

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

FOR FUNDING FROM THE

NEBRASKA UNIVERSAL SERVICE FUND BROADBAND PROGRAM

(PUBLIC)

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
NE COLORADO CELLULAR, INC. d/b/a VIAERO WIRELESS
FOR FUNDING FROM THE
NEBRASKA UNIVERSAL SERVICE FUND BROADBAND PROGRAM

NE Colorado Cellular, Inc., d/b/a Viaero Wireless (“Viaero”), a mobile broadband provider, respectfully submits this application and request for funding (“Application”) in accordance with the procedures set forth in the Nebraska Public Service Commission’s Orders in this Docket. The Application Template, with modified criteria as established pursuant to Progression Order No. 9 in this Docket, has been filed with the Commission as required.

I. EXECUTIVE SUMMARY

Viaero submits for the Commission’s consideration for twelve (12) discrete and separate projects (singularly “Project” or collectively, “Projects”) for possible funding from the Nebraska Universal Service Fund Broadband Program (“Program”). Each Project involves the construction of a new cellular tower with 4G LTE equipment that will provide mobile voice and broadband, together with a fixed wireless broadband service in remote and high-cost areas of Nebraska. Each Project contained in this Application is a separate project and the Commission is not required to fund any Project in any particular order. Viaero will fund ten percent (10%) of the cost of each Project, with the remaining cost of each Project to be funded from the Program as set forth in each Project’s individual detailed budget. Viaero believes that each Project meets every criterion for funding from the Program as established in the Commission’s Orders in this Docket.

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 NE Colorado Cellular, Inc., d/b/a Viaero Wireless ("Viaero"). Pursuant to the Commission's Progression Order No. 13, entered on February 23, 2022, Viaero is a mobile broadband provider that offers both mobile and fixed broadband services.

2. DESCRIPTION OF THE PROPOSED BROADBAND PROJECT PLAN

Viaero hereby submits twelve (12) separate Projects for the Commission's consideration. Each of the Projects consists of the construction of a new wireless tower and related infrastructure that 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 and broadband of at least 25 Mbps downstream and 3 Mbps upstream, as set forth in Neb. Rev. Stat. § 86-1101.

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

1. Ashby, NE (**Confidential Exhibit 1-A**)
2. De Witt, NE (**Confidential Exhibit 1-B**)
3. Farnam, NE (**Confidential Exhibit 1-C**)
4. Elsmere, NE (**Confidential Exhibit 1-D**)
5. Diller, NE (**Confidential Exhibit 1-E**)
6. Goehner, NE (**Confidential Exhibit 1-F**)

7. Filley, NE (**Confidential Exhibit 1-G**)
8. Valentine, NE (**Confidential Exhibit 1-H**)
9. Max, NE (**Confidential Exhibit 1-I**)
10. Parks, NE (**Confidential Exhibit 1-J**)
11. Paxton North, NE (**Confidential Exhibit 1-K**)
12. Howe, NE (**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 voice and broadband speeds of at least 25 Mbps downstream and 3 Mbps upstream, as set forth in Neb. Rev. Stat. § 86-1101.

3. “UNSERVED” AND “UNDERSERVED” ANALYSIS

Viaero utilized its own internally developed service analysis, including drive testing, field observations, engineering testing, competitive market analysis, public service utilization reports, and other proprietary resources, and conversations with the Commission staff on consumer complaints made to the Commission of unserved areas or gaps in coverage, to identify served, underserved and unserved areas based on the statutory criteria of 25 Mbps download, and 3 Mbps upload. Viaero also cross referenced these projects with the State Broadband Map and NTIA broadband maps. Based on Viaero’s analysis, each proposed Project is in an area that is unserved or underserved, as defined by the Commission in prior Orders in this Docket.

4. RURAL THRESHOLD.

Viaero has provided a breakdown for each project below outlining the current household per square mile as set forth in Progression Order 9 be modified to include as eligible areas where there may be up to 10 households per square mile.

Site Name	Area (mi ²)	POPS	Households	Household Density
L-NE-Ashby	39.4	65	42	1.06599
L-NE-De Witt	163.6	3635	1573	9.61491
L-NE-Farnam	103.6	328	167	1.61197
L-NE-Elsmere	282	62	90	0.31915
L-NE-Diller	173.9	1329	653	3.75503
L-NE-Goehner	255	4486	1793	7.03137
L-NE-Howe	74.66	1330	570	7.63461
L-NE-Valentine (CapRock Ranch)	308.9	273	132	0.42732
L-NE-Max	111.8	145	204	1.82469
L-NE-Parks	117	176	111	0.94872
L-NE-Paxton North	164.5	63	34	0.20669
L-NE-Filley	95.97	1225	584	6.08523

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

Viaero hereby commits to completing the construction of the twelve (12) Projects within a 24-month timeframe from the date of Order granting a project. Overall time for completion of a Project, excluding unforeseen delays associated with obtaining equipment, licenses, or zoning permits, is outlined by milestones and time frames for each milestone as follows:

