

## NONPROFITS SUE SPRINT AS SHUTDOWN OF WIMAX NETWORK APPROACHES, KANSAS CITY STAR

By Mark Davis

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Nonprofit groups that help bring low-cost Internet service to schools and low-income families have sued Sprint.

The dispute and lawsuit were triggered by the pending shutdown of Sprint's WiMax wireless network. WiMax was Sprint's first foray into faster mobile Internet speeds but has since been supplanted by faster LTE, or Long Term Evolution, technology.

Sprint, based in Overland Park, plans to shut down the legacy WiMax network on Nov. 6.

The suit, filed Wednesday in Massachusetts state court, says shutting down WiMax would sever the Internet connections of more than 300,000 people served by the groups that operate under the names Mobile Beacon and Mobile Citizen.

Stephanie Vinge, a Sprint spokeswoman, said there essentially was a contract dispute.

She said the company had been trying to work with Mobile Beacon and Mobile Citizen to shift them to Sprint's LTE network. Other groups similarly using WiMax already have switched, she said.

"We are trying to keep the service on, not turn it off," Vinge said. "It can't take place without the cooperation" of Mobile Citizen and Mobile Beacon.

Katherine Messier, managing director of Mobile Beacon, said the groups had cooperated and "the door is still open" to reaching a solution.

Failure to resolve the situation could leave some families without Internet service.

"These are all people who live below the federal poverty line," said Michael Liimatta, co-founder and chief executive of Connecting for Good.

The Kansas City, Kan.-based group isn't suing Sprint, but it sells a \$10-a-month Internet service through Mobile Beacon that it gets from the suing nonprofits. The low-cost service uses the WiMax network, and Liimatta said WiMax's end would cut off that service for 150 area families.

Connecting for Good, formed in 2011, also provides free classes, low-priced refurbished computers and other equipment to help close the digital divide. Until March, it sold refurbished and inexpensive WiMax technology hotspots, hubs and other devices to area families so they could connect through Mobile Beacon.

“The people who bought them were normally people who couldn’t get Google Fiber, couldn’t get Time Warner, couldn’t get Comcast,” Liimatta said.

The suit stems from agreements between the suing nonprofits and Clearwire, which built and ran the WiMax network for Sprint. Sprint bought Clearwire in 2013.

Under the agreements, Clearwire had leased from the suing nonprofits licenses to use certain airwaves in running the WiMax network, the lawsuit said. The federal government had provided the licenses to the nonprofits to make airwaves available for educational uses, allowing them to lease out licenses they did not use.

As part of the agreements, Clearwire was to provide unlimited cost-free educational accounts that allow the suing nonprofits to provide low-cost service to their customers, the suit said.

The lawsuit claims Sprint, as Clearwire’s owner, is obligated to continue providing the same level of mobile Internet service beyond WiMax’s shutdown. It complains that Sprint is offering only limited use of its LTE network and seeks court orders to enforce its agreements.

Messier said a key point is the limit on how much data Sprint will allow on its LTE network. Messier said some schools using Mobile Beacon consume up to 500 gigabytes of data a month, but Sprint is offering only 6 gigabytes of data.

The lawsuit does not seek money from Sprint, noting that the agreements require financial disputes to be handled through arbitration.

The suing groups are North American Catholic Educational Programming Foundation Inc., which provides the Mobile Beacon service, and Instructional Telecommunications Foundation Inc., Portland Regional Educational Telecommunications Corp., Denver Area Educational Telecommunications Consortium Inc., Chicago Instructional Technology Foundation Inc. and Twin Cities Schools' Telecommunications Group Inc., which provide Mobile Citizen.

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