

In reponse to Notice of Exparte filed on behalf of OpenBand Multimedia, LLC by Greenberg Traurig attorney Mitchell F. Brecher on Mary 23, 2008:

It was stated that OpenBand delivers Internet access at up to 100 Mbps. This statement is typical of the falsehoods that OpenBand spreads in its marketing literature and in response to negative publicity.

The fact is that while OpenBand provides a 100 Mbps network connection in each home, the infrastructure installed cannot support a true Internet throughput of 100 Mbps as their statement claims. Yet it is this 100 Mbps speed that OpenBand uses as a comparison with competitor true throughput speeds to establish their internet pricing. Although a true throughput test has never been conducted (even though the residents have repeated requested one from the Southern Walk HOA), typical recorded speeds average around 12Mbps download and 6 Mbps upload, far less than the 100/100 OpenBand claims.

This is the kind of fuzzy math tactics OpenBand uses to establish their pricing for all of their services.

Respectfully submitted,

Dwayne F. Cotti