



WASHINGTON, DC

STEPHEN E. CORAN  
202.416.6744  
SCORAN@LERMANCENTER.COM

August 31, 2016

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, SW, Room TW-A325  
Washington, DC 20554

**Re: JAB Wireless, Inc.  
WC Docket No. 10-90  
COMMENTS REGARDING PRELIMINARY LIST OF  
ELIGIBLE CENSUS BLOCKS FOR CONNECT AMERICA  
PHASE II AUCTION;  
REQUEST FOR CONFIDENTIAL TREATMENT**

Dear Ms. Dortch:

Pursuant to the August 10, 2016 *Public Notice* released by the Wireline Competition Bureau (“Bureau”),<sup>1</sup> JAB Wireless, Inc. dba Rise Broadband, on behalf of its wholly owned subsidiaries (collectively, “JAB”)<sup>2</sup> hereby submits Comments reporting and substantiating that it offers eligible voice and broadband service to certain census blocks contained on the Bureau’s preliminary list of census blocks eligible for inclusion in the Connect America Fund (“CAF”) auction, and that such census blocks therefore should be excluded from the auction.

Pursuant to Section 0.459 of the Commission’s Rules and as further described below, JAB hereby requests confidential treatment of certain information included with the attached Comments (the “Information”). JAB provides the following information:

1. *Identification of the specific information for which confidential treatment is sought.*  
JAB requests that Exhibits A, B and C to the Declaration of Jeff Kohler be treated as confidential

---

<sup>1</sup> *Public Notice*, “Wireline Competition Bureau Releases Preliminary List and Map of Eligible Census Blocks for the Connect America Phase II Auction,” DA 16-908 (rel. Aug. 10, 2016). (“*Public Notice*”).

<sup>2</sup> The subsidiaries and their respective FRNs are listed in Exhibit 1 to the attached Comments.



pursuant to Exemption 4 of FOIA<sup>3</sup> and Section 0.459, which protect confidential commercial and other information not routinely available for public inspection. These exhibits are as follows:

- Exhibit A is a list of the census blocks where JAB provides service that are not included on the preliminary list referenced in the *Public Notice*.<sup>4</sup>
- Exhibit B contains maps showing the locations of JAB's existing access points, coverage areas and subscribers to demonstrate those census blocks on the preliminary list where JAB offers eligible voice and broadband service.
- Exhibit C contains information from JAB's billing system regarding market areas and related pricing.

The Information is competitively sensitive, business confidential and proprietary commercial information that would not routinely be made available to the public and has been carefully guarded from JAB's competitors. If the Information were disclosed, other parties could use it to determine information relative to JAB's business plans, competitive operations, operations and performance.

2. *Identification of the Commission proceeding in which the information was submitted or a description of the circumstances giving rise to the submission.* The Information for which confidentiality is requested concerns the Connect America Fund Phase II proceeding, WC Docket No. 10-90.

3. *Explanation of the degree to which the information is commercial or financial, or contains a trade secret or is privileged.* The Information contains information on the location of JAB's customers and infrastructure, and software that JAB uses solely for internal purposes. It is competitively sensitive, business confidential and proprietary commercial information that would not routinely be made available to the public and has been carefully guarded from other parties.

4. *Explanation of the degree to which the information concerns a service that is subject to competition.* The Information includes information about the areas where JAB deploys and offers service. If the Information is not protected, competitors and would-be competitors could be able to use the Information to their competitive advantage.

5. *Explanation of how disclosure of the information could result in substantial competitive harm.* Because the Information generally would not be subject to public inspection and would customarily be guarded from competitors, the Commission's rules acknowledge that release of the Information to the public is likely to produce competitive harm. In addition to compromising the integrity of the competitive bidding process, JAB's competitors could assess aspects of its operations and determine the location of its access points and customers to undermine JAB's deployment objectives and competitive position.

---

<sup>3</sup> See 5 U.S.C. § 552(b)(4).

<sup>4</sup> JAB is providing this list to Bureau staff in electronic form. The public version of the Comments do not include Exhibits A, B and C.

LS

Ms. Marlene H. Dortch, Secretary

August 31, 2016

Page 3

6. *Identification of any measures taken by the submitting party to prevent unauthorized disclosure.* JAB maintains strict security concerning its plans and financial information. Only JAB and persons directly authorized by JAB have access to the data required to produce the Information.

7. *Identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties.* The Information is not available to the public and has not previously been disclosed to third parties. JAB is submitting the information in Exhibit A to the Commission as an update to Form 477 with a request for confidentiality.

