

BEFORE THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

In the Matter of the Application for Wisper ISP            )  
Inc. For Designation as an Eligible                            )  
Telecommunications Carrier for Purposes of                )  
Receiving Federal Universal Service Support                )  
From the FCC Connect America Fund – Phase II.            )            Docket No. 19-WIIZ-225-ETC

**AMENDED APPLICATION OF WISPER ISP, INC. CONCERNING ITS  
DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER  
IN KANSAS**

Now comes Wisper ISP Inc. (“Wisper” or “the Company”) and pursuant to the Telecommunications Act of 1996, 47 U.S.C. §214(e)(2) (the “Act”) and the rules of the Federal Communications Commission (“FCC”) 47 C.F.R. §54.201, hereby files this Application amending its previous application filed in this docket on December 19, 2018 (“Revised Application”), and granted by the Kansas Corporation Commission (“Commission”) by Order issued February 14, 2019 (“Order”). Wisper is amending its Revised Application to correct one error. The Revised Application incorrectly stated that in the Connect America Fund (“CAF”) Phase II auction, Wisper committed to offer 25 Mbps download and 3 Mbps upload with low-latency service of 100 milliseconds or better in all its Kansas Census Blocks.<sup>1</sup> Wisper’s commitment was actually 100 Mbps download and 20 Mbps upload with low-latency service of 100 milliseconds or better. Wisper hereby makes this correction to its Revised Application and provides the information below supporting its Amended Application at that speed level.

Other than this modification, the Revised Application remains unchanged. As such,

---

<sup>1</sup> Revised Application, Section IV. B. The Revised Application did not have page numbers, but this reference can be found on the 13<sup>th</sup> page of the document.

Wisper incorporates the Revised Application into this Amended Application as to all parts not specifically modified by this Amended Application and will not restate those unchanged parts in this document unless such restatement is helpful or for purposes of confirmation.

## I. BACKGROUND

1. Wisper is an Illinois corporation, having a principal place of business and mailing address of 9711 Fuesser Road, Mascoutah, IL 62258. Wisper has been granted a certificate from the Commission to provide Competitive Local Exchange (“CLEC”) service in Kansas.<sup>2</sup>

2. By *Public Notice* dated August 28, 2018, the FCC provisionally selected Wisper for CAF support of one hundred ninety-six (196) census blocks in fifty-one (51) census block groups covering four hundred and fourteen (414) customer locations in eastern Kansas.<sup>3</sup> Pursuant to the *Public Notice*, Wisper was to obtain a high cost ETC designation covering its winning bid areas from all states wherein such bid areas are located.<sup>4</sup> The FCC rules state that ETC designation is to be obtained by February 25, 2019, unless waived for good cause. Thus, in order to ensure the Company is eligible to obtain federal universal service fund (“USF”) support necessary to expand its high-speed broadband and voice services to the residents of rural Kansas, Wisper sought ETC designation from the Commission.

3. As stated above, Wisper’s Revised Application contained an error by incorrectly stating that Wisper had committed to offer 25 Mbps download and 3 Mbps upload in all its Kansas Census Blocks, when Wisper’s commitment was actually 100 Mbps download and 20 Mbps

---

<sup>2</sup> *In the Matter of the Application of Wisper ISP, Inc. for a Certificate of Convenience and Authority to Provide Local Exchange Service Within the State of Kansas*, Docket No. 19-WIIZ-280-COC, Order issued March 19, 2019.

<sup>3</sup> *Connect America Fund Phase II Auction (Auction 903) Closes Winning Bidders Announced FCC Form 683 Due October 15, 2018*, WC Docket No. 10-90, DA 18-887 (August 28, 2018) (“Winning Bidder Announcement”).

<sup>4</sup> *Id.*, at fn. 11.

upload. This Amended Application corrects that error and provides information necessary to allow Staff to confirm its previous recommendation that designating Wisper as an ETC is consistent with statutory and regulatory requirements and the public interest.<sup>5</sup>

4. Wisper respectfully requests that the Commission expeditiously issue an Order granting this Amended Application. As already explained above, the FCC rules require ETC designation be obtained by February 25, 2019, unless waived. Wisper obtained its ETC designation from the Commission prior to the deadline date. Wisper respectfully requests expedited action so that it can complete the necessary steps to obtain federal support for deployment of broadband service to the designated unserved areas of Kansas. Therefore, a quick resolution on this correction is important for Wisper and for Kansas.

