WC Docket 14-93, Connect America Fund Phase II Challenge

JAB Wireless Telecom, Inc. (d/b/a Skybeam) in Texas:

Per the National Broadband Map data, Essex Telecom, Inc. claims to offer voice service in 58 Census Blocks in Consolidated Communications of Fort Bend (CCFB) Serving Areas. The Holding Company SkyBeam Telecom, Inc. is JAB Wireless, Inc. which claims to have about 175,000 subscribers nationwide with about 20,000 VoIP subscribers.[1] This results in less than a 12% take rate for Voice Services over their entire footprint. On its website FAQ (included in SkyBeam attachment) section SkyBeam describes the Wireless Internet service and describes the "line of sight" requirements for such a service. Any trees, buildings, or hills, will impede service, so SkyBeam cannot guarantee that it can unilaterally serve every customer in a given CB. Another FAQ on its website relates to number portability and the customer option to keep their current telephone number. Given this option, CCFB should expect some level of porting activity in the CBs and should see port outs to this company in its internal porting data. Based on the Company Porting data from 2012 through 2014 (y-t-d), ICTC has yet to see any porting activity to SkyBeam (or JAB Wireless). CCFB has solicited GeoResults to try to obtain wireline, fixed wireless, and mobile wireless portability status for customer telephone numbers inside the CBs in question. An attachment describing the GeoResults effort is included in this filing. Based on the GeoResults data, a multitude of the CBs that SkyBeam claims to offer voice service have little (from 0% to 10% for residential and business locations found) porting activity and based on company porting data, there is no evidence that any of that activity is related to SkyBeam customers. Finally, In order for SkyBeam to provide the service, it must build facilities to Access Points in the CCFB footprint. To this date, CCFB has yet to receive any orders for any circuits to these "potential" access points, furthering the notion that JAB Wireless has yet to build any facilities in CCFB's footprint.

Based on the evidence referred to above, Consolidated Communications of Fort Bend Company challenges the competitive presence of Jab Wireless Telecom (SkyBeam), Inc. in the CBs listed on the form 505.

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[1] *Petition for Partial Consideration of JAB Wireless, Inc.*, submitted June 2, 2014, in response to ET Docket No. 13-49, *Revision of Part 15 of the Commission's Rules to Permit Unlicensed National Information Infrastructure (U-NII) Devices in the 5 GHz Band*, First Report and Order, Released April 1, 2014

From Skybeam Website - FAQ

Internet

How does SKYBEAM Internet service work?

SKYBEAM provides an Internet connection via a wireless antenna system. An antenna is installed on your roof with an attached radio receiver/transmitter. This antenna is pointed at a nearby Access Point tower, and must have a clear line-of-sight (no trees, buildings, or hills blocking the path). When you send and receive information over the Internet, it goes over the wireless link from your radio/antenna to our Access Point. From there that information travels over our "backhaul," which is a point to point wireless link to a fiber-optic connection hooked directly to the Internet. SKYBEAM service has very low "latency" (or delay) compared to satellite Internet, where signals must travel thousands of miles into space. SKYBEAM is well suited for digital phone (also known as Voice over Internet Protocol/VoIP) and other uses such as VPNs or gaming.

* Reliability question

Does weather affect the service?

Weather will not cause a degradation of service even in many severe storms. Your connection will remain stable even during winter months or other stormy periods. Heavy rains that are continuous over several hours/days may cause a degradation of service. Wireless Internet access requires a "line-of-site" connection from your house to one of our towers. This means that any large trees, buildings or other obstructions may cause a degraded level of service. Our installers do a site survey before installing to make sure that there is a good signal.

* Reliability question

How do I transfer (port) my existing phone number?

When you sign up for SKYBEAM Unlimited Phone, you may elect to "port" (transfer) your existing phone number over to our service. That decision can be made at the time of installation or can be done at a later date. You will need to complete a Line Number Port authorization (LNP) allowing us to contact your current carrier and port your

* Porting option

number to our service. The LNP should have the same address and account number as your present carrier has on record. This can be obtained from a recent bill from your current carrier. Fill out the LNP form left by your SKYBEAM installer. Your high speed Internet installer will leave it for you at the time of your Internet installation.

You can make this request online 'Keep My Existing Number (LNP Form)' for us to port your number.

If you are porting your existing phone number, your ATA will be shipped out approximately 2 weeks after the order has been placed. Porting a phone number takes approximately 30 business days to complete.

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
Revision of Part 15 of the Commission's Rules to	)	
Permit Unlicensed National Information	)	ET Docket No. 13-49
Infrastructure (U-NII) Devices in the 5 GHz Band	)	

To: The Commission

PETITION FOR PARTIAL RECONSIDERATION OF JAB WIRELESS, INC.

JAB Wireless, Inc. ("JAB"), by counsel and pursuant to Section 1.429 of the Commission's Rules, hereby respectfully requests reconsideration of the Commission's decision to adopt more stringent Section 15.407 unwanted emission limits for unlicensed point-to-point and point-to-multipoint devices operating in the 5725-5850 MHz band.[1] If permitted to stand, this one rule change ultimately would prevent JAB from continuing to serve thousands of its residential and business subscribers in remote communities that currently rely on this band to obtain fixed broadband, interconnected VoIP and E911 services. Accordingly, JAB urges the Commission to retain the existing unwanted emission limits described in Section 15.247.

Background

With about 175,000 subscribers in 14 states, JAB is the largest provider of fixed wireless broadband services in the country. JAB operates in suburban and rural areas where many consumers have little or no alternative in terrestrial providers because wired technologies are not

[1] *Revision of Part 15 of the Commission's Rules to Permit Unlicensed National Information Infrastructure (U-NII) Devices in the 5 GHz Band*, First Report and Order, ET Docket No. 13-49 (rel. Apr. 1, 2014) ("*R&O*").

available. JAB also delivers interconnected VoIP services to more than 20,000 subscribers on the same networks on which it delivers broadband services.[2]

To provide these services, JAB relies on a combination of unlicensed and lightly licensed frequencies in the 900 MHz, 2.4 GHz, 3650 MHz and 5 GHz bands for last-mile services, and uses unlicensed frequencies in the 5725-5850 MHz and licensed microwave channels for point-to-point connectivity and backhaul. JAB considers a number of factors before deciding which spectrum solution to deploy – congestion, propagation characteristics and attenuation, equipment availability, cost and time to deploy being the most common criteria. JAB has found that the 5725-5850 MHz band is often the best band for long-distance point-to-point and point-to-multi-point services because of its propagation characteristics and low cost. Fiber is much too costly to deploy to small, distant communities, and licensed microwave hops are both expensive and operate at higher frequencies with inferior propagation characteristics.

JAB currently connects approximately 60,800 subscribers to the Internet with 5725-5850 MHz band frequencies. Of these, approximately 14,800 are located more than four miles from the access point. JAB also uses the 5725-5850 MHz band for long-distance point-to-point communications between its towers and the Internet. In addition, about 15 percent of JAB's broadband subscribers also receive interconnected VoIP service. JAB is very concerned that the Commission decision to tighten the unwanted emission levels by subjecting them to Section 15.407 limits would place these subscribers at substantial risk. Not only would broadband service be affected or lost, but so, too, would E911 services that are required for JAB's VoIP service.

JAB believes that the Commission underestimated the true impact of the equipment changes that would be required to comply with the new rules. Although the Commission

[2] *See* attached Declaration of Daniel Zimmerman (Exhibit A).