

Declaration of Michael Kennedy

My name is Michael Kennedy and I am the President of Newmax, LLC dba Intermax ("Intermax"). This Declaration and the attachments hereto provide factual support for Intermax's response to the challenge of Frontier Communications ("Frontier") to the designation by the Federal Communications Commission ("FCC") of certain census blocks as "unserved" when such census blocks are, in fact, "served" by Intermax. This Declaration is intended to accompany the FCC Form 505 Intermax is filing in connection with the Connect America Fund Phase II challenge process. 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. My initials on the certification of FCC Form 505 further attest to such certification.

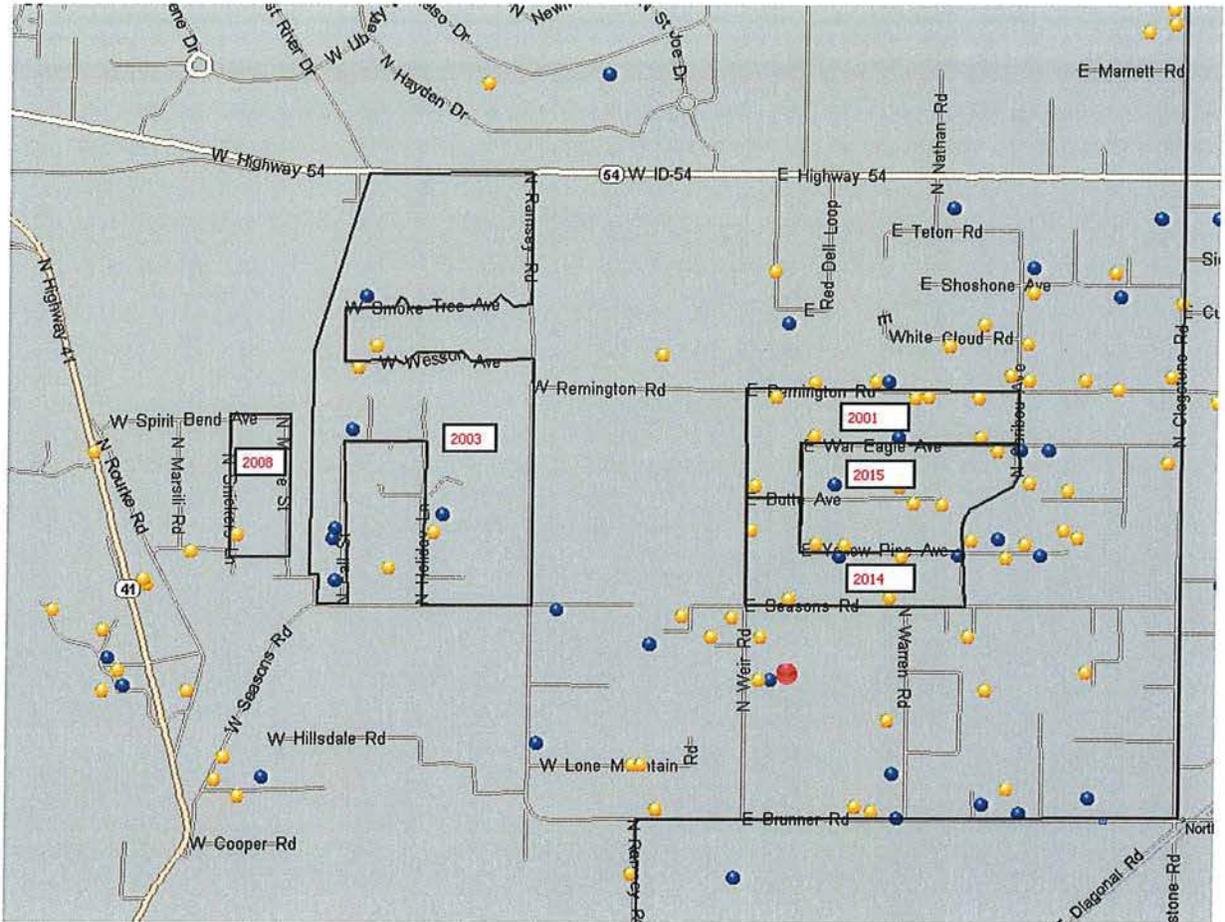
Intermax was founded in 2002 and provides facilities-based terrestrial fixed wireless broadband and voice services in Kootenai, Bonner and Boundary counties in Northern Idaho. Frontier's challenge alleges that Intermax's broadband service does not meet the speed and pricing criteria in the following five census blocks (the "challenged census blocks"):

