

NONPROFITS SAY SPRINT'S WIRELESS SWITCHOVER HURTS POOR INTERNET USERS, BETABOSTON.COM

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A group of nonprofits that lease their airwaves to Sprint in exchange for free and low-cost service for 300,000 people have asked a Massachusetts judge for an emergency injunction to prevent it from shutting off the service next month.

Mobile Beacon and Mobile Citizen, which are run by several US nonprofits and provide Internet service to schools and religious and health groups, are seeking an emergency injunction in Suffolk Superior Court to enforce agreements that they say require Sprint to keep a legacy Internet system online. Sprint plans to shut down the network, which uses a once-promising technology called Wimax to transmit data over the airwaves, in early November.

Both sides claim they're operating in good faith. The nonprofits, which own the rights to use part of the wireless spectrum in certain markets through a government program, leased most of their airwaves to a company called Clearwire that was acquired by Sprint in 2013. In the nonprofits' telling, Sprint is bound to uphold agreements they signed with Clearwire, including a provision to provide "the best level of service" it provides to its paying customers.

Instead, they claim, Sprint has offered to provide data plans with a cap of six gigabytes of data a month before data speeds are slowed to a crawl, a practice known as "throttling." That amount is "absurdly short of the requirements of educational institutions and low-income individuals," according to a deposition filed last week by John Primeau, the head of Providence-based North American Catholic Educational Programming Foundation, Inc., which is one of the plaintiffs.

Sprint, for its part, said the nonprofits have known about the switch for more than a year and that it's they who will bear responsibility when their customers lose Internet access. Stephanie Vinge, a Sprint spokeswoman, said she couldn't comment on the nonprofits' allegation of throttling because of privacy agreements, but said the company has made "multiple offers" to try to resolve the dispute. Mobile Beacon and Mobile Citizen are simply trying to get a better deal than the other nonprofits that the company leases wireless spectrum from, she said.

"They could have transitioned their customers to LTE any time in the last year and a half," said Vinge. "They're resorting to PR scare tactics to try to resolve a commercial dispute."

The lawsuit was filed in mid-October, but the request for an injunction was filed late last week.

Only a sliver of the 300,000 people the nonprofits say will be affected live in or around Boston. About 1,000 of them are served through a program called Tech Goes Home that helps very poor families get Internet access for \$10 a month. But the case was filed in Massachusetts pursuant to provisions of the agreements the nonprofits signed with Clearwire.