.E. COLORADO CELLULAR, INC.**  
**d/b/a VIAERO WIRELESS**

**FOR FUNDING FROM THE**

**NEBRASKA UNIVERSAL SERVICE FUND BROADBAND PROGRAM**

**(PUBLIC)**



## II.

### **CHECKLIST ITEMS**

Viaero has organized all of the relevant details regarding its Application consistent with the Commission's Proposed Application Checklist contained within the Order opening Commission Docket NUSF-92.

#### **1. ASSOCIATED COMPANIES**

The only company associated with the Projects is N.E. Colorado Cellular, Inc., d/b/a Viaero Wireless ("Viaero"). Pursuant to the Commission's Progression Order No 2, entered on September 3, 2014, Viaero is a mobile broadband provider that offers a mobile broadband service.

#### **2. DESCRIPTION OF THE PROPOSED BROADBAND PROJECT PLAN**

Viaero hereby submits 12 separate 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 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. Allen Project (**Confidential Exhibit 1-A**)
2. Cravath Lake Project (**Confidential Exhibit 1-B**)
3. Crofton East Project (**Confidential Exhibit 1-C**)

4. Davenport Project (**Confidential Exhibit 1-D**)
5. Dog Creek Project (**Confidential Exhibit 1-E**)
6. Ericson Project (**Confidential Exhibit 1-F**)
7. Lebanon South Project (**Confidential Exhibit 1-G**)
8. Shickley Project (**Confidential Exhibit 1-H**)
9. Sholes Project (**Confidential Exhibit 1-I**)
10. Valentine Southeast Project (**Confidential Exhibit 1-J**)
11. Walnut Creek Project (**Confidential Exhibit 1-K**)
12. Whitney Project (**Confidential Exhibit 1-L**)

The description of each proposed broadband Project is provided, on a per Project basis, in attached **Confidential Exhibits 1-A to 1-L**. 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. The Projects proposed in this Application were determined to be unserved or underserved. The “unserved” and “underserved” analysis for each Project is organized by Project in attached **Confidential Exhibits 1-A to 1-L**.

**4. CENSUS BLOCKS**

Viaero has provided, as **Exhibit 2**, 2010 Census Block information, on a per Project basis, showing where broadband facilities will be deployed for each proposed Project. As

required by the Commission's Order, **Exhibit 2** is being provided in Excel Format. A paper copy is available upon request.

**5. ESTIMATE OF THE NUMBER OF POTENTIAL NEW SUBSCRIBERS**

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

**6. DEPLOYMENT SCHEDULE**

Overall time for completion of a Project is estimated to be approximately 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:

<b><u>Completion Percentage</u></b>	<b><u>Description of Milestone</u></b>	<b><u>Time Frame</u></b>
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

**7. PROPOSED BUDGET**

The proposed budgets for each Project 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. Allen Project - \$287,871.85
2. Cravath Lake Project - \$282,732.70
3. Crofton East Project - \$287,871.85
4. Davenport Project - \$287,871.85
5. Dog Creek Project - \$287,871.85
6. Ericson Project - \$287,871.85
7. Lebanon South Project - \$287,871.85
8. Shickley Project - \$287,871.85
9. Sholes Project - \$287,871.85
10. Valentine Southeast Project - \$287,871.85
11. Walnut Creek Project - \$287,871.85
12. Whitney Project - \$287,871.85

**8. 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 CPE.

**9. 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.

**10. SERVICE COMMITMENT**

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

**11. 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.

**12. DESCRIPTION OF THE APPLICANT'S FINANCIAL QUALIFICATIONS**

To demonstrate Viaero's financial qualifications, copies of its audited financial statements as of December 31, 2013 (the most recent financial statements available) are attached hereto as **Confidential Exhibit 4**.

**13. 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.

**14. FINANCIAL MATCH NEEDED TO MEET PROJECT COMMITMENTS.**

Viaero commits to a twenty-five percent (25%) match to any 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.**

**15. TRUTH AND ACCURACY AFFIDAVIT**

The Affidavit attesting to the truth and accuracy of the information contained in the Application is attached as **Exhibit 6.**

**III.**

**SATISFACTION OF ELIGIBILITY REQUIREMENTS**

Viaero satisfies each of the eligibility requirements established by the Commission in this Docket, and in support thereof states as follows:

- 1) 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;
- 2) 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;
- 3) Viaero hereby commits to offer access to emergency services throughout its service area;
- 4) 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;

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

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

7) 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**

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**5. Loel P. Brooks**

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**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 Orders in this Docket. 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 Orders in this Docket.

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 26<sup>th</sup> day of November, 2014.

N.E. COLORADO CELLULAR, INC.  
d/b/a VIAERO WIRELESS

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 26<sup>th</sup> day of November 2014, an original (both confidential and redacted), six copies and an electronic copy of Viaero Wireless' Application for Funding from the Nebraska Universal Service Fund Broadband Program (Public Version) in Docket No. NUSF-92 were delivered to:

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