160550001002008
160550001002001
160550001002014
160550001002015
160550001002003

Frontier's challenge has two elements: (1) a screen shot of Intermax's web site, and (2) an unsworn and unverified statement from John Kooistra, a Frontier employee who "recently left Intermax as a customer." Based on this information, Frontier alleges that Intermax's posted starting package of \$59 does not meet the 4 Mbps downstream/1 Mbps upstream speed standard to constitute "broadband" under the FCC's definition and is not "reasonably comparable" in price. Significantly, Frontier does not state that Mr. Kooistra resides (or resided) in the challenged census blocks. Further, Frontier does not challenge Intermax's broadband usage capacity or latency and does not challenge its provision of voice services in the challenged census blocks. Frontier thus agrees that Intermax provides coverage and some level of service to the challenged census blocks.

Intermax transmits fixed wireless signals from its tower site on Lone Mountain to the challenged census blocks as well as surrounding blocks. This facility provides broadband and voice services to roughly two hundred primarily residential customers from eight access points and is supplied by licensed backhauled that provide up to 500 Mbps of service to the Lone Mountain tower.

Provided below is a map showing the location of current and former Intermax customers in the area by speed tier, and the location of the Kooistra residence (*red dot*) in relation to the challenged census blocks. The challenged census blocks are identified by the last four digits of the FIPS code. Notably, as the map shows, Mr. Kooistra's residence is **outside** of any and all of the challenged census blocks.



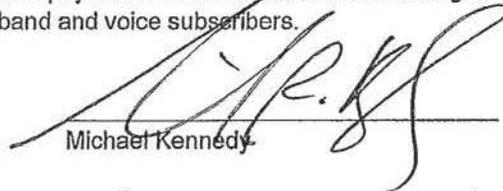
Intermax offers two broadband speed tiers (and voice service) throughout this coverage area: 4 Mbps download speed and 6 Mbps download speed. Both services provide 1 Mbps or more of upload speed. Customers receiving the 4 Mbps service are shown with a yellow dot and customers receiving the 6 Mbps service are shown with a blue dot. Typical pricing for the speed tiers is \$59/mo for the lower speed tier and \$79/mo for the upper speed tier. As the map above shows, Intermax has at least one customer in each challenged census block that subscribes to the 4 Mbps service. Also, attached as "Exhibit 1" are copies of redacted customer invoices showing that Intermax currently has at least one customer in each challenged census block that is receiving the 4 Mbps or 6 Mbps speed tier at the pricing listed above. The invoices that say "Residential Standard Bandwidth" are the 4 Mbps plans and the invoices that say "Residential Premium Bandwidth" are the 6 Mbps plans.

During its 12 years of existence, Intermax has never had a policy or a practice of (1) requiring customers to pay more for existing service, (2) pay more as a result of a decision by Intermax to increase the speed offered in an existing tier, (3) offering so called "teaser rates" that would "go up" after one year of service. Intermax has never raised the price of a customer's existing service, even at renewal intervals. Customers are always "grandfathered" unless they voluntarily change speed tiers. Intermax's web site did not accurately our service tiers and policies, however, Intermax recently updated its web site to reflect its policies and practices, including its speed tiers and pricing. A screen shot of the updated web site is attached as "Exhibit 2."

These policies as well as the practice of matching competitive offerings from other providers in the area, including Frontier, have resulted in a large number of customers, including new customers, receiving pricing discounts from the "base" price.

With respect to Mr. Kooistra's unsworn and unverified claims, Mr. Kooistra is an ex-customer who cancelled Intermax's service in the summer of 2014. During 2014, Intermax made scheduled upgrades to the Lone Mountain facility. Among other things, Intermax has increased capacity of the licensed links and added two high capacity Cambium 450 MIMO access points to serve the larger region including the challenged census blocks.

