

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
CASE NO. 1584CV03118-BLS2

NORTH AMERICAN CATHOLIC)
EDUCATIONAL PROGRAMMING)
FOUNDATION, INC., CHICAGO)
INSTRUCTIONAL TECHNOLOGY)
FOUNDATION, INC., DENVER AREA)
EDUCATIONAL TELECOMMUNICATIONS)
CONSORTIUM, INC., INSTRUCTIONAL)
TELECOMMUNICATIONS FOUNDATION, INC.,)
PORTLAND REGIONAL EDUCATIONAL)
TELECOMMUNICATIONS CORPORATION AND)
TWIN CITIES SCHOOLS')
TELECOMMUNICATIONS GROUP, INC.,)

Plaintiffs,)

-vs-)

CLEARWIRE SPECTRUM HOLDINGS II LLC,)
CLEARWIRE LEGACY LLC, f/k/a CLEARWIRE)
CORPORATION and SPRINT SPECTRUM L.P.,)

Defendants.)

**AFFIDAVIT OF
JOHN SCHWARTZ IN
SUPPORT OF MOTION**

STATE OF COLORADO)
) SS.:
COUNTY OF BOULDER)

JOHN SCHWARTZ, being duly sworn deposes and says:

1. I am the President and Chief Executive Officer of plaintiffs, Chicago Instructional Technology Foundation, Inc., Denver Area Educational Telecommunications Consortium, Inc., Instructional Telecommunications Foundation, Inc., Portland Regional Educational Telecommunications Corporation and Twin Cities Schools' Telecommunications Group, Inc. (collectively, "Voqal"), and submit this Affidavit in support of plaintiffs' Motion for preliminary relief directing defendants to maintain (and not terminate) Internet service, product device

deliveries, and support services, to plaintiffs and plaintiffs' customers in accordance with the agreements amongst the parties during the pendency of this action. The specific relief requested is set forth in more detail in Exhibit "A" to the Emergency Motion for Preliminary Injunction. I am personally familiar with the facts set forth herein.

2. Voqal adopts all the claims and allegations contained in the accompanying Affidavit of John Primeau, sworn to on October 22, 2015, and incorporates them herein by reference, except with regard to those that relate specifically to plaintiff North American Catholic Educational Programming Foundation, Inc.

3. In addition however, because of enormity of this issue, and the potential irreparable harm to Voqal's customers, I feel it is essential that this Court also hear from Voqal's customers who, in their own words, have reached out to indicate the importance of unlimited Internet access and the detrimental effect that no or limited Internet service would have on their lives.

4. Brian Bolz, the CEO of Beehively, which works with Catholic schools in northern California to connect classrooms with technology, wrote:

We think of Internet access like we think about electricity, or desks. We expect all three. You don't come into school wondering if you'll have enough power today, or worried that if you use too much power, you might run out. And you certainly don't expect to reach a limit in how much you can use your desk. If you use it too much, is it possible you'll come into school one day and find you no longer have access to it?

One of our best examples of why our students need and deserve unlimited Internet access is the success of a collaborative, online-based learning model we use extensively. It is very common for students to work in groups -- for assignments ranging from science to literature -- to simultaneously review videos, access online books, conduct research and write papers via online document sharing. This is how our students learn, and it requires access and bandwidth. Limited or restricted Internet is unacceptable, just like

limited electricity or having nowhere to sit are not viable options in our schools.

5. A copy of Mr. Bolz's letter dated August 14, 2015 is annexed hereto as Exhibit "A".

6. Michael Tambellini, Technology Coordinator at Central Pennsylvania Digital Learning Foundation, a cyber-school, wrote:

Every bit of what we do in teaching our students is online, and very interactive, so our use of the Internet is extremely data intensive. Many years ago, when everything we did was HTML-based, a slower service more comparable with dial-up was fine. Today, **every student** uses more than 6GB **every month** so clearly something so basic is no longer feasible for our students.

When families who do not have, or cannot afford, Internet enroll, we need a solution for them. Free or affordable broadband Internet offered by companies such as Mobile Citizen is critical. For example, we have a small percentage of homeless students enrolled today, and unfortunately that number seems to be increasing. To keep up with the curriculum, they need the same Internet access as all of our other cyber students.

7. A copy of Mr. Tambellini's letter dated September 17, 2015 is annexed hereto as Exhibit "B".

8. Regina Keeley, a Special Education Teacher at Boulder Preparatory High School in Colorado, wrote:

The majority of my instruction is delivered and prepared thanks to high-speed mobile Internet. And I know many of our students rely on it for access to math, civics and history courses as well. In fact, many work at night or the weekends to make up classes or for extra credit. And for our low-income students that still don't have Internet at home, this service is extra important.

When I am at school, it is all about the kids. That means that when I am home, it is all about the planning. I am like many of my fellow teachers, a multi-tasker. That means that at any given time, I am online doing paperwork, reviewing and responding to homework, accessing the District site, and researching or preparing

videos for instruction. I spend an average of 30 hours per week online preparing. And since everything I do takes bandwidth, I'm concerned that with restricted high-speed Internet access, those hours would double and that would have a negative impact on me, my family and my classroom.

