



July 15, 2010

FEDERAL COMMUNICATIONS COMMISSION  
Framework for Broadband Internet Service

GN Docket No. 10-127

I am writing on behalf of JAB Wireless, Inc. to respond to the FCC Notice of Inquiry requesting public comment on the Framework for Broadband Internet Service.

**Background of JAB Wireless, Inc.:**

JAB Wireless, Inc. believes it is the largest fixed wireless broadband service provider in the U.S. in terms of wireless broadband subscribers and revenue. JAB currently services over 75,000 wireless subscribers in Colorado, Utah, Wyoming, Idaho and Texas. JAB was founded in 2005 and has grown through 54 acquisitions and organic growth.

The network is comprised primarily of unlicensed Motorola Canopy and Wimax equipment in the last mile, with a mix of licensed and unlicensed backhaul. We also provide a wireless VoIP service to 15,000 subscribers over the same network. JAB offers an extremely affordable package for broadband internet providing robust connection speeds up to 10 Meg, and unlimited local phone and long distance. JAB has raised over \$60M from private and institutional debt & equity funds, and operates under the brands of Skybeam in CO/WY/TX ([www.skybeam.com](http://www.skybeam.com)), and Digis in UT/ID ([www.digis.net](http://www.digis.net)).

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

JAB was organized to operate and expand wireless broadband networks in areas that are ex-urban and rural, giving consumers and small businesses a choice of service providers for their broadband voice and data needs. In some areas we service households and businesses that have little choice of true high speed broadband and in other areas compete against much larger incumbent telephone and cable companies.

The current regulatory framework regarding broadband has allowed JAB to raise the private capital needed to deploy and upgrade broadband networks. In addition, it has enabled us to acquire smaller wireless broadband service providers that were otherwise incapable of upgrading the speeds and quality of services to their customers. Through these activities, JAB has created a viable competitive choice where typically 5-20% of households passed by our network choose JAB's service over the incumbent telephone or cable provider.

Let me first say that we agree with the Commission's current pro-investment, pro-innovation, pro-competition and pro-consumer policies. And that we agree that the Commission's influence should extend to overseeing anti-competitive conduct and consumer privacy. Regulation and regulatory uncertainty would have severely hampered private investment, and JAB does feel that any proactive broadband regulatory approach would adversely affect consumers, competition and investment.

We specifically ask the Commission to maintain an essentially regulatory-free environment that emphasizes a reactive, rather than proactive, approach to oversight and insures:

- No rate regulation. Due to the low cost of unlicensed wireless broadband network deployments, JAB is able to compete as a low cost service provider in its markets served, while providing a quality voice and data broadband experience for its customers and continued growth. Any sort of rate regulation in our business would hamper our ability to compete effectively or attract additional investment.
- Unfettered management of broadband traffic. Although the Commission is focused on giving consumers maximum control over their access to the Internet, it should in no way regulate Internet network management. A service provider must manage and shape traffic on its network to optimize the broadband experience for all customers. Network bottlenecks are created by a very small percentage of customers consuming atypical amounts of bandwidth. We must maintain our ability to manage these bottlenecks through reasonable network management tools and tiered product and service offerings. Due to the rapid pace of change of technology and applications in the industry, it is reasonable to assume any network management limits imposed would quickly become antiquated.
- No mandatory unbundling / inter-connection. Network elements in unlicensed wireless broadband networks are easily replicated and have no barrier to entry. Unbundling should remain voluntary for unlicensed wireless network operators to avoid potentially high associated administrative and compliance costs that would negatively impact jobs and the customer.

Thank you for your consideration in this matter.

Sincerely,

/s/ Jeff Kohler

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