In each challenged census block, it is a fact that Intermax offers the public a service that provides speeds of at least 4 Mbps downstream and 1 Mbps upstream as well as higher speed services at prices that are reasonably comparable to prices offered in urban areas. In each challenged census block, Intermax holds itself out to the public as able and willing to provide both broadband and voice service. None of the challenged census blocks qualify as "unserved" as alleged. As the information above indicates, Intermax has voice- and broadband-capable physical assets that cover the challenged census blocks and has existing broadband, voice or broadband and voice subscribers.



Michael Kennedy

FOR INTERMAX, LLC dba Intermax Networks

Exhibit 1

Legend for attached invoices

Census Block (last four digits)	Account Number (download speed)
2008	10439 (4 Mbps)
2003	12776 (4 Mbps) 12784 (6 Mbps)
2001	10891 (4 Mbps) 12025 (6 Mbps)
2014	10965 (4 Mbps) 11644 (6 Mbps)
2015	12923 (4 Mbps) 10532 (6 Mbps)

Notes:

1. Download speed for all service plans is at least 1 Mbps.
2. Certain private information in the attached invoices has been redacted to protect the customer's private information



Intermax Networks/Meadow Creek Computers
 7600 Mineral Drive Suite 900
 Coeur d Alene Idaho 83815

Invoice

Tel: 208-762-8065
 Tel: 208-267-8032
 Email: billing@imaxmail.net

[Redacted]
[Redacted]
 Spirit Lake Idaho 83869

No: 45556-3494
 Date: Nov 01, 2014
 Period: November
 Account Number: 10439
 Invoice Due: Nov 02, 2014

Previous Payment Details

Date	Description	Amount (\$)
Oct 03, 2014	Check 3216	59.00

Balance Forward

	Amount (\$)
Previous Balance Owing	0.00

Subscription Details

Qty	Product	Amount (\$)
1.00	Residential Standard Bandwidth	59.00

Thank you for your business!
 We encourage you to pay this bill online,
 please visit <https://www.myintermax.com/>

<i>Invoice Total</i>	\$	59.00
<i>Previous Balance</i>	\$	0.00
<i>Total Amount Due</i>	\$	59.00



Intermax Networks/Meadow Creek Computers
 7600 Mineral Drive Suite 900
 Coeur d Alene Idaho 83815

Invoice

Tel: 208-762-8065
 Tel: 208-267-8032
 Email: billing@imaxmail.net

[REDACTED]
[REDACTED]
 Athol Idaho 83801

No: 45556-4672
 Date: Nov 01, 2014
 Period: November
 Account Number: 12776
 Invoice Due: Nov 02, 2014

Previous Payment Details

Date	Description	Amount (\$)
Oct 02, 2014	Credit Card	59.00

Balance Forward

	Amount (\$)
Previous Balance Owing	0.00

Subscription Details

Qty	Product	Amount (\$)
1.00	Residential Standard Bandwidth	59.00

Thank you for your business!
 We encourage you to pay this bill online,
 please visit <https://www.myintermax.com/>

<i>Invoice Total</i>	\$	59.00
<i>Previous Balance</i>	\$	0.00
<i>Total Amount Due</i>	\$	59.00



Intermax Networks/Meadow Creek Computers
 7600 Mineral Drive Suite 900
 Coeur d Alene Idaho 83815

Invoice

Tel: 208-762-8065
 Tel: 208-267-8032
 Email: billing@imaxmail.net

Brittany Carter
2055 W Summer Avenue
 Athol Idaho 83801

No: 45556-4678
 Date: Nov 01, 2014
 Period: November
 Account Number: 12784
 Invoice Due: Nov 02, 2014

Previous Payment Details

Date	Description	Amount (\$)
Oct 08, 2014	Credit Card	79.00

Balance Forward

	Amount (\$)
Previous Balance Owing	0.00

Subscription Details

Qty	Product	Amount (\$)
1.00	Residential Premium Bandwidth	79.00

Thank you for your business!
 We encourage you to pay this bill online,
 please visit <https://www.myintermax.com/>

<i>Invoice Total</i>	\$	79.00
<i>Previous Balance</i>	\$	0.00
<i>Total Amount Due</i>	\$	79.00



Intermax Networks/Meadow Creek Computers
 7600 Mineral Drive Suite 900
 Coeur d Alene Idaho 83815