9. A copy of Ms. Keeley's letter dated August 13, 2015 is annexed hereto as Exhibit "C".

10. Nathan Bolton, Education Technology Administrator at Explore Knowledge Academy in Las Vegas, wrote:

Our school, Explore Knowledge Academy, provides personalized learning through educational discovery for more than 800 K-12 students in the Las Vegas area. Our curriculum is built around a 1:1 computer program and could not function without robust Internet capabilities. Simply put, without unlimited high-speed broadband, our educational program would be useless.

Explore Knowledge Academy added broadband Internet from Mobile Citizen as a supplement to our existing Wi-Fi network, which did not have the capacity we needed to support our innovative program. Before introducing broadband Internet, more than half of our students would get knocked offline at peak usage times. This was not only unacceptable for a 1:1, online-based curriculum such as ours, it was also detrimental particularly during assessment periods. During testing periods when all students were online, losing Internet access meant interrupted testing for individual students and the potential for negative impacts to testing scores for our individuals and school.

We've made a lot of changes in the last three years, the biggest of which is adding broadband Internet to support our 1:1 program. We've seen our test scores increase steadily since this program started, and although those results can certainly be attributed to a variety of factors, we believe our 1:1 program plays a significant role. If we lost the ability to provide high-speed broadband to our students, it would be like reverting back to before we had Mobile Citizen in the first place.

Additionally, our teachers rely heavily on video streaming, particularly for the younger grades. If our capabilities were restricted, it would most certainly put our youngest students at a disadvantage.

* * *

As you can see, we pack a lot of learning into a typical day and are therefore dependent on our laptops and Internet technology for things to go smoothly. If the Internet is slow, so is our process, and that would mean us having to set the laptops aside and go back to the chalkboard. Simply put, we need modern speeds for modern learning.

11. A copy of Mr. Bolton's letter dated August 10, 2015 is annexed hereto as Exhibit "D".

12. Jessica Wallace is an administrator at Académie Lafayette, a French immersion charter school in Kansas City, which employs teachers from other countries who do not have a permanent residence, bank account or proper English for contacting customer service to set up their own Internet accounts. She wrote:

Having immediate Internet access is not only convenient, it is essential for getting their work done. Much of their preparation for class is done at home and on their own time. It helps them get their day-to-day work done without having to be stuck at school into the evening after school is finished -- finding resources online for lessons, communicating with parents and other staff via e-mail and required trainings, among other things, are all important parts of being a teacher that can only be done online and can't necessarily be focused on between 8 and 4 PM during the regular school day.

* * *

Our primary focus is on getting Internet access to teachers, however there has been an additional need to offer it to our families who do not have Internet at home. Much of our school work and parent-school communications are done almost exclusively online now, so having a reliable option for both teachers and families has been important to us.

13. A copy of Ms. Wallace's letter dated September 23, 2015 is annexed hereto as Exhibit "E".

14. Douglas Puls, Principal of the Immanuel Evangelical Lutheran Church and School in Philadelphia, wrote:

As a small parochial school, we have to scrimp and pinch to make ends meet. Thanks to our hotspot modems and affordable broadband from Mobile Citizen, we can integrate technology into our instruction without worrying about how much it will cost or how much we can use.

We are very concerned, however, about what we would do if we lost this service, or if it was restricted in any way. Teachers who utilize live streaming of documentaries or download important web-based curriculum for learning enrichment would be paralyzed and our students would suffer.

15. A copy of Mr. Puls' letter dated September 18, 2015 is annexed hereto as Exhibit "F".

16. Chris Ashmore, Technology Director at Irvington Community Schools in Indianapolis, wrote:

I discovered that quite a few of our teachers did not have Internet access at home, so they had to stay at school, sometimes late into the night, to prepare lesson plans, create content for curriculum, and input grades. Although they were doing what they needed to do to keep up with their work, it was at a significant cost to their personal life. We believe that well-rested and content teachers are better teachers. So we needed to find a way in which they could do their work, if needed, remotely from home. With Mobile Citizen's offering, we've been able to do just that. Having access at home was one thing; what our teachers realized they could do with the Internet was entirely another.

They began to develop innovative curriculum in anticipation of our future 1:1 program, leveraging their Internet access – which was also mobile – in the classrooms to engage students in project-based learning. In these instances, teachers encouraged student-led classrooms in which students were tasked with becoming knowledgeable about a specific topic. The students relied on Internet access for the research and delivery of their assigned topic, which is now a common practice. One of the many features our learning management system gives teachers is the ability to make video comments on assignments that require a significant amount of data. Both our teachers and our students love this feature.

Being able to tell a student via video that he/she did a great job on a project versus putting it in an email or writing it on an assignment has proven to be a powerful teaching method and engagement tool. Since this program requires so much data, we unfortunately wouldn't be able to continue it if our bandwidth was restricted.

17. A copy of Mr. Ashmore's letter dated September 23, 2015 is annexed hereto as Exhibit "G".

18. Michael Thompson, Facilities Manager at University of Minnesota, wrote about the problems his institution has had with Sprint service.

In the St. Paul-Minneapolis market, where our service has been "updated" to Sprint service for about 120 users, I receive frequent Sprint Usage Alerts; often three usage warnings in a single day or after a weekend of use. I then have the difficult job of passing on the alerts to our users and must apologize for the "inconvenience" the extensive throttling after 6GB has on their productivity. Of course, I also have users here who refuse to update from Clearwire to Sprint until the last possible minute, when Clear goes dark, because they need more than 10 times data allowed to perform their jobs. If we cannot get this resolved we will end up with users walking away from the service, as the service cannot meet their needs.