5. In addition to signatory counsel below, all correspondence, communications, pleadings, notices, orders and decisions relating to this Application should be addressed to:

Mark Albertyn  
Chief Financial Officer  
Wisper ISP, Inc.  
9711 Fuesser Rd.  
Mascoutah, IL 62258  
800.765.7772  
[malbertyn@wisperisp.com](mailto:malbertyn@wisperisp.com)

## **II. WISPER'S AMENDED APPLICATION IS IN THE PUBLIC INTEREST**

### **A. Wisper's Financial and Technical Ability**

6. After amending Wisper's Revised Application to reflect that it has committed to speeds of 100 Mbps download and 20 Mbps upload, designation of Wisper as an ETC continues to be consistent with statutory and regulatory requirements and the public interest in Kansas.

---

<sup>5</sup> Staff Report and Recommendation in this docket dated January 25, 2019 ("Staff's R&R"), attached to the Order.

7. Wisper has been provisionally chosen by the FCC to receive \$1.6 million in CAF funds to support broadband deployment in the designated areas of Kansas. In the CAF Phase II auction, the FCC permitted bidders to select from among four performance tiers (for speed and data usage) and two latency tiers. For its Kansas Census Blocks, Wisper committed to offer 100 Mbps download and 20 Mbps upload. In all designated Census Blocks, Wisper will provide low-latency service of 100 milliseconds or better.

8. Pursuant to the *CAF II Auction Procedures Public Notice*<sup>6</sup>, winning bidders must be deemed financially qualified, as evidenced by the submission of a letter of credit commitment letter by November 5, 2018, and a letter of credit and opinion letter that ensures and confirms the FCC's ability to recover funds in the event of non-compliance with certain program requirements.<sup>7</sup> Winning bidders also must submit a detailed technology and system design description, including a network diagram that must be certified by a professional engineer.<sup>8</sup> The professional engineer must certify that the network can deliver voice and broadband service that meets the requisite performance requirements to at least ninety-five (95) percent of the required number of locations in each relevant state.

9. Wisper submitted to the FCC the above information establishing that Wisper is financially and technically able to provide service at the 100/20 speed level. Wisper was the second highest recipient in Phase II Connect America Funds with the FCC awarding Wisper funds to provide broadband to rural areas in six states: Arkansas, Kansas, Illinois, Indiana, Missouri, and Oklahoma.

---

<sup>6</sup> On February 1, 2018, the FCC adopted final rules for the auction, which utilized competitive bidding to allocate up to \$1.98 billion of support over 10 years. See *Public Notice*, "Connect America Fund Phase II Auction Scheduled for July 24, 2018; Notice and Filing Requirements and Other Procedures for Auction 903, 33 FCC Rcd 1428 (2018) ("*Phase II Auction Procedures Public Notice*").

<sup>7</sup> See 47 C.F.R. § 54.315(b)(3). See also *Connect America Fund*, Report and Order and Further Notice of Proposed Rulemaking, 31 FCC Rcd 5949 (2016) ("*Phase II Auction Order*") at Appendix B.

<sup>8</sup> See 47 C.F.R. § 54.320(d).

**B. Wisper's Voice and Broadband Plans**

10. Wisper's residential digital voice service plan is \$25.00 with Wisper broadband and \$30 without. Lifeline customers will receive the \$9.25 benefit, lowering the price to \$15.75 per month or \$20.75 respectively. The customer can use its own VoIP-enabled phone, pay an additional fee to use the service's mobile app, or purchase a phone from Wisper. Lifeline customers will receive all of the same features as a non-Lifeline customer. Features include call waiting, caller ID, call forwarding, call transfer, voicemail, and free long distance in the U.S. All of Wisper's calling packages in Kansas will allow for unlimited local calling and unlimited domestic calling in the continental United States, as represented by Wisper in response to Staff's previous discovery (RFI 3) and reflected in Staff's R&R, page 5. Wisper's pricing of its basic residential voice service is within the reasonable comparability benchmark, and its local usage offered is clearly comparable to AT&T's and CenturyLink's service offerings.

11. As represented in Wisper's Revised Application, Wisper will implement Lifeline in compliance with all FCC and Kansas Commission rules and standards.