Invoice

Tel: 208-762-8065
 Tel: 208-267-8032
 Email: billing@imaxmail.net

Ken and Shari Knoch
 222 E Remington Blvd
 Athol Idaho 83801

No: 45556-3763
 Date: Nov 01, 2014
 Period: November
 Account Number: 10891
 Invoice Due: Nov 02, 2014

Previous Payment Details

Date	Description	Amount (\$)
Oct 01, 2014	Credit Card	59.00

Balance Forward

	Amount (\$)
Previous Balance Owing	0.00

Subscription Details

Qty	Product	Amount (\$)
1.00	Residential Standard Bandwidth	59.00

This invoice will be automatically charged to your credit/debit card on the 1st of the month. This is the only invoice you will receive. PLEASE DO NOT SEND PAYMENT.

Thank you for your business!
 We encourage you to pay this bill online,
 please visit <https://www.myintermax.com/>

<i>Invoice Total</i>	\$	59.00
<i>Previous Balance</i>	\$	0.00
<i>Total Amount Due</i>	\$	59.00



Intermax Networks/Meadow Creek Computers
 7600 Mineral Drive Suite 900
 Coeur d Alene Idaho 83815

Invoice

Tel: 208-762-8065
 Tel: 208-267-8032
 Email: billing@imaxmail.net

[Redacted]
 [Redacted]
 Athol Idaho 83801

No: 45556-4413
 Date: Nov 01, 2014
 Period: November
 Account Number: 12025
 Invoice Due: Nov 02, 2014

Previous Payment Details

Date	Description	Amount (\$)
Oct 17, 2014	Credit Card (CCard SIMPLer Merchant)	100.00

Balance Forward

	Amount (\$)
Previous Balance Owing	94.00

Subscription Details

Qty	Product	Amount (\$)
1.00	Residential Premium Bandwidth	99.00
1.00	Static IP	10.00
1.00	Static IP - Discount	-10.00

Thank you for your business!
 We encourage you to pay this bill online,
 please visit <https://www.myintermax.com/>

<i>Invoice Total</i>	\$	99.00
<i>Previous Balance</i>	\$	94.00
<i>Total Amount Due</i>	\$	193.00



Intermax Networks/Meadow Creek Computers
 7600 Mineral Drive Suite 900
 Coeur d Alene Idaho 83815

Invoice

Tel: 208-762-8065
 Tel: 208-267-8032
 Email: billing@imaxmail.net

Chris and Heidi Lewis
 1023 E. Seasons Road
 Athol Idaho 83801

No: 45556-3801
 Date: Nov 01, 2014
 Period: November
 Account Number: 10965
 Invoice Due: Nov 02, 2014

Previous Payment Details

Date	Description	Amount (\$)
Oct 01, 2014	Credit Card	49.00

Balance Forward

	Amount (\$)
Previous Balance Owing	0.00

Subscription Details

Qty	Product	Amount (\$)
1.00	Residential Standard Bandwidth	59.00
1.00	Residential Standard Bandwidth - discount	-10.00

This invoice will be automatically charged to your credit/debit card on the 1st of the month. It is the only invoice you will receive. PLEASE DO NOT SEND PAYMENT.

Thank you for your business!
 We encourage you to pay this bill online,
 please visit <https://www.myintermax.com/>

<i>Invoice Total</i>	\$	49.00
<i>Previous Balance</i>	\$	0.00
<i>Total Amount Due</i>	\$	49.00



Intermax Networks/Meadow Creek Computers
 7600 Mineral Drive Suite 900
 Coeur d Alene Idaho 83815

Invoice

Tel: 208-762-8065
 Tel: 208-267-8032
 Email: billing@imaxmail.net

[Redacted]
 [Redacted]
 Athol Idaho 83801

No: 45556-4227
 Date: Nov 01, 2014
 Period: November
 Account Number: 11644
 Invoice Due: Nov 02, 2014

Previous Payment Details

Date	Description	Amount (\$)
Oct 03, 2014	Check 0000995056	120.00

Balance Forward

	Amount (\$)
Previous Balance Owing	5.00

Subscription Details

Qty	Product	Amount (\$)
1.00	Residential Premium Bandwidth	79.00
1.00	Residential Premium Bandwidth - Discount	-10.00

Thank you for your business!
 We encourage you to pay this bill online,
 please visit <https://www.myintermax.com/>