<u>Description of Milestone</u>	<u>Time Frame</u>
Acquisition of suitable land and submission of applications for approval	12 months
Completion of all equipment ordering,	12 months
Delivery of all equipment and completion of all construction and implementation plans	16 months
Receipt of all approvals and commitments of construction; implementation and deployment	20 months
Completion of all installations, tuning, testing and turn-up	24 months

7. 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-I**. The proposed costs to the Program for each Project are as follows:

	Total Cost	Grant Cost	Viaero Cost
1. Ashby, NE	[REDACTED]		
2. De Witt, NE	[REDACTED]		
3. Farnam, NE	[REDACTED]		
4. Elsmere, NE	[REDACTED]		
5. Diller, NE	[REDACTED]		
6. Goehner, NE	[REDACTED]		
7. Filley, NE	[REDACTED]		
8. Howe, NE	[REDACTED]		
9. Valentine, NE	[REDACTED]		

10. Max, NE	[REDACTED]
11. Parks, NE	[REDACTED]
12. Paxton North, NE	[REDACTED]
TOTAL:	[REDACTED]

8. PROPOSED RETAIL PRICING

Viaero’s proposed retail pricing plans, including both monthly recurring costs and nonrecurring costs for its fixed wireless broadband products, are attached hereto as **Exhibit 2**. Viaero does charge a monthly recurring rate to the end user for broadband Customer Premises Equipment (CPE), which is also included in **Exhibit 2**. Additional information for Viaero’s retail pricing plans for basic voice service, together with its unlimited mobile plans are attached hereto as **Exhibit 3**.

10. SERVICE COMMITMENT

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

11. DESCRIPTION OF THE APPLICANT’S FINANCIAL QUALIFICATIONS

To demonstrate Viaero’s financial qualifications, copies of its audited financial statements as of December 31, 2020 (the most recent financial statements available) are attached hereto as **Confidential Exhibit 4**.

12. 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 fixed wireless broadband 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 LTE broadband in 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.

13. FINANCIAL MATCH NEEDED TO MEET PROJECT COMMITMENTS.

Viaero commits to a ten percent (10%) 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**.

14. OTHER PROJECT DATA

A spreadsheet identifying the following data for each Project is attached hereto as **Exhibit 6**.

- a) Covered Households
- b) Latitude/Longitude
- c) Tower Height
- d) Coverage Area
- e) Household Density
- f) Cost per Household of Grant Dollars
- g) Distance from the Closest Tower

15. EQUIPMENT

Viaero hereby commits that it will follow any and all congressional actions, laws, executive orders, or other regulatory mandates or orders implemented concerning the use or purchase of equipment from a vendor that has been placed on the Restricted Entity list or prohibited by any federal or state grant law or regulation. Accordingly, all equipment and facilities that are contained in these projects and necessary to deliver such services does not and will not include equipment from any restricted vendor. A list of all equipment and the supplier of the same is set forth in **Confidential Exhibits 1-A to 1-L**.

16. VEHICLE TRAFFIC

Viaero has provided a screen shot from the Nebraska Department of Transportation reflecting the busiest, measured road that falls within the footprint of each project and contains the Average Daily Traffic for each project as **Exhibit 7**.

17. 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 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

CEO
Viaero Wireless
1224 West Platte Ave
Fort Morgan, CO 80701
Office: 970-768-3000
fd@viaero.com

2. Mike Felicissimo

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

3. Vinod Miriyala

COO
Viaero Wireless
1224 West Platte Avenue
Fort Morgan, CO 80701
Office: 970-467-9000
Fax: 970-867-3589

vinod.miriyala@viaero.com

4. Wes Burnett

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

5. Monica Akin

General Counsel
Viaero Wireless
1224 West Platte Avenue
Fort Morgan, CO 80701
Office: 970-467-3141
Fax: 970-867-3589
monica.akin@viaero.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 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 15th day of April, 2022.

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

By: *Joselyn Luedtke*

Joselyn Luedtke

Joselyn Luedtke, #24457
Zulkoski Weber
725 S. 14th St.
Lincoln, NE 68508
(402)429-4895
joselyn@zulkoskiweber.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 15th day of April 2022, an Application for Funding from Viaero Wireless from the Nebraska Universal Service Fund Broadband Program (Confidential Version) in Docket No. NUSF-92 was delivered to:

Cullen Robbins Nebraska Public Service Commission 1200 N Street, Suite 300 Lincoln, NE 68508 cullen.robbs@nebraska.gov	
Brandy Zierott Nebraska Public Service Commission 1200 N Street, Suite 300 Lincoln, NE 68508 brandy.zierott@nebraska.gov	Electronic Copy Sent to: psc.nusf-filings@nebraska.gov

Joselyn Luedtke

Joselyn Luedtke