

# LUKAS, NACE, GUTIERREZ & SACHS, LLP

8300 GREENSBORO DRIVE, SUITE 1200  
MCLEAN, VIRGINIA 22102  
703 584 8678 • 703 584 8696 FAX

WWW.FCCLAW.COM

RUSSELL D. LUKAS  
DAVID L. NACE  
THOMAS GUTIERREZ\*  
ELIZABETH R. SACHS\*  
DAVID A. LAFURIA  
PAMELA L. GIST  
TODD SLAMOWITZ\*  
BROOKS E. HARLOW\*  
TODD B. LANTOR\*  
STEVEN M. CHERNOFF\*  
KATHERINE PATSAS NEVITT\*

CONSULTING ENGINEERS  
ALI KUZEHKANANI  
LEILA REZANAVAZ  
—  
OF COUNSEL  
GEORGE L. LYON, JR.  
LEONARD S. KOLSKY\*  
JOHN CIMKO\*  
J. K. HAGE III\*  
JOHN J. MCAVOY\*  
HON. GERALD S. MCGOWAN\*  
TAMARA DAVIS BROWN\*  
JEFFREY A. MITCHELL\*  
ROBERT S. KOPPEL\*  
MARC A. PAUL\*

\*NOT ADMITTED IN VA

DL: (703) 584-8666  
SC: (703) 584-8670  
JC: (703) 584-8686  
dlafuria@fcclaw.com  
schernoff@fcclaw.com  
jcimko@fcclaw.com

June 25, 2012

## **PUBLIC REFERENCE COPY**

### **VIA ELECTRONIC FILING**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W., Room TW-A306  
Washington, DC 20554

### **VIA HAND DELIVERY**

Karen Majcher  
Vice President, High Cost & Low Income Division  
USAC  
2000 L Street, N.W., Suite 200  
Washington, D.C. 20036

### **VIA HAND DELIVERY**

Kansas Corporation Comm.  
1500 SW Arrowhead Rd.  
Topeka, KS 66604-4027

**Re: Connect America Fund, WC Docket No. 10-90  
Report for Services Provided in the State of Kansas**

Dear Secretary Dortch:

On behalf of Nex-Tech Wireless, LLC (“Nex-Tech Wireless”), (SAC 419010) a wireless service provider designated as an Eligible Telecommunications Carrier by the Kansas Corporation Commission, please find attached a redacted public version of a Report submitted by Nex-Tech Wireless in compliance with requirements specified by the Wireline Competition Bureau and the Wireless Telecommunications Bureau in the *CAF Clarification Order*.<sup>1</sup> The redacted public version of the Report has been marked “**REDACTED – FOR PUBLIC INSPECTION.**”

<sup>1</sup> *Connect America Fund*, WC Docket No. 10-90, *et al.*, Order, 27 FCC Red 605 (Wireline Comp. Bur., Wireless Telecom. Bur. 2012) (“*CAF Clarification Order*”).

Marlene H. Dortch, Secretary  
Federal Communications Commission  
June 25, 2012  
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Nex-Tech Wireless is also submitting to the Commission, under separate cover, a confidential version of the Report. The confidential version is marked "**CONFIDENTIAL – NOT FOR PUBLIC INSPECTION.**"

Please contact the undersigned at 703-584-8670 if any questions arise concerning the above-referenced enclosures or if you require any additional information.

Sincerely,

/s/ Steven M. Chernoff

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David A. LaFuria  
Steven M. Chernoff  
John Cimko

Attorneys for:  
*Nex-Tech Wireless, LLC*

Attachment

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of )  
 )  
Connect America Fund ) WC Docket No. 10-90

**Nex-Tech Wireless, LLC**

**REPORT**

Nex-Tech Wireless, LLC (“Nex-Tech Wireless”), a wireless service provider designated as an Eligible Telecommunications Carrier (“ETC”) in the State of Kansas, hereby submits this Report to the Commission in accordance with recent directives issued by the Commission.

Specifically, the *CAF Clarification Order*<sup>1</sup> requires any entity designated as an ETC by a state or territorial regulatory authority pursuant to Section 214(e) of the Communications Act of 1934<sup>2</sup> to file with the Commission in 2012 some or all of the information described in Section 54.313(a)(2)-(6) of the Commission’s Rules,<sup>3</sup> as it pertains to voice service provided by the ETC during 2011, to the extent the ETC is required to submit such information in annual reports to the designating state or territorial regulatory authority.<sup>4</sup>

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<sup>1</sup> *Connect America Fund*, WC Docket No. 10-90, *et al.*, Order, 27 FCC Rcd 605 (Wireline Comp. Bur., Wireless Telecom. Bur. 2012) (“*CAF Clarification Order*”).

<sup>2</sup> 47 U.S.C. § 214(e).

<sup>3</sup> 47 C.F.R. § 54.313(a)(2)-(6). This information relates to system outages, unfulfilled requests for service, customer complaints, certification of compliance with service quality standards and consumer protection rules, and certification of an ETC’s ability to function in emergency situations.

<sup>4</sup> *CAF Clarification Order*, 27 FCC Rcd at 607-08.

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The Wireline Competition Bureau subsequently notified ETCs that information filed pursuant to Section 54.313(a)(2)-(6) of the Commission's Rules must be filed not later than July 2, 2012, with the Commission, and with the Administrator of the Universal Service Administrative Company, the relevant state commission, the relevant authority in a U.S. Territory, or Tribal governments, as appropriate.<sup>5</sup>

Information that was submitted by Nex-Tech Wireless to the state commission earlier this year and that is within the parameters of the filing requirements adopted in the *CAF Clarification Order* and contained in Section 54.313(a)(2)-(6) of the Commission's Rules is hereby reported to the Commission in the following sections.

