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December 11, 2013

**FILED VIA ECFS**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, D.C. 20554

**Re: In the Matter of the Connect America Fund, WC Docket No. 10-90**

Madam Secretary:

On behalf of N.E. Colorado Cellular, Inc. d/b/a Viaero Wireless (“Viaero”), we write to respond to CenturyLink’s Response to Viaero’s Connect America Fund (“CAF”) Phase I - Round 2 Challenge, filed on November 4, 2013. We address CenturyLink responses regarding Viaero’s challenge, seriatim.

CenturyLink states that Viaero provides latitude and longitude coordinates for each census block, but does not identify what the coordinates represent. To be clear, Viaero provided, at Attachment B, the specific census block number, along with coordinates representing the center point, for each census block.

CenturyLink states that Viaero’s maps reflect census blocks that do not have coverage or customers. We direct the Commission to Attachment D, wherein Thomas Burnett, Viaero’s Vice President – Technical Operations and Chief Technical Officer states, under penalty of perjury, that Viaero is providing coverage in the Census Blocks listed in Attachments B and C and Viaero is capable of provisioning service in those Census Blocks at a speed at or above 3 Mbps downlink and 768 kbps uplink. In addition, in Attachment E, Michael Felicissimo, Viaero’s Executive Vice President and Chief Financial Officer states, under penalty of perjury, that “Viaero currently provides 4G coverage and offers its fixed wireless Internet service in each of the census blocks identified in Attachment B...”

Viaero attached for the Commission’s reference a series of coverage maps depicting where it has -85 dBm coverage, along with selected customer locations. Some of the contested census blocks show 100% coverage, some show less than 100% coverage, and two show no coverage. Viaero depicted and the Commission will note, a number of customer locations well beyond its -85 dBm contour, indicating that it is today providing service well beyond the -85 dBm contour. In some cases, a customer is located favorably, while in other cases Viaero uses

supplemental technology such as a directional antenna mounted at the residence to achieve coverage. For example, in the map for Morgan County, one census block is approximately 75% served with -85 dBm coverage and another appears to have almost no coverage. Yet, Viaero offers and advertises its fixed coverage throughout both of those census blocks and has customers residing in and around them. In fact, even at a signal strength threshold well below 85 dBm, Viaero can still provide service at the required broadband speeds in all of the challenged census blocks in the five Colorado counties that are the subject of Viaero's Challenge: Morgan, Otero, Saguache, Washington, and Yuma. When necessary, Viaero does a truck roll to install supplemental gear at a home/business to ensure high-quality service.

CenturyLink also states that Viaero has not provided customer invoices for each census block challenged, or provided enough evidence to verify that the customer is located inside of a challenged census block. Nothing in the Commission's rules or orders requires a party challenging a census block to demonstrate that they have any customers inside of the block. Rather, the challenger must demonstrate that it offers the requisite service to consumers. Viaero included multiple invoices as evidence that it is offering the service commercially, and it testified, under penalty of perjury, that it is offering the service throughout the challenged census blocks. Personal information subject to the Commission's Customer Proprietary Network Information rules was redacted. Should the Commission require unredacted invoices, Viaero would be pleased to provide them confidentially.

Finally, CenturyLink makes an unsupported claim that because Viaero specified that it is providing terrestrial mobile wireless service in the National Broadband Map ("NBM"), it is precluded from demonstrating here that it is providing fixed service. At the time Viaero submitted its information to the NBM, it specified its primary line of business – mobile wireless service. However, as demonstrated in its challenge, Viaero also provides fixed broadband to a rapidly growing customer base throughout the areas where CenturyLink is seeking CAF support.

Viaero is prepared and committed to serve every single customer within the challenged census blocks with fixed broadband service, at speeds above those required by the FCC. Viaero is doing it now and its service has been well-received. In fact, but for the FCC's right-of-first-refusal, Viaero is confident it could use the proposed CAF Phase I – Round 2 support to deliver superior broadband service to additional rural areas in Colorado at a cost to the Universal Service Fund that is less costly to contributing citizens than that offered by CenturyLink.

In sum, there is no public need to subsidize CenturyLink to provide DSL service to these areas.

Marlene H. Dortch, Secretary  
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Respectfully submitted,



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cc: Ryan Yates, Wireline Competition Bureau (via e-mail)