

## A SPRINT NETWORK STANDOFF COULD KILL AFFORDABLE INTERNET FOR THOUSANDS, THE VERGE

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When Sprint retires an aging network early next month, it will effectively be shutting off affordable internet access for thousands of Americans, a lawsuit filed yesterday alleges.

The suit revolves around WiMAX, a 4G candidate in competition with LTE. Last year, Sprint announced it would be shuttering its WiMAX network in favor of the LTE standard. But tied to WiMAX are nonprofits behind two projects, Mobile Beacon and Mobile Citizen. The nonprofits provide affordable broadband access to low-income areas and educational institutions across the country, and they say Sprint has made it impossible to switch to LTE.

### THE LAWSUIT CLAIMS PROBLEMS STARTED WHEN SPRINT TOOK OVER

The nonprofits suing the company have spectrum — airwaves, essentially — that were granted to them by the FCC for educational uses. In 2006, the nonprofits cut a deal with the telecom Clearwire, which provided service through WiMAX. The nonprofits leased part of their spectrum to Clearwire so the company could build out its coverage. In exchange, the nonprofits received cash payments, access to a network, and equipment — usually mobile hotspots — that could be resold to schools, libraries, low-income social programs, and other nonprofit institutions at a discounted rate.

But Sprint fully acquired Clearwire in 2013, and according to the lawsuit, problems came soon after. Sprint has allegedly put up technical roadblocks that have made the switch to LTE unfeasible, potentially blocking low-income institutions from migrating to the new standard and depriving the poor of their only means of internet access.

Sprint announced last year that it would shut down its WiMAX network on November 6th of this year. When it made the announcement, the company allegedly sought new contract terms to switch the nonprofits over to LTE ahead of the planned shutoff date. The nonprofits have maintained that Sprint is straying from the terms of the deal it inherited from Clearwire, and which it's bound to uphold.

The dispute wore on toward the deadline, and in March, a temporary "bridge" agreement was made that would migrate 30 percent of the nonprofits' accounts to the new network. But Mobile Citizen and Mobile Beacon say the switch was a disaster for the programs that participated.

Sprint, they say, began to unfairly throttle internet traffic for users, capping schools' data, for example, at 6 GB, far below what they need to operate. After users met that threshold, Sprint allegedly slowed speeds to 256 Kbps, or about half of what the FCC recommends for basic web browsing. According to Mobile Beacon and Mobile Citizen, Sprint doesn't offer such low-quality service to any of its customers — and, they say, it's bound by contract to offer them the best available service. The nonprofits also allege that Sprint said equipment was "out of stock" when organizations needed it, and that it hasn't adequately provided the technical support necessary for the affordable access programs to work. Some

customers who made the switch were left with such a headache that they had to search for service elsewhere, or end their low-cost internet programs entirely, says Katherine Messier, managing director of Mobile Beacon.

#### THE NONPROFITS SAY THE SHUTDOWN WILL AFFECT 300,000 AMERICANS

Messier points to examples like libraries, which provide thousands of hotspots through an affordable access program that may be in danger. Other programs that made the switch have canceled their service entirely. "It's really a crisis for them," she says.

Ed Garcia, library director at Rhode Island's Cranston Public Library, says the library partnered with Mobile Beacon to buy affordable hotspots, and uses them for events, like digital literacy classes and remote library card sign-ups. But the library couldn't make the migration to LTE, he says, because Sprint didn't have available hotspots. Now, the library is waiting to see if their network access is shut off entirely. "I just think that it's another instance of a corporation just looking at their bottom line and not thinking about the people that can't afford access to the internet," he says.

When the WiMAX network goes dark after November 6th, it will affect what the projects calculate are 300,000 people across the country. Yesterday, the nonprofits sued for an injunction to keep the WiMAX network running, and are seeking an order to force Sprint to put them on the LTE network under the terms they say they're entitled to.

A spokesperson for Sprint confirmed there was a dispute over contract terms, but denies that it's caused problems for Mobile Beacon and Mobile Citizen. The spokesperson told The Verge that some 75 percent of those on the WiMAX network have completed the transition to LTE ahead of the deadline, and says that the company engages in throttling of data-only devices for network management, but that it has tried to negotiate data usage terms with the nonprofits.

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Messier doesn't dispute that Sprint needs to manage its network, but says the nonprofits aren't being treated at the same level of other customers, as the contract stipulates. "We're not asking for special treatment, but we're asking that they get the same treatment and that they're not getting a lower class of service and put into the slow lane in another fashion." She says discussions with Sprint are continuing, but that pursuing legal action was necessary as the deadline approaches.

Sprint declined to discuss details of the contract on the record, citing confidentiality. But the plaintiffs in the suit did not have the same qualms. John Schwartz, the president of Voqal, which runs the nonprofit organizations behind Mobile Citizen, says the 2006 contract was meant to be binding for 30 years, pending some benchmarks. Sprint, he argues, has attempted to retroactively force a new, unfair plan on the nonprofits.

If the WiMAX network goes dark now, the organizations behind Mobile Beacon and Mobile Citizen will be "destroyed," he says, with many customers losing their one available means of internet access in the process. "We have no illusions that a big legal battle with Sprint is going to be fun."

As for the plan if the injunction fails and the network is shut down: "That is going to be a real mess," Schwartz says.