As an EBS licensee, I have worked with both Clear and Sprint. Unfortunately, dealing with Sprint support is quite a step down (to consumer level) from the professional level of Clear. Support from Clear was quick and knowledgeable. Sprint support is hampered by being consumer-level first-tier support covering all Sprint devices and services and unable to help with some issues because of our "Spectrum Barter" account type. For example, I've had six of 50 Wi-Fi device batteries fail. Phone support couldn't help me because a Sprint repair facility needed to verify the issue. The local store said they couldn't do anything because of the account type. Fortunately, they were able to side-step the issue by treating it as a warranty issue. After the third failure, working with phone support and the store they were willing to keep some stock of the batteries on hand locally in case of future failures.

19. As Mr. Thompson notes, the University of Minnesota is not a Voqal customer, but rather an Educational Broadband Service licensee in its own right. However, Voqal's customer

base includes institutions of higher learning, Mr. Thompson's comments are characteristic of those who find Sprint's service to be inadequate. A copy of Mr. Thompson's letter dated September 22, 2015 is annexed hereto as Exhibit "H".

20. Brian Blodgett, a teacher at West High School in Salt Lake City, wrote:

I work with West High School in Salt Lake City. Internet access is a critical element in keeping our school and our students up-to-speed with technology and consistent with what students should expect from their school. Without it, we would certainly feel the impact, but more importantly, the long-term ripple effects to our students would be immeasurable. We may not see the impact immediately, but years down the road. Students lacking access to the baseline educational benefits the Internet affords today, could not compete to gain admission to colleges, therefore losing their ability to compete in the workplace.

I am committed to providing the best experience for my students to prepare them for the digital, cloud based future. In my situation, I use online curriculum where students have access to all content digitally as well as audio and video examples. This is critical in a music classroom to see and hear what your instrument looks and sounds like. I also use an online interface for students to submit recordings and playing assessments. We only have one classroom computer, so it is necessary for students to bring their own devices and use the mobile broadband to complete their lessons.

21. A copy of Mr. Blodgett's letter dated September 3, 2015 is annexed hereto as Exhibit "I".

22. Kirk Anderson, Director of Educational Technology at Denver Public Schools, wrote:

We have 5,500 teachers in the Denver Public Schools system where thankfully we have a robust and reliable wireless Internet network. Where we tend to struggle is when our teachers travel outside our network and require that same level of service to do their work. That is where Mobile Citizen comes in.

One example of why we need equal and unlimited Internet access outside network is our Student Learning Objectives (SLO) program. The program is one part of how we measure teaching success. To support this program, we have pulled teachers off-site,

100 at a time, to do professional learning and build SLOs. In those situations, we have been dependent on the 20 modems from Mobile Citizen to create a multiplier effect, so these 100 teachers can be connected and complete their professional development, all at the same time. The volume requires bandwidth.

Our teachers have come to expect this degree of reliability in the classroom. There is no reason they shouldn't expect the same beyond the classroom.

23. A copy of Mr. Anderson's letter dated October 12, 2015 is annexed hereto as Exhibit "J".

24. Clarence Hogan, who operates a small business in Chicago providing after school programs for youth and teens in underserved communities, wrote:

These programs use computers and technology to engage the youth and teach valuable skills. Unfortunately, many of the communities that I work in don't have the broadband technology or Wi-Fi that I need to facilitate my technology programs. Fortunately my 4G hotspot has unlimited data which allows me to operate the technology program! This SMALL device makes a HUGE impact in communities where technology resources are non-existent or limited at best. Please consider the impact that changing this would have on my business, the youth and underserved communities. Know that your company is making an impact at bridging the digital divide.

25. A copy of Mr. Hogan's letter dated September 21, 2015 is annexed hereto as Exhibit "K".

26. Carey Sorenson is the Executive Director of St. Paul based PCs for People which provides low cost computers and Internet service and support for people living below the 200% of the poverty level. The average recipient of assistance is a family of three with an income of \$12,000 per year. He wrote:

In 2012 we established a partnership with Mobile Citizen and in 2014 with Mobile Beacon to offer \$10 per month high speed, unlimited Internet on CLEAR's network. This has been great for closing the digital divide. Since starting we have connected over 14,000 households, which results in approximately 42,000

connected individuals. Information is a great equalizer and coupling our computers with Internet has the power to lift the families we are helping out of poverty.

Service Issues

Currently, Clear's network is slowly being decommissioned. This has caused service gaps and saturated towers (slow speeds) for many of our clients. As service has degraded, several thousand clients have decided to stop using their Clear service and wait for the Sprint transition. The remaining loyal customers are dealing with service issues thinking these are temporary problems and the switch to LTE will solve all issues. This is concerning for us, as the goal of our program is digital inclusion and access to information, not frustrations and disconnecting due to network issues.

No Devices

Beyond service challenges, another larger issue is devices. In order to provide service we need devices. Mobile Citizen and Mobile Beacon have expressed issues with the ability to order low cost/affordable devices. It is unclear what device we will be using and at what price point. Our recipients average \$12,000 in income each year. They struggle to meet the basic necessities of life and have to plan months in advance for any expense. We need to be able to provide specific information to each client so they can save and plan.

