

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska Public Service Commission, on its own motion, seeking to Administer the Nebraska Universal Service Fund Broadband Program)	Application No. NUSF-92 PROGRESSION ORDER NO. 1
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COMMENTS OF PINPOINT WIRELESS, INC.

I. Introduction

Pinpoint Wireless, Inc. d/b/a Blaze Wireless (hereinafter "PPW") respectfully submits the following comments in the above-referenced docket. PPW appreciates the opportunity to submit comments in this matter responsive to the Commission's Order Seeking Comment and Setting Hearing dated July 22, 2014 (the "Order").

II. Responsive Comments

A. Mobile versus Fixed Wireless

1. How the Commission Should Define Mobile Versus Fixed Broadband Service

The Commission declared in Progression Order No. 7 of NUSF-77 that "comparable access could mean universal service access to one fixed and one mobile broadband service." What this means, in practice, is that universal service provides consumers access to two products: (1) a fixed, sometimes fiber-based broadband service that is often higher in speed and higher in capacity for more rigorous home or business usage; and (2) a mobile wireless broadband service that provides consumers everyday voice and broadband capabilities outside their homes or businesses.

The issue of contention in the last round of NEBP grants was whether fixed wireless broadband services (FWB Services) were properly categorized as "fixed broadband" or "mobile broadband" service. PPW urges the Commission to categorize FWB Services as "fixed broadband." Any other result is both illogical and a disservice to Nebraska consumers.

As the last round of NEBP grants made clear, FWB Services are truly not comparable to actual mobile wireless broadband in terms of voice capability, mobility, or E911 service.

FWB Services typically utilize LTE technology only. While LTE technology offers data capability, it does not allow for voice service. Therefore, users of FWB Services must utilize a VoIP (Voice Over Internet Protocol) application for voice access. This requires the use of additional hardware (such as a connected computer). True "mobile broadband" service provides both data and voice service to the consumer via a traditional "smartphone" handset. FWB Services also do not provide use either data or voice capability when they travel outside the tower reach of their service area. FWB Services cannot provide location services for E911. Thus, users of FWB Services who make an emergency call will not be able to be located by local PSAPs.

FWB Services simply cannot provide the mobility and convenience that consumers expect from actual "mobile broadband" service. Consumers expect convenient and reliable voice service via a familiar handset without the complicated "hardware plus VoIP software plus not included handset" formula for voice calls if using an FWB Service. Consumers expect the important public safety benefit of full E911 capability - which FWB Services cannot offer. Most importantly, consumers expect "mobile broadband" service to provide voice and data access wherever they travel for work or play - and not just within the tower or service area of their FWB Service provider.

For all of these reasons, PPW agrees with the Commission's suggestion in the Order that FWB Services be defined as "fixed broadband" pursuant to the definitions stated in the FCC's Transformation Order.

Addressing the other questions raised by the Commission, PPW suggests that in order to put the Commission and other interested parties on notice, applicants for NEBP funding should be required to specifically describe in the application all of the following: (1) the equipment used by the proposed broadband provider to deliver service, i.e. handset, modem, etc.; (2) how voice and/or broadband capabilities are provided; (3) any additional equipment or devices required of the consumer to obtain the service; (3) the E911 capabilities that the service will provide to consumers; (4) the mobility features of the service, including whether service is available by roaming or other agreements to consumers in areas outside the project's coverage area; and (5) a statement from applicant as to whether they wish to be categorized as a "fixed broadband" or "mobile

broadband" provider. This information will enable interested parties to determine how the service is delivered and whether they agree with the applicant's characterization of its nature.

The Order questions whether the Commission should "define a service by the primary use of the service rather than the technology." PPW does not believe this approach to be feasible. To determine how consumers use any particular provider's service would require a survey of the users. Likely, this would be done by the provider as the proponent of characterizing its service as "fixed" or "mobile." The provider could cherry-pick one-off users who may use the service in a manner that is not consistent with either the experience or expectations of other users. For example, an FWB Services provider could point to a farmer who uses FWB Service for voice and broadband capability (using a mobile modem and VoIP software) while working away from home but within the confines of the FWB Service provider's service area. In a certain sense of the word, the FWB Service provides the farmer with "mobile" broadband. But it would not allow the farmer E911 capability, nor would it allow the farmer to have voice or data capability the minute he or she traveled outside the FWB Service area. For those reasons, the service would not be "mobile" within the expectations of most consumers. Employing a usage-based definition creates an inherently subjective standard that would be difficult to apply. The ultimate question should be this: What capabilities does the technology provide the consumer? This is an objective, empirical standard that the Commission can easily apply.

B. Multi-Year Projects

PPW supports a Commission policy that would allow multi-year project applications. Multi-year project applications would allow applicants to plan for build-out within a certain geographic footprint, and result in less "patchwork" in terms of overall broadband coverage. This is likely to result in more comprehensive coverage overall as applicants focus less on applying for the most potentially lucrative projects and more on projects that fit within their particular footprint and are not being served or are underserved.

If the Commission were to allow the submission of multi-year project applications, little change would be needed to the Commission's application requirements.

Applicants for multi-year projects should be required to provide all of the required information for each projects and more on projects that fit within their particular footprint and are not being served or are underserved.

If the Commission were to allow the submission of multi-year project applications, little change would be needed to the Commission's application requirements. Applicants for multi-year projects should be required to provide all of the required information for each year and project proposed, as required for the Commission to appropriately rank and score the project. PPW has no concern with a multi-year project being ranked and scored when it is submitted. PPW believes that applying providers are sophisticated and understand that any multi-year project commitments are contingent upon the availability of universal service funds.

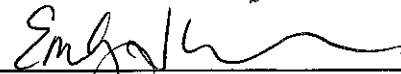
C. Project Caps

PPW supports the Commission's suggested "per project" cap of \$450,000 for the reasons detailed in the Order. For multi-year projects, PPW suggests that the cap be annualized - for example, a three-year project would be capped at \$1.35 Million.

Respectfully Submitted,

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