



April 8, 2009

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

REFERENCE: GN Docket No. 09-40

Dear Ms. Dortch:

I am writing on behalf of JAB Wireless, Inc. to respond to the Commission's March 29, 2009 Public Notice requesting public comment on certain definitional issues under the American Recovery and Reinvestment Act of 2009.

Background of JAB Wireless, Inc.:

JAB is the 2nd largest 'pure-play' wireless broadband service provider in the U.S. in terms of wireless broadband subscribers and revenue, only behind Clearwire. JAB currently services over 57,000 wireless subscribers in Colorado, Utah, Wyoming, Idaho and Texas. JAB was founded in 2005 and has grown through 45 acquisitions and aggressive organic growth.

The network is comprised primarily of unlicensed Motorola Canopy equipment in the last mile, with a mix of licensed and unlicensed backhaul. We also provide a wireless VoIP service to 8,000 subscribers over the same network which allows JAB to offer an extremely affordable \$50/mos. package for broadband internet, and unlimited local phone and long distance. The speed & quality of an unlicensed network utilizing the latest frequency mitigating radios speaks for itself with speeds averaging 3-7 Meg down and churn <1.5%. JAB has raised \$58mm from private and institutional debt & equity funds, and operates under the brands of Skybeam in CO/WY/TX (www.skybeam.com), and Digis in UT/ID (www.digis.net).

Please consider the following in your consideration of the issues raised by the Public Notice:

Broadband: JAB believes the Commission's current 768kb definition of broadband is insufficient. In order to sufficiently address the true 'broadband' needs of individuals and businesses, a real time speed of 3 Meg down is necessary to accommodate the sending and receiving of larger amounts of data, video streaming and video conferencing, and use of advanced applications. With 21st century bandwidth needs increasing at a rapid rate, we fear anything less will become quickly outdated.

Unserved: Unserved areas should be defined as areas that have no access to broadband speeds of at least 3 Meg down. Because this is a ‘broadband’ stimulus package, areas that have access to the Internet at slower speeds are technically unserved in terms of what true ‘broadband’ can provide. We do not believe an area would truly be served with adequate broadband without the availability of higher speeds such as a 3 Meg down minimum which would begin to allow more robust transmission of data and applications for commercial and residential use.

Underserved: An underserved area should be defined as an area where a resident does not have a choice of at least 2 broadband service providers providing minimum speeds of 3 Meg down. In addition, an area should always be entitled to at least one wireless broadband service provider providing minimum speeds of 3 Meg down so the community has an alternative choice to the phone and cable companies, and gives the consumer the benefit of market competition as per the FCC’s August 5, 2007 Internet access policy statement where consumers are entitled to competition among network providers, application and service providers, and content providers. Underserved areas are also areas where consumers do not have access to affordable high speed, or where there is no availability whatsoever of exceptional high speed access (such as 7 Meg – 20 Meg down speeds) which are required by many businesses today.

Minimum Network Requirements: It is imperative that any terrestrial network funded under the economic stimulus act provide a minimum of 3 Meg down broadband speeds. In the case of wireless networks, funding should be available regardless of whether the network will be licensed, unlicensed, fixed, portable, or mobile.

Thank you for your consideration in this matter.

Sincerely,

/s/ Jeff Kohler

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