

## Frontier Communications Challenge to Air Pipe

Frontier challenges Air Pipe's Idaho census blocks based upon the belief that Air Pipe does not offer voice services nor can it offer the requisite speeds under \$60, the FCC's benchmark for a reasonably comparable price to urban areas.

### Voice Service:

Air Pipe's website, a screen shot of which is pasted below and available at <http://www.air-pipe.com/voip.html>, indicates that VoIP services are "compatible with", not "offered by" Air Pipe. Further, the website provides a link for where prospective customers can select a VoIP provider "once you have [their] service." The FCC's *Report and Order* (DA 13-1113) requires "the provider itself to provide voice service, in addition to broadband, in order to be designated an unsubsidized competitor." ¶ 9. Based upon the information below, Air Pipe does not provide its own voice service.

Even if Air Pipe were considered to be providing voice service through this offering, which Frontier does not believe it is, it appears to do so through a third-party without control over the required quality of service controls. Footnote 21 of the same *Report and Order* clarifies that "a broadband provider that provides voice using a managed voice service obtained from a third party vendor would be considered to be providing voice service, *so long as the broadband provider is the entity responsible for dealing with any customer problems, and it provides quality of service guarantees to end user customers.*" (emphasis added). Air Pipe does not appear to have any contact with the VoIP providers listed, let alone a relationship that would allow it to assume responsibility for customer problems or guaranteeing the service beyond its internet capability.

## Air Pipe Voice Offering Screen Shot (August 14, 2014)

www.air-pipe.com/voip.html

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# Voice-over IP

compatible with AIR-PIPE

VoIP (Voice-over Internet Protocol) is telephone service over a broadband Internet connection. This alternative to land-line based telephone companies is completely compatible with the AIR-PIPE network and is available at a fraction of the cost and sometimes free.

- Lower your telephone bills
- Take your telephone line with you
- Eliminate your long distance bill

Once you have our service, there are many VoIP companies to choose from to activate a broadband phone connection. To review some of the best options in your area, visit [www.voipreview.org](http://www.voipreview.org).

If you have any additional questions, please feel free to [contact us](#) or fill out our [form](#) with your questions and a customer service representative will get back to you.

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17813 E Appleway, Spokane Valley, WA 99016

## Broadband Service/Price

Air Pipe's website, available at <http://www.air-pipe.com/pricing.html> and included as a screen shot below, advertises burstable speeds up to 5 Mbps download/2.5 Mbps upload. However their contract with their users, available at <http://www.air-pipe.com/contract.pdf> and included as a screen shot below, indicates that it does not come close to advertising a 4/1 service offering, even at \$199/month, as the table below (from the contract website) demonstrates:

Services Package Options: (Monthly recurring fees for services, please choose from the following)

AIR-PIPE service is a burstable service, meaning the rates displayed are the maximum amount of bandwidth received for large file transfers.

- \_\_\_\_\_ \$49.95 per month at 256Kbps download/256Kbps upload Rate
- \_\_\_\_\_ \$59.95 per month at 512Kbps download/512Kbps upload Rate
- \_\_\_\_\_ \$69.95 per month at 768Kbps download/768Kbps upload Rate
- \_\_\_\_\_ \$79.95 per month at 1.0Mbps download/1.0Mbps upload Rate
- \_\_\_\_\_ \$129.95 per month at 1.5Mbps download/1.0Mbps upload Rate
- \_\_\_\_\_ \$199.95 per month at 1.5Mbps download/1.5Mbps upload Rate;

DA 13-1113 requires that "unsubsidized competitor must offer fixed broadband with speeds of at least 4 Mbps/1 Mbps." ¶ 6. Further, in a subsequent *Report and Order*, DA 13-2115, the Commission adopted \$60 for a reasonable comparability benchmark for broadband service. Given Air Pipe's stated service offerings, well below 4/1 Mbps, at the given price points, well above \$60, Air Pipe should not be considered an unsubsidized competitor for purposes of CAF Phase 2.

# Air Pipe Broadband Connectivity Agreement Screen Shot (August 14, 2014)

www.air-pipe.com/contract.pdf

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Page: 1 of 2 Automatic Zoom

Technician _____	Date _____
MAC Address _____	Tower - Sector _____
Serial Number _____	SMD6 _____ APD6 _____
Dish_Gid_Yag3_Yag6_ARC_FRM_TRT _____	IP Address _____



## Connectivity Agreement

This Agreement between AIR-PIPE located at 17813 E. Appleway Avenue, Spokane Valley, WA 99016 and

**Name** \_\_\_\_\_ (hereinafter referred to as the "Subscriber") located at

**Physical Address** \_\_\_\_\_ will be immediately effective upon signing and will remain in effect for the term of the Agreement as listed in Section I, Part 3. This Agreement is transferable to whomever AIR-PIPE, may assign.

I. **Payment and Services:**

AIR-PIPE will provide high-speed connectivity and the installation of necessary equipment to enable access to the AIR-PIPE Network for the Subscriber in exchange for payment of service and installation fees and charges and compliance with the terms and conditions of this Agreement. AIR-PIPE services are defined as the connectivity provided from the tower to the Subscriber's residence, building(s), or office(s) only, terminating at a RJ45 Ethernet connection.

1. **Payment Method:**  
Payment in full to be paid at time of installation includes the total cost of installation, the prorated current month and one month in advance for service.