8. *Justification of the period during which the submitting party asserts that material should not be available for public disclosure.* JAB requests that the Information be treated as confidential indefinitely because it is not possible at this time to determine any date certain by which the Information could be disclosed without risk of competitive harm to JAB.

9. *Any other information that the party seeking confidential treatment believes may be useful in assessing whether its request for confidentiality should be granted.* If publicly disclosed, the Information could be extremely harmful to JAB's business plans because it would notify JAB's competitors of the locations of its facilities and customers.

Please contact undersigned counsel to JAB if there are any questions concerning this matter.

Respectfully submitted,



Stephen E. Coran

Enclosures

cc: Alex Minard  
Heidi Lankau

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of )  
 )  
Wireline Competition Bureau Releases Preliminary ) WC Docket No. 10-90  
List and Map of Eligible Census Blocks for the )  
Connect America Phase II Auction )

To: Chief, Wireline Competition Bureau

**COMMENTS OF JAB WIRELESS, INC.  
IN RESPONSE TO PUBLIC NOTICE**

JAB Wireless, Inc. dba Rise Broadband, on behalf of its wholly owned subsidiaries (“JAB”),<sup>1</sup> by its attorneys and pursuant to Sections 1.415 and 1.419, hereby submits these Comments in response to the August 10, 2016 Public Notice of the Wireline Competition Bureau (“Bureau”) in the above-referenced docket (“*Public Notice*”).<sup>2</sup> The *Public Notice* seeks comment on the preliminary list of census blocks deemed to be eligible for competitive bidding in the Connect America Fund Phase II auction. JAB herein provides information substantiating its offering of voice and broadband service at 10/1 Mbps or greater, a minimum usage allowance of 150 GBs at a rate meeting the Commission’s reasonable comparability benchmark, and latency meeting 100 ms to 11,278 census blocks that are currently listed as unserved.<sup>3</sup> Accordingly, these census blocks should be excluded from the list of blocks available for competitive bidding in the upcoming auction.<sup>4</sup>

**Discussion**

JAB is the country largest fixed wireless Internet service provider. It currently provides service to approximately 180,000 broadband subscribers and 25,000 voice subscribers in 16 states. Over the last several years, JAB has achieved rapid growth of its systems and has

---

<sup>1</sup> The list of subsidiaries and their respective FRNs is attached hereto as Exhibit 1.

<sup>2</sup> See *Public Notice*, “Wireline Competition Bureau Releases Preliminary List and Map of Eligible Census Blocks for the Connect America Phase II Auction,” DA 16-908 (rel. Aug. 10, 2016).

<sup>3</sup> See *id.* at 4.

<sup>4</sup> JAB also is updating its form 477 to reflect its offering of service to these census blocks.

increased its market share. In a number of areas, JAB offers the only terrestrial broadband service.

Attached hereto as Exhibit 2 is the Declaration of Jeff Kohler, JAB's Co-Founder and Corporate Development Officer. Mr. Kohler explains that, as of August 24, 2016, JAB is offering voice and broadband service that meets the Commission's voice and broadband service criteria to 11,278 census blocks that are not shown on the list linked to the *Public Notice*. Accompanying Mr. Kohler's Declaration are exhibits containing a list of the census blocks, maps and documentation demonstrating that JAB is offering voice and broadband service that meets the Commission's requirements of at least 10/1 Mbps speeds or greater, a minimum usage allowance of 150 GBs at a rate meeting the Commission's reasonable comparability benchmark, and latency of 100 ms or lower.

JAB continues to undertake ongoing construction activities and to deploy and offer voice and broadband service obligations that meets the Commission's requirements for being an "unsubsidized competitor." Based on its updating of Form 477 and the documents accompanying these Comments, JAB respectfully asks the Bureau to remove the 11,278 referenced census blocks from the preliminary list of census blocks and declare these census blocks ineligible for CAF competitive bidding.

Respectfully submitted,

**JAB WIRELESS, INC.**

By: /s/ Stephen E. Coran  
Stephen E. Coran

Lerman Senter PLLC  
2001 L Street, NW, Suite 400  
Washington, DC 20036  
(202) 429-8970  
*Its Attorneys*

August 31, 2016

**Exhibit 1**

**List of Subsidiaries**

<b>Name</b>	<b>FRN</b>
AirCanopy Internet Services, Inc.	0015689623
Digis, LLC	0013795273
LP Broadband, Inc.	0014175673
Essex Telcom, Inc.	0008317661
Rhino Communications, Inc.	0021487566
Skybeam Acquisition Corporation (Prairie iNet)	0021775820

**Exhibit 2**

**Declaration of Jeff Kohler**

### Declaration of Jeff Kohler

My name is Jeff Kohler, and I am the Chief Development Officer of JAB Wireless, Inc. dba Rise Broadband ("JAB"). This Statement and the attachments hereto provide factual support for the deletion of 11,278 census blocks from the preliminary list of eligible census blocks that the Commission identified in its August 10, 2016 Public Notice (DA 16-908). In addition to this Declaration, JAB is updating Form 477 to report that it is providing eligible voice and broadband service (as defined below) to those subscribers in those census blocks that were not previously reported on FCC Form 477. This information is current as of August 24, 2016.