Data Caps

All test LTE devices have been throttled between 6-9 GB each month. Upon calling Sprint's customer service we are informed that Sprint does not throttle any devices and informed us not to use the device during peak times to get better performance. Speeds are 20-45 Mbps uncapped anytime of the day and .25 once data caps have been reached. This has been consistent on all 5 test devices and time of day and location have no effect on speed. 6GB of data may be adequate for mobile use, but that is not how our clients are using their devices. These are home devices and in many cases, a family of eight uses it as their only Internet connection. There are multiple scenarios where our clients could use the 6 GB of data before doing any homework, job searching or web browsing. If a family has not used their computer for months while waiting for our Sprint LTE service to be available, Windows updates could easily use 6 GB of data. Windows computers also automatically download Windows 10, which is another 6GB. In a

worst case scenario a user with two computers could deplete 4 months' worth of data on Windows updates and upgrades. Our service is supposed to even the playing field for kids and their schoolwork. A child on dial-up (throttled internet) is not on an even playing field with his higher income peer on broadband.

27. A copy of Mr. Sorenson's letter dated September 18, 2015 is annexed hereto as Exhibit "L".

WHEREFORE, it is respectfully requested that the instant application be granted in all respects together with such other and further relief which the Court deems proper.

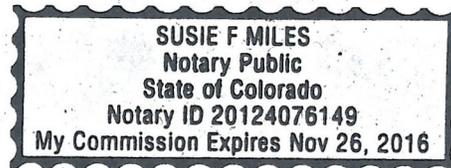


JOHN SCHWARTZ

Sworn to before me this
22nd day of October, 2015

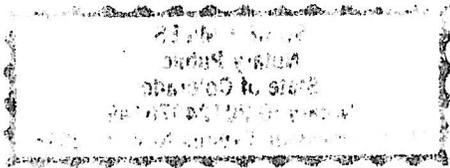


Notary Public



EXHIBIT

A





Beehively
129 E Street, D-3
Davis, CA 15616
Tel. (888) 851-4879
Fax. (415) 239-6068
www.beehively.com

August 14, 2015

We work with Catholic schools throughout northern California, connecting classrooms and advancing education through technology. So we see the many benefits low-cost broadband Internet access provides:

- **Faculty** depend on it, for themselves and for their students. Teachers collaborate with students and families via the Internet, a transition that has happened over the last few years. Reversing or limiting that progress would take them in a backward direction.
- **Low-income students** without Internet access at home now have an affordable resource which allows them to keep up with their peers. Without it, the digital divide would expand.
- **Schools with gaps in their network** have a reliable, and complementary alternative. For example, we often have new, young, tech-savvy teachers coming to our schools, which may be in converted convents. These teachers are limited and frustrated by the old infrastructure of our buildings. In these cases, mobile broadband is essential in filling in these gaps.

We think of Internet access like we think about electricity, or desks. We expect all three. You don't come into school wondering if you'll have enough power today, or worried that if you use too much power, you might run out. And you certainly don't expect to reach a limit in how much you can use your desk. If you use it too much, is it possible you'll come into school one day and find you no longer have access to it?

One of our best examples of why our students need and deserve unlimited Internet access is the success of a collaborative, online-based learning model we use extensively. It is very common



Beehively
129 E Street, D-3
Davis, CA 15616
Tel. (888) 851-4879
Fax. (415) 239-6068
www.beehively.com

for students to work in groups -- for assignments ranging from science to literature – to simultaneously review videos, access online books, conduct research and write papers via online document sharing. This is how our students learn, and it requires access and bandwidth. Limited or restricted Internet is unacceptable, just like limited electricity or having nowhere to sit are not viable options in our schools.

A handwritten signature in black ink that reads "Brian Bolz".

Brian Bolz, CEO

Beehively

129 E Street, Suite D3

Davis, CA 95616

EXHIBIT

B



Central Pennsylvania Digital Learning Foundation

721 N. Juniata Street, Suite 3
Hollidaysburg, PA 16648

September 17, 2015

As a cyber school, the Central Pennsylvania Digital Learning Foundation engages students in a highly motivational, student-centered, educational program that relies on the latest information and communications technology to promote student achievement while fostering higher-order-thinking and problem-solving skills.

Every bit of what we do in teaching our students is online, and very interactive, so our use of the Internet is extremely data intensive. Many years ago, when everything we did was HTML-based, a slower service more comparable with dial-up was fine. Today, **every student** uses more than 6GB **every month** so clearly something so basic is no longer feasible for our students.

When families who do not have, or cannot afford, Internet enroll, we need a solution for them. Free or affordable broadband Internet offered by companies such as Mobile Citizen is critical. For example, we have a small percentage of homeless students enrolled today, and unfortunately that number seems to be increasing. To keep up with the curriculum, they need the same Internet access as all of our other cyber students.

Micheal Tambellini
Technology Coordinator
Central PA Digital Learning Foundation
721 N. Juniata Street, Suite 3
Hollidaysburg, PA 16648

EXHIBIT

C

August 13, 2015

I am a special education teacher at Boulder Preparatory High School in Colorado. The majority of my instruction is delivered and prepared thanks to high-speed mobile Internet. And I know many of our students rely on it for access to math, civics and history courses as well. In fact, many work at night or the weekends to make up classes or for extra credit. And for our low-income students that still don't have Internet at home, this service is extra important.