**1. Outage Reporting.**

An ETC must report any outages of at least 30 minutes in duration on the facilities it owns, operates, leases, or otherwise utilizes that potentially affect at least ten percent of the end users served in its designated service area or affect a 911 special facility.<sup>6</sup> Nex-Tech Wireless attaches its outage report hereto as Exhibit A.

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<sup>5</sup> *Wireline Competition Bureau Announces Filing Deadline of July 2, 2012, for Eligible Telecommunications Carriers To File Reports Pursuant to Section 54.313(a)(2) Through (a)(6) of the Commission's Rules*, WC Docket No. 10-90, *et al.*, Public Notice, DA 12-729 (rel. May 8, 2012) (citing 47 C.F.R. § 54.313(i)).

<sup>6</sup> *See* 47 C.F.R. § 54.313(a)(2). With regard to 911 special facilities, Section 4.5(e) of the Commission's Rules provides as follows:

An outage that potentially affects a 911 special facility occurs whenever:

(1) There is a loss of communications to PSAP(s) potentially affecting at least 900,000 user-minutes and: The failure is neither at the PSAP(s) nor on the premises of the PSAP(s); no reroute for all end users was available; and the outage lasts 30 minutes or more; or

(2) There is a loss of 911 call processing capabilities in one or more E-911 tandems/selective routers for at least 30 minutes duration; or

(3) One or more end-office or MSC switches or host/remote clusters is isolated from 911 service for at least 30 minutes and potentially affects at least 900,000 user-minutes; or

**2. Service Requests.**

For the period from January 1, 2011, through December 31, 2011 there were [begin confidential information] [redacted] [end confidential information] unfulfilled requested for service from customers within Nex-Tech Wireless' designated ETC service area.<sup>7</sup>

**3. Consumer Complaints.**

For the period from January 1, 2011, through December 31, 2011, the ratio of consumer complaints filed with either the Commission or the Kansas Utilities Commission regarding Nex-Tech Wireless' service in the designated ETC service area was [begin confidential information] [redacted] [end confidential information] complaints per 1,000 handsets.<sup>8</sup>

**4. Ability To Remain Functional in Emergencies.**

An ETC to demonstrate its ability to function in emergency situations as required under the FCC's rules.

Nex-Tech Wireless attaches as Exhibit B its certification stating that it is able to function in emergency situations.

**5. Commitment to CTIA's Consumer Code of Wireless Service.**

An ETC must commit to abide by the CTIA Code or other consumer protection and service quality standards. Nex-Tech Wireless attaches as Exhibit C its certification

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(4) There is a loss of ANI/ALI (associated name and location information) and/or a failure of location determination equipment, including Phase II equipment, for at least 30 minutes and potentially affecting at least 900,000 user-minutes (provided that the ANI/ALI or location determination equipment was then currently deployed and in use, and the failure is neither at the PSAP(s) or on the premises of the PSAP(s)). 47 C.F.R. 4.5(e).

<sup>7</sup> See 47 C.F.R. § 54.313(a)(3).

<sup>8</sup> See 47 C.F.R. § 54.313(a)(4). Please note that, for purposes of ETC reporting, the KCC defines "complaint" as "any non-duplicative verbal or written complaint received by the company, FCC and/or KCC." By including complaints received by a company and not just regulatory agencies, this definition is broader than that used by the FCC.

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stating that it will continue to abide by the CTIA Code, as it may be amended from time to time, for all of its operations in Kansas.

**6. Conclusion.**

Nex-Tech Wireless trusts that the Commission will find this Report responsive to the reporting requirements specified in the *CAF Clarification Order*.

Should the Commission have any questions or require any additional information, please contact:

Steven M. Chernoff, Esq.  
Lukas, Nace, Gutierrez & Sachs, LLP  
8300 Greensboro Drive  
Suite 1200  
McLean, Virginia 22102  
(703) 584-8670  
[schernoff@fcclaw.com](mailto:schernoff@fcclaw.com)

Respectfully submitted,

/s/ Steven M. Chernoff

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David A. LaFuria  
Steven M. Chernoff  
John Cimko

Lukas, Nace, Gutierrez & Sachs, LLP  
8300 Greensboro Drive  
Suite 1200  
McLean, Virginia 22102  
(703) 584-8666

Attorneys for:  
*Nex-Tech Wireless, LLC*

Dated: June 25, 2012

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**Exhibit A**

**Outage Report**

[Withheld in its entirety]

**DECLARATION**

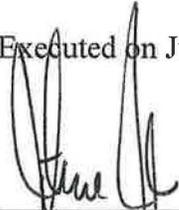
I, Johnie Johnson, hereby declare as follows:

1. I am the President and CEO of Nex-Tech Wireless, LLC (“Nex-Tech Wireless”).

2. This Declaration is submitted in support of Nex-Tech Wireless’ Report, which is being filed with the Commission pursuant to the requirements specified in *Connect America Fund*, WC Docket No. 10-90, *et al.*, Order, 27 FCC Rcd 605 (Wireline Comp. Bur., Wireless Telecom. Bur. 2012).

3. I declare that the statements contained in the foregoing Report are true and correct to the best of my knowledge.

Executed on June 22, 2012

  
\_\_\_\_\_  
Johnie Johnson  
President & CEO  
Nex-Tech Wireless, LLC

**SUBSCRIBED, SWORN TO, AND ACKNOWLEDGED** before me this 22 day of June, 2012.



  
\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: 08-14-2015