A. Check Number: \_\_\_\_\_ B. Credit/Debit Card (  VISA  MASTERCARD )

**Email Address(s)** (Required for Billing, Network & Service Notifications) \_\_\_\_\_  
It is absolutely mandatory that we have a reliable Email address for billing purposes. Subscribers are sent a courtesy invoice the first of each month, via Email unless otherwise noted in this Agreement. It is the Subscriber's responsibility to notify AIR-PIPE of address changes. Email is the most effective way for us to communicate with the Subscriber about billing, network upgrades, and overall general communication about your service with AIR-PIPE.

2. **Services Package Options:** (Monthly recurring fees for services, please choose from the following)  
AIR-PIPE service is a burstable service, meaning the rates displayed are the maximum amount of bandwidth received for large file transfers.

_____ \$49.95 per month at 256Kbps download/256Kbps upload Rate	_____ \$10.00 per month for one Static/Public IP address
_____ \$59.95 per month at 512Kbps download/512Kbps upload Rate	_____ \$25.00 per month for a block of five Static/Public IP addresses
_____ \$69.95 per month at 768Kbps download/768Kbps upload Rate	
_____ \$79.95 per month at 1.0Mbps download/1.0Mbps upload Rate	
_____ \$129.95 per month at 1.5Mbps download/1.0Mbps upload Rate	
_____ \$199.95 per month at 1.5Mbps download/1.5Mbps upload Rate; 70% CIR; 1 Static/Public IP address	

**Note:** To activate his/her account, the Subscriber will pay a prorated amount for the current month, plus the next month of service and will thereafter be billed monthly in advance at the current rate. Restrictions on total usage can be made at any time by AIR-PIPE to control operation of the network. Cost of high bandwidth usage may be revised or changed at any time with 30 day prior notice by AIR-PIPE.

3. **Installation Package:** (One time installation fees; please choose appropriate package option)

\_\_\_\_\_ Residential Installation: 1 year Connectivity Agreement - \$199 \_\_\_\_\_ Commercial Installation: 1 year Connectivity Agreement - \$399

4. **Installation fee total:** \_\_\_\_\_ Installation fee is based on designing, procuring, installing, and documenting the installation. This fee will be assessed to the Subscriber by AIR-PIPE or a designated independent contractor for installation and equipment (hereinafter referred to as "Installer"), for the mounting of the necessary equipment, allocation of bandwidth, configuration changes, and aligning and testing antenna signal strength (if applicable).



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# Price Package

and installation fee options

The latest breakthrough in high-speed broadband communications is wireless technology. WOW is offering state-of-the-art wireless broadband featuring the Canopy® system from Motorola. It is fast, affordable, proven, technology, and gives our customers the same speed, security and reliability as Cable and DSL service.

Subscribers receive average burstable **download speeds of 5Mbps** and **upload speeds of 2.5Mbps** for browsing and surfing on the WOW Internet connection. These speeds are supported by unbiased statistics received from the World Results at [www.speedtest.net](http://www.speedtest.net)™ \*

## Internet Service Package Options\*\*

**Starter Package** \$49.95/month. Recommended for basic web browsing, online banking, email.

**Bronze Package** \$59.95/month. Recommended for everything in the Starter Package plus short You-Tube videos, and office VPN connections.

**Silver Package** \$69.95 month. Recommended for everything in the Bronze Package, plus minimum quality Netflix and similar Standard Definition (SD) video streaming.

**Gold Package** \$79.95 month. Recommended for everything in the Silver Package plus higher quality video streaming as required by some steaming content providers.

**Platinum Package** \$129.95 month. Useful for the small office/home office with multiple computers/users. Capable of supporting two simultaneous SD video streams.

**Custom Package** Quote required. Higher capacity service to suit your requirements is available. Please contact our sales department for a free consultation.

*5 complementary email addresses available per account activation. Additional email addresses are available for \$2.50 a month per email address.*

*Site Surveys are complementary, unless, upon completion of a successful signal test customer/prospect declines service.*

[Click here to access a printable price sheet.](#)

## Installation Fee Options

<u>Contractual Requirements</u>	<u>Residential</u>	<u>Commercial</u>
1-year <a href="#">Connectivity Agreement</a>	\$199.00	\$399.00

**Termination Penalties:** Penalty equal to 2 months of service cost for cancellation inside of 1-year.

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## Why Use an Air-Pipe Wireless Connection?

**Fast** - Burstable download speeds over 5Mbps are possible.

**Reliable** - Monitored 24/7 by certified local technicians.

**Secure**- High-level authentication, DES signal encryption and VPN ready.

**Quality Installation**- All installations completed with minimum intrusion.

**Customer Support**- Professional customer support available 24/7. Always on Connection- No waiting to dial in and very low latency.

**Web email** - Access your email from anywhere you connect to the Internet.

**Quality Equipment** -Superior Motorola Canopy® technology.

**Business or Home**-Multiple service packages to suit your specific needs.

**Free Up Phone Line** - Remove reliance on a second phone line.

**VOIP Support** -Low Latency, Network Prioritizes VOIP Service.

\* Actual speeds can vary and depend on the equipment used to provide your connection, the network usage at the time of day, the customer equipment, and other applications running on your network, etcetera. The advertised speeds are the average of all customers on the network as reported by Speedtest.net™.

\*\* The customer may change their package at any time (one change per month) without penalty or extending contract term.

[Click here to access a printable price sheet.](#)