When I am at school, it is all about the kids. That means that when I am home, it is all about the planning. I am like many of my fellow teachers, a multi-tasker. That means that at any given time, I am online doing paperwork, reviewing and responding to homework, accessing the District site, and researching or preparing videos for instruction. I spend an average of 30 hours per week online preparing. And since everything I do takes bandwidth, I'm concerned that with restricted high-speed Internet access, those hours would double and that would have a negative impact on me, my family and my classroom.

My classroom is what we call a 'flipped classroom'. Rather than me lecturing in class, I produce online lectures from my home, lectures students also download and access online. This allows me to be more hands on in the classroom, something that is particularly important for the students I serve. As an added benefit, students that might be sick or cannot get to school for whatever reason can still access their coursework and not fall behind.

My students and I are so incredibly grateful for what unlimited Internet access allows. Some may take it for granted, but I don't. It is a critical component in my work and in my special needs students' learning.

Regina Keeley
Special Education Teacher
Boulder Preparatory High School
5075 Chaparral Ct Suite 1
Boulder, CO 80301

EXHIBIT D



*"Personalized learning through educational discovery:
Building 21st century leaders; one project at a time."*

August 10, 2015

Our school, Explore Knowledge Academy, provides personalized learning through educational discovery for more than 800 K-12 students in the Las Vegas area. Our curriculum is built around a 1:1 computer program and could not function without robust Internet capabilities. Simply put, without unlimited high-speed broadband, our educational program would be useless.

Explore Knowledge Academy added broadband Internet from Mobile Citizen as a supplement to our existing Wi-Fi network, which did not have the capacity we needed to support our innovative program. Before introducing broadband Internet, more than half of our students would get knocked offline at peak usage times. This was not only unacceptable for a 1:1, online-based curriculum such as ours, it was also detrimental particularly during assessment periods. During testing periods when all students were online, losing Internet access meant interrupted testing for individual students and the potential for negative impacts to testing scores for our individuals and school.

We've made a lot of changes in the last three years, the biggest of which is adding broadband Internet to support our 1:1 program. We've seen our test scores increase steadily since this program started, and although those results can certainly be attributed to a variety of factors, we believe our 1:1 program plays a significant role. If we lost the ability to provide high-speed broadband to our students, it would be like reverting back to before we had Mobile Citizen in the first place.

Additionally, our teachers rely heavily on video streaming, particularly for the younger grades. If our capabilities were restricted, it would most certainly put our youngest students at a disadvantage.

We even leverage the Internet beyond the classroom to facilitate the parent-student pickup process outside our school where Internet isn't available. Every day students line up for blocks to pick up their children, a process that is frustrating and potentially unsafe if not managed properly. Our school staff use the Internet to communicate with teachers and students to anticipate next in line parents so we can keep the process going as smoothly as possible.

As you can see, we pack a lot of learning into a typical day and are therefore dependent on our laptops and Internet technology for things to go smoothly. If the Internet is slow, so is our process, and that would mean us having to set the laptops aside and go back to the chalkboard. Simply put, we need modern speeds for modern learning.

A handwritten signature in black ink, appearing to read "Nathan Bolton".

Nathan Bolton
Education Technology Administrator
Explore Knowledge Academy

5871 Mountain Vista Street ~ Las Vegas, NV 89120

Phone (702) 870-5032

Elementary FAX (702) 871-5032 ~ Secondary FAX (702) 547-9068

EXHIBIT

E



6903 Oak Street
Kansas City, MO 64113
USA

TEL 816 361 7735
FAX 816 361 5788
AcademieLafayette.org

September 23, 2015

Academie Lafayette is a French immersion charter school, many of our teachers are from other countries and arrive here needing housing, a car, furniture and anything else they may not have been able to bring with them from home. In these cases, we offer Mobile Citizen's service because we can get them Internet access almost immediately once they've arrived in Kansas City. They don't have to wait to have a permanent residence, bank account or proper English for contacting customer service to set up their own account with an Internet provider.

Having immediate Internet access is not only convenient, it is essential for getting their work done. Much of their preparation for class is done at home and on their own time. It helps them get their day-to-day work done without having to be stuck at school into the evening after school is finished-- finding resources online for lessons, communicating with parents and other staff via e-mail and required trainings, among other things, are all important parts of being a teacher that can only be done online and can't necessarily be focused on between 8 and 4 PM during the regular school day.

Our teachers don't tend to stay in one place. They may be in a situation where they know they will move from one living situation to another over the course of their first year(s) as they get to know the city better and find the right housing and services for them. So the flexibility of the Mobile Citizen devices and service is an added benefit.

Lastly, we know our international staff use the Internet stay in touch with friends and family overseas using websites like Skype. It is an important benefit for our teachers who do so much for our students while being so far away from their friends and family.

Our primary focus is on getting Internet access to teachers, however there has been an additional need to offer it to our families who do not have Internet at home. Much of our school work and parent-school communications are done almost exclusively online now, so having a reliable option for both teachers and families has been important to us.

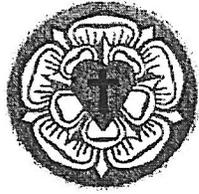
As someone who has had direct experience using the service, and as the coordinator of our Internet program for teachers, I can tell you that when the service isn't as fast or as reliable as one would expect, I hear about it. If the access or usage was restricted even further, I don't imagine it would be very useful. These days it is very hard to get by without reliable Internet. Even for simple things like checking e-mail, especially if there was an attachment or a video or voice message as in the case with how our school delivers voicemails, a slower connection would be prohibitive.