12. Wisper deploys the latest in fixed wireless broadband technology. The Company offers high speed connectivity with military grade security and adjustable speeds to both residences and business in its coverage area. Wisper offers the following broadband plans:

<b>Broadband</b>			
<b>Current Plans</b>	<b>Speed</b>	<b>Price</b>	<b>Lifeline Pricing</b>
US	10 Mbps Download / 2 Mbps Upload	\$59.99	N/A
Pro	15 Mbps Download / 3 Mbps Upload	\$84.99	N/A
Ultra	20 Mbps Download / 4 Mbps Upload	\$99.99	N/A
Custom	30+ Mbps Download / Customized Upload Speeds	Custom	N/A
<b>Proposed CAF II Plans</b>			
TBD	25 Mbps Download / 5Mbps Upload	\$60.00	N/A
TBD	50 Mbps Download / 10Mbps Upload	\$80.00	N/A
TBD	100 Mbps Download/ 20 Mbps Upload Speeds	\$100.00	N/A
Custom	Up to 10 Gbps Download	Custom	N/A

Wisper's voice and broadband service offerings all meet or exceed the FCC's minimum standards.

### **III. CLOSING AND SUMMARY OF REQUEST**

13. As stated above, Wisper affirms its Revised Application as to all matters not modified herein and incorporates the same into this Amended Application. The only modification to the Revised Application concerns changing the 25 Mbps download and 3 Mbps upload

representation in the Revised Application to 100 Mbps download and 20 Mbps upload. Incorporating that change, Wisper has confirmed above that it still possesses the necessary financial and technical ability to perform as an ETC in Kansas and that its pricing of basic residential voice service is within the Commission's reasonable comparability benchmark and Wisper's broadband service offerings meet or exceed the FCC's minimum standards.

14. Granting this Amended Application and confirming Wisper's designation as an ETC will serve the public interest by facilitating the FCC's goal of developing voice and broadband networks in rural, high-cost areas. Processing this Amended Application in an expedited manner will serve the public interest by ensuring that the Company remains eligible to receive federal USF support, including through the FCC's high-cost program for which Wisper has already been declared a winning bidder. Absent designation as an ETC, the federal funds will not come to Kansas and instead will be reallocated to a later FCC high-cost program.

15. For the reasons set forth above, Wisper respectfully requests the Commission issue an Order approving this Amended Application and confirming Wisper's designation as an ETC in Kansas as expeditiously as possible to avoid problems this technical error in the Revised Application might cause that could negatively impact the FCC's award of CAF funds to Wisper for the State of Kansas.

Respectfully submitted,

*/s/ Glenda Cafer*

Glenda L. Cafer (KS Bar #13342)  
Cafer Pemberton LLC  
3321 SW 6<sup>th</sup> Avenue  
Topeka, KS 66606  
Office: (785)271-9991  
Fax: (785)233-3040  
Email: [glenda@caferlaw.com](mailto:glenda@caferlaw.com)

**COUNSEL FOR WISPER ISP, INC.**

VERIFICATION

STATE OF ILLINOIS )  
 ) ss  
COUNTY OF St. Clair )

Nathan Stooke, of lawful age, being first sworn upon oath states: he is Chief Executive Officer of Wisper ISP, Inc.; he has read the above and foregoing Amended Application; knows the contents thereof, and states that the information contained therein is true to the best of his knowledge and belief.

Nathan Stooke  
Nathan Stooke, Affiant

Subscribed and sworn to before me this 9<sup>th</sup> day of September, 2019.

Leah Edler  
Notary Public

My appointment expires: 08/28/2022





**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that a true and correct copy of the above pleading was electronically served this 9<sup>th</sup> day of September, 2019 to:

Walker Hendrix, Litigation Counsel  
Kansas Corporation Commission  
1500 SW Arrowhead Road  
Topeka, Ks. 66606

Kristopher E. Twomey, Attorney  
Law Office of Kristopher E. Twomey, P.C.  
1725 I Street, NW, Suite 300  
Washington, DC 20006

Mark Albertyn  
Chief Financial Officer  
9711 Fuesser Road  
Mascoutah, IL 62258

*/s/ Glenda Cafer* \_\_\_\_\_

Glenda Cafer