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Title **0111** 09/29/2022

by **David Soffer** in **Capital Projects Fund (CPF)** id. 32692676  
**Broadband Infrastructure Program: Phase Two**  
**Applicant Response Form**

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## Original Submission 09/29/2022

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Please provide your name: **David Soffer**

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Please provide your address: **4550 W. 109th St, Suite 115**  
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Please provide a phone number: **+18554827225**

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Please provide your email address: **david.soffer@wanrack.com**

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I am providing response comments related to the following application (choose one): **WANRack\_NWGardner**

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I am responding to the concern that this project: **Proposes to serve an area that already has service**

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Please describe:

**WANRack used Ookla speedtests for its review on both applications. These tests show the area is not served, mostly unserved and some pockets of underserved.**

**Speedtest by Ookla Global Fixed and Mobile Network Performance Maps was accessed on 9/8/22 from <https://registry.opendata.aws/speedtest-global-performance>. Speedtest® by Ookla® Global Fixed and Mobile Network Performance Maps. Based on analysis by Ookla of Speedtest Intelligence® data for Q2 2022 Fixed. Provided by Ookla and accessed. Ookla trademarks used under license and reprinted with permission.**

Please provide your response to the public comments received in the text box below:

**WANRack, LLC (“WANRack”) hereby responds to the public comments filed by Spectrum Mid-America, LLC, by its Manager, Charter Communications, Inc. (“Spectrum”) and Lumen Technologies, Inc. (“Lumen”) to WANRack’s application for Capital Project Fund support in Gardner, Kansas (Johnson County). We have had an opportunity to review these comments and believe they do not accurately reflect the level of service currently available to residential customers in the City of Gardner.**

**By way of background, WANRack initially approached the City of Gardner regarding a broadband development project due to its historical regard as a community whose connectivity needs have not been met by its current providers. This perception was immediately confirmed during preliminary discussions with members of the community, including the City Administrator and Mayor.**

**Spectrum**

**Spectrum claims in its public comments that it currently provides service to residential customers in Gardner project area at speeds of up to 1 Gbps /35 Mbps and therefore “serves” Gardner residents in accordance with guidelines established by the Kansas Office of Broadband Development (KOBOD). Independent third-party test results provided by Ookla and included with our application, however, indicate that very few of the census blocks in the WANRack