With everything that is expected of teachers outside of the regular 8-4 work day, the least we could do is offer them unlimited and unrestricted Internet that allows them to accomplish everything they need and want to for our students.

Jessica Wallace
Académie Lafayette

EXHIBIT

F



www.ilcs.us

Church

1013 Cottman Avenue
Philadelphia PA 19111
215-342-8203

Pastor

The Reverend R. Don Wright

School

1015 Cottman Avenue
Philadelphia, PA 19111
215-725-7265

Principal

Douglas Puls

Business Manager

Janice Reiff

Immanuel Evangelical Lutheran Church and School
A Middle States and ELEA Accredited Elementary School

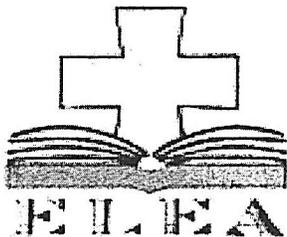
September 18, 2015

We have a Bring Your Own Device (BYOD) policy at Immanuel Lutheran School. We provide the Internet via a broadband modem in each of our five classrooms. Each modem connects up to eight devices so we ensure each modem is fully leveraged by the teachers and special education students who rely on them.

As a small parochial school, we have to scrimp and pinch to make ends meet. Thanks to our hotspot modems and affordable broadband from Mobile Citizen, we can integrate technology into our instruction without worrying about how much it will cost or how much we can use.

We are very concerned, however, about what we would do if we lost this service, or if it was restricted in any way. Teachers who utilize live streaming of documentaries or download important web-based curriculum for learning enrichment would be paralyzed and our students would suffer.

Douglas Puls
Principal



Building Trust in Education

EXHIBIT

G



*Irvington Community Schools
Office of the Director of IT
5751 University Avenue
Indianapolis, IN 46219*

9/23/2015

To Whom This May Concern:

School Officers

*David J. Nidiffer,
CEO/CFO*

Tim Mulherin, COO

Board of Governors

*Jeffrey M. Lozer
(Chair)*

*Geoffrey Slaughter
(Secretary)*

*Michael A. Welch
(Executive Committee)*

Loryn Venekamp

John Britain

Barato Britt

Peggy Campbell

Stephanie Kelly

Chris Welty

I believe that more learning happens after 3 p.m. and before 8 a.m. – the typical school day – than we realize. For Irvington Community Schools, that meant exploring a 1:1 computer program that would require all students to have the appropriate equipment and Internet access. When I first started evaluating what was involved in moving to such a platform, I realized that we would have to offer a solution that would allow for equal access for all students. We would therefore need to address the “digital divide” that exists among the nearly 900 families who have students in our three schools in grades K-12. However, what I didn’t realize was that I would first have to address the digital divide that existed among our teachers.

I discovered that quite a few of our teachers did not have Internet access at home, so they had to stay at school, sometimes late into the night, to prepare lesson plans, create content for curriculum, and input grades. Although they were doing what they needed to do to keep up with their work, it was at a significant cost to their personal life. We believe that well-rested and content teachers are better teachers. So we needed to find a way in which they could do their work, if needed, remotely from home. With Mobile Citizen’s offering, we’ve been able to do just that. Having access at home was one thing; what our teachers realized they could do with the Internet was entirely another.

They began to develop innovative curriculum in anticipation of our future 1:1 program, leveraging their Internet access – which was also mobile – in the classrooms to engage students in project-based learning. In these instances, teachers encouraged student-led classrooms in which students were tasked with becoming knowledgeable about a specific topic. The students relied on Internet access for the research and delivery of their assigned topic, which is now a common practice. One of the many features our learning management system gives teachers is the ability to make video comments on assignments that require a significant amount of data. Both our teachers and our students love this feature. Being able to tell a student via video that he/she did a great job on a project versus putting it in an email or writing it on an

*The Irvington Way
Be Respectful, Be Responsible, Be Safe, Be Involved and Be Focused*

assignment has proven to be a powerful teaching method and engagement tool. Since this program requires so much data, we unfortunately wouldn't be able to continue it if our bandwidth was restricted.

You can see that we are working to create an atmosphere where connectivity is available to as many people as possible in the largest window of time, and that requires unlimited, unfettered, reliable access. The technology is available and there is not a good reason we should be depriving our students and teachers the access to success.

Chris Ashmore
Technology Director
Irvington Community Schools
5751 E. University Ave.
Indianapolis, IN 46219

EXHIBIT

H

Twin Cities Campus

*UNITE Distributed Learning
College of Science and Engineering*

*514 Vincent Hall
206 Church Street S.E.
Minneapolis, MN 55455-0134*

*612-624-2332
FAX 612-626-0761
email unite@cs.umn.edu
web: www.unite.umn.edu*

September 22, 2015

Since 2011, we have relied on a CLEAR Out Door Unit (ODU) to provide high-speed mobile broadband service to the entire 4th floor of University Square in the Rochester area. This serves as a backup connection for Rochester students, staff and faculty working outside of the university's network. It also provides other neighboring companies the access they need to conduct classes, meetings and seminars. A single device has been used to provide an average of 30-40 GB per month, or more than 70 GB of data a month during peak periods. The service is tremendously useful to the campus and there is no scheme where using multiple devices/accounts to throughput that much data is feasible.