I hereby declare under penalty of perjury that the statements of fact set forth herein are true and correct to the best of my knowledge, and that I have undertaken due diligence to obtain knowledge regarding these facts.

1. JAB is an unsubsidized competitor that provides facilities-based terrestrial residential fixed wireless broadband and voice service to approximately 180,000 broadband subscribers and 25,000 interconnected VoIP subscribers in 16 states, under the following names:

Name	FRN	Service Areas
AirCanopy Internet Services, Inc.	0015689623	TX
Digis, LLC	0013795273	UT, ID and NV
LP Broadband, Inc.	0014175673	CO and WY
Essex Telcom, Inc.	0008317661	IL, IN and WI
Rhino Communications, Inc.	0021487566	MO, OK and TX
Skybeam Acquisition Corporation (Prairie iNet)	0021775820	IA, KS, MN, NE and SD

2. Attached as Exhibit A hereto is a list of the census blocks where JAB offers voice and broadband service that meets or exceeds the following criteria: (a) speeds of at least 10 Mbps downstream and 1 Mbps upstream, (b) at least 150 GB monthly usage allowance, (c) round-trip latency of 100 milliseconds or less measured from the customer premises to the closest Internet core peering interconnection point and back to the customer premises, and (d) broadband and voice pricing at levels reasonably comparable to the pricing for similar broadband service in nearby urban areas (collectively, "eligible voice and broadband service"). The price for such broadband service is less than or equal to the reasonable comparability benchmark of \$71.17 per month, and the price for the voice service is less than or equal to the reasonable comparability benchmark of \$41.07 per month.
3. Exhibit B hereto contains maps showing those census blocks on the FCC's preliminary list where JAB offers eligible voice and broadband service. For each map, the

“Contested CAF II Blocks” are shown in red. JAB offers service in each such block based on the following: (a) the presence of a customer receiving service from an existing access point (the location where the radii converge), and/or (b) the census block lies within a sector (a pie-shaped area) that is within five miles from the existing access point and which uses OFDM or LTE technology. Based on its track record of using spectrum resources to serve consumers, JAB can offer service to customers in these census blocks.

4. Exhibit C hereto includes screen shots from JAB’s various billing system describing the eligible voice and broadband service offerings in the subject census blocks, including pricing and available speeds information. JAB no longer markets its speeds on-line, but our broadband package with 10/1 Mbps speed, 200 GBs of monthly usage capacity and latency of 100 ms or lower has a price that does not exceed \$52.95 per month. JAB offers VoIP service at \$19.95 per month. For purposes of interpreting Exhibit C, please note the following:

Texas refers to the JAB census blocks in Texas

Colorado refers to the JAB census blocks in Colorado and Wyoming

Utah refers to the JAB census blocks in Utah and Idaho

Illinois refers to the JAB census blocks in Illinois, Indiana and Wisconsin

Oklahoma refers to the JAB census blocks in Oklahoma, Missouri and a part of Texas

Nebraska refers to the JAB census blocks in Nebraska, Iowa, Kansas, Minnesota and South Dakota.

Idaho refers to the JAB census blocks in Idaho and Nevada

5. In sum, in each subject census block, JAB holds itself out to the public as able and willing to provide eligible voice and broadband service. In each subject census block, JAB determined that it is offering eligible voice and broadband service because JAB currently has (or formerly had) a subscriber in the census block and/or the census block is within five miles of an existing access point that uses OFDM or LTE technology. In each such census block, JAB is willing and able to provision eligible voice and broadband service to such customers within seven to ten business days without an extraordinary commitment of resources and without any special construction charge or construction fee to consumers.

  
\_\_\_\_\_  
Jeff Kohler

8-31-16  
\_\_\_\_\_  
Date

**Exhibit A**

[Redacted in its Entirety from Public Version and  
Subject to Request for Confidential Treatment]

**Exhibit B**

[Redacted in its Entirety from Public Version and  
Subject to Request for Confidential Treatment]

## **Exhibit C**

[Redacted in its Entirety from Public Version and  
Subject to Request for Confidential Treatment]