<i>Invoice Total</i>	\$	69.00
<i>Previous Balance</i>	\$	5.00
<i>Total Amount Due</i>	\$	74.00



Intermax Networks/Meadow Creek Computers
 7600 Mineral Drive Suite 900
 Coeur d Alene Idaho 83815

Invoice

Tel: 208-762-8065
 Tel: 208-267-8032
 Email: billing@imaxmail.net

Mike and Judy Hennessee
 100 E. Butte Avenue
 Athol Idaho 83801

No: 45556-3170
 Date: Oct 27, 2014
 Period: October
 Account Number: 12923
 Invoice Due: Oct 28, 2014

Previous Payment Details

Date	Description	Amount (\$)
Sep 27, 2014	Credit Card	59.00

Balance Forward

	Amount (\$)
Previous Balance Owing	0.00

Subscription Details

Qty	Product	Amount (\$)
1.00	Residential Standard Bandwidth	59.00

This invoice will be automatically charged to your credit/debit card on the 27th of the month. This is the only invoice you will receive. PLEASE DO NOT SEND PAYMENT.

Thank you for your business!
 We encourage you to pay this bill online,
 please visit <https://www.myintermax.com/>

<i>Invoice Total</i>	\$	59.00
<i>Previous Balance</i>	\$	0.00
<i>Total Amount Due</i>	\$	59.00



Intermax Networks/Meadow Creek Computers
 7600 Mineral Drive Suite 900
 Coeur d Alene Idaho 83815

Invoice

Tel: 208-762-8065
 Tel: 208-267-8032
 Email: billing@imaxmail.net

[Redacted]
 [Redacted]
 Athol Idaho 83801

No: 45556-3551
 Date: Nov 01, 2014
 Period: November
 Account Number: 10532
 Invoice Due: Nov 02, 2014

Previous Payment Details

Date	Description	Amount (\$)
Oct 23, 2014	Check 4952	79.00
Sep 25, 2014	Check 4931	79.00

Balance Forward

	Amount (\$)
Previous Balance Owing	-79.00

Subscription Details

Qty	Product	Amount (\$)
1.00	Residential Premium Bandwidth	79.00

Thank you for your business!
 We encourage you to pay this bill online,
 please visit <https://www.myintermax.com/>

<i>Invoice Total</i>	\$	79.00
<i>Previous Balance</i>	\$	-79.00
<i>Total Amount Due</i>	\$	0.00

Exhibit 2



Proven Speed

Get instant downloads, fast video streaming without the risk of dropped connections. No matter your web needs, Intermax can't be beat!

 **KootenaiElectric** @KootenaiEC 23 Jul
KEC has approximately 3800 members without power due to weather related outages across our service territory. To... fb.me/30kho3g87
Retweeted by Intermax Support
Expand

 **Intermax Support** @IntermaxSupport 17 Jun
Link to our Baldy location has now been restored... service should now be running normally.

 **Intermax Support** @IntermaxSupport 17 Jun
Our engineers have reached the top of

Residential High-Speed Internet

Intermax covers more square miles in North Idaho than any other provider.

Our "Backbone" service has a ring design to allow data to go follow two different routes to double our reliability. There is no hardware infrastructure (like cable or phone lines) needed from a wired telecommunications company to provide access to isolated areas of North Idaho. This allows for high-speed internet to many areas that have never had the chance for service in the past, faster speeds than the national firms here provide, and better pricing to the users.

In short, we have brought service to places in North Idaho that were literally struggling to get reliable dial-up connections.

Whether you are browsing the latest news online, checking email, downloading pictures, streaming media, or playing games online, Intermax has a high-speed solution that your neighbors trust for their blazing fast high-speed Internet.

With Intermax, your connection will be always on with no dialing, no waiting, no dropped connections, instant picture downloads, fast video streaming, plus you get to keep your current e-mail address or get a new one for free.

Call your local professionals at Intermax today to get an introduction to how we will provide you with blazing fast internet - without any confusing "geek-speak". **208.762.8065, Ext. 416.**

Standard pricing packages available for residential service:

- 4x1 - \$59 per month
- 6x1 - \$79 per month

Intermax Referral Rewards Program

Help your friends or colleagues get connected with Intermax Internet and receive One Month of **FREE** Internet Service.

Work from home?