In the St. Paul-Minneapolis market, where our service has been "updated" to Sprint service for about 120 users, I receive frequent Sprint Usage Alerts; often three usage warnings in a single day or after a weekend of use. I then have the difficult job of passing on the alerts to our users and must apologize for the "inconvenience" the extensive throttling after 6GB has on their productivity. Of course, I also have users here who refuse to update from Clearwire to Sprint until the last possible minute, when Clear goes dark, because they need more than 10 times data allowed to perform their jobs. If we cannot get this resolved we will end up with users walking away from the service, as the service cannot meet their needs.

As an EBS licensee, I have worked with both Clear and Sprint. Unfortunately, dealing with Sprint support is quite a step down (to consumer level) from the professional level of Clear. Support from Clear was quick and knowledgeable. Sprint support is hampered by being consumer-level first-tier support covering all Sprint devices and services and unable to help with some issues because of our "Spectrum Barter" account type. For example, I've had six of 50 Wi-Fi device batteries fail. Phone support couldn't help me because a Sprint repair facility needed to verify the issue. The local store said they couldn't do anything because of the account type. Fortunately, they were able to side-step the issue by treating it as a warranty issue. After the third failure, working with phone support and the store they were willing to keep some stock of the batteries on hand locally in case of future failures.

We respectfully request a better offer to be able to meet the needs of our students, staff and faculty, and that Sprint's service be improved to the level of service we, as an EBS licensee, expect and deserve.

Michael Thompson, Facilities Manager
UNITE Distributed Learning
University of Minnesota
514 Vincent Hall
206 Church St SE
Minneapolis, MN 55455

EXHIBIT

I

Brian Blodgett

West High Bands
241 N. 300 W.
Salt Lake City, UT 84103
Phone (801) 578-8500 x109
Fax: (801) 578-8524
brian.blodgett@slcschools.org
staff.slcschools.org/bblodgett



September 3, 2015

I work with West High School in Salt Lake City. Internet access is a critical element in keeping our school and our students up-to-speed with technology and consistent with what students should expect from their school. Without it, we would certainly feel the impact, but more importantly, the long-term ripple effects to our students would be immeasurable. We may not see the impact immediately, but years down the road. Students lacking access to the baseline educational benefits the Internet affords today, could not compete to gain admission to colleges, therefore losing their ability to compete in the workplace.

I am committed to providing the best experience for my students to prepare them for the digital, cloud based future. In my situation, I use online curriculum where students have access to all content digitally as well as audio and video examples. This is critical in a music classroom to see and hear what your instrument looks and sounds like. I also uses an online interface for students to submit recordings and playing assessments. We only have one classroom computer, so it is necessary for students to bring their own devices and use the mobile broadband to complete their lessons.

In addition to these concerns for my classroom, my fellow teachers expressed how they rely on unlimited access to mobile broadband day-to-day:

For me, it isn't just about having unlimited broadband, which I know is important to students and teachers. It's about having equal access to unlimited broadband that is also affordable. If it isn't affordable, the potential for equal access goes away.

Sydney A., Teacher

I teach and tutor refugees and other English Language Learner students. I rely on broadband to quickly help students in class, for looking up maps, photographs, definitions, etc. I've been considering using Skype to 'meet' with off-campus sources. With limited access, I could not rely on broadband for when and where I or we need it.

Michael S., Teacher

I teach geography, which includes a lot of video and graphs that require significant bandwidth. Students learn better when they have access to current information. Limiting access would be problematic for students that need to focus on current trends and patterns. It would also delay my ability to get feedback to students, potentially long after we've moved on to a new unit. And this would make it difficult for students to understand and track with the progression of what they are learning.

Sandra T., Teacher

All of my administrative work is done outside of the classroom. I don't have a reliable Wi-Fi connection at my apartment. Since all of my administrative work – lesson planning, grading, student record management and research teaching prep – is done outside of the classroom, I am dependent on the unlimited access I have from Mobile Citizen.

Marene S., Teacher

High-speed broadband, specifically mobile broadband, allows me to do my work after hours. In fact, I get more than 5 hours of work done each week during my train commute to/from work alone. That time is invaluable as I grade papers and input grades. Cutting-edge technology like this allows me to do my work more efficiently, which ultimately benefits my students.

Steve B., Teacher

These are just a few examples of how our school leverages broadband Internet for education. Taking it away would move us and our students backwards. Limiting access would make the service useless for part of the month and students would lose valuable class time. Additionally, students would not have a good experience on Sprint 4G LTE and that may affect their decision in purchasing a mobile service in the future when they get to be consumers.

Thank you for your time and your service to the educational needs of our students. I hope you will be able to find resources to invest in your future as well as these students.



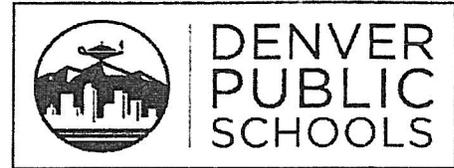
Brian Blodgett, Teacher
West High School
241 N. 300 West
Salt Lake City, UT 84103

EXHIBIT

J

Kirk Anderson

Director of Educational Technology
Denver Public Schools
1860 Lincoln St.
Denver, CO 80203
Kirk_Anderson@dpsk12.org
720-423-3816



Discover a World of Opportunity™

October 12th, 2015

To Whom It May Concern:

We have 5,500 teachers in the Denver Public Schools system where thankfully we have a robust and reliable wireless Internet network. Where we tend to struggle is when our teachers travel outside our network and require that same level of service to do their work. That is where Mobile Citizen comes in.

One example of why we need equal and unlimited Internet access outside network is our Student Learning Objectives (SLO) program. The program is one part of how we measure teaching success. To support this program, we have pulled teachers off-site, 100 at a time, to do professional learning and build SLOs. In those situations, we have been dependent on the 20 modems from Mobile Citizen to create a multiplier effect, so these 100 teachers can be connected and complete their professional development, all at the same time. The volume requires bandwidth.

Our teachers have come to expect this degree of reliability in the classroom. There is no reason they shouldn't expect the same beyond the classroom.

Sincerely,

A handwritten signature in black ink, appearing to read "Kirk Anderson". The signature is fluid and cursive, with the first name "Kirk" and last name "Anderson" clearly distinguishable.

Kirk Anderson
Director of Educational Technology, Denver Public Schools

EXHIBIT

K

Living 2 Learn

Learning Made Fun!

September 21, 2015

I operate a small business, **Living 2 Learn**, which facilitates after-school programs for youth and teens in underserved communities. These programs use computers and technology to engage the youth and teach valuable skills. Unfortunately, many of the communities that I work in don't have the broadband technology or Wi-Fi that I need to facilitate my technology programs. Fortunately my 4G hotspot has unlimited data which allows me to operate the technology program! This SMALL device makes a HUGE impact in communities where technology resources are non-existent or limited at best. Please consider the impact that changing this would have on my business, the youth and underserved communities. Know that your company is making an impact at bridging the digital divide. Feel free to visit Living 2 Learn on Facebook to see for yourself.

Thank You,



Clarence Hogan
Living 2 Learn
PO Box 1806
Chicago, IL 60609

EXHIBIT

L



give help save

September 18, 2015

Overview

PCs for People is a digital inclusion program providing low cost computers, computer repair, Internet and support to people living below the 200% poverty level. Our average recipient is a family of three with an income of \$12,000 per year. We have distributed over 40,000 computers since we began in 1998.

In 2012 we established a partnership with Mobile Citizen and in 2014 with Mobile Beacon to offer \$10 per month high speed, unlimited Internet on CLEAR's network. This has been great for closing the digital divide. Since starting we have connected over 14,000 households, which results in approximately 42,000 connected individuals. Information is a great equalizer and coupling our computers with Internet has the power to lift the families we are helping out of poverty.

Service Issues

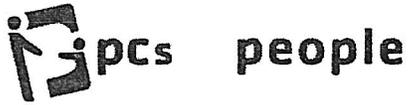
Currently, Clear's network is slowly being decommissioned. This has caused service gaps and saturated towers (slow speeds) for many of our clients. As service has degraded, several thousand clients have decided to stop using their Clear service and wait for the Sprint transition. The remaining loyal customers are dealing with service issues thinking these are temporary problems and the switch to LTE will solve all issues. This is concerning for us, as the goal of our program is digital inclusion and access to information, not frustrations and disconnecting due to network issues.

No Devices

Beyond service challenges, another larger issue is devices. In order to provide service we need devices. Mobile Citizen and Mobile Beacon have expressed issues with the ability to order low cost/affordable devices. It is unclear what device we will be using and at what price point. Our recipients average \$12,000 in income each year. They struggle to meet the basic necessities of life and have to plan months in advance for any expense. We need to be able to provide specific information to each client so they can save and plan.

Data Caps

All test LTE devices have been throttled between 6-9 GB each month. Upon calling Sprint's customer service we are informed that Sprint does not throttle any devices and informed us not to not use the device during peak times to get better performance. Speeds are 20-45 Mbps uncapped anytime of the day and .25 once data caps have been reached. This has been consistent on all 5 test devices and time of day and location have no effect on speed. 6GB of data may be adequate for mobile use, but that is not how our clients are using their devices. These are home devices and in many cases, a family of eight uses it as their only Internet connection. There are multiple scenarios where our clients could use the 6 GB of data before doing any homework, job searching or web browsing. If a family has not used their computer for months while waiting for our Sprint LTE service to be available, Windows updates could easily use 6 GB of data. Windows computers also automatically download Window 10, which is another 6GB. In a worst case scenario a user with two computers could deplete 4 months' worth of data on Windows updates and upgrades. Our service is supposed to even the playing field for kids and their schoolwork. A child on dial-up (throttled internet) is not on an even playing field with his higher income peer on broadband.



give help save

Future

Our needs are simple. We need devices, a simple system and competitive service. We currently have offices in Denver, Minneapolis, and Mankato, Minnesota. We have already had to close one office (in Fargo) due to the delays in this transition. We have been requested to open new offices in Philadelphia, Atlanta and Oakland, California. This growth depends on having Internet to supply to our clients. Hundreds of thousands of families can benefit from our service and a home Internet connection, most for the first time.

Systems, data caps and processes should not be what restrict a family from joining the digital world. Our business has been built to supply computers and Internet. Internet is currently half of what we do. Without it not only will 24,000 kids lose their connection, but instead of growing PCs for People will downsize.

Casey Sorenson, Executive Director
PCs for People
1481 Marshall Ave.
St. Paul, MN 55104
www.pcsforpeople.com
csorensen@pcsforpeople.com
Cell: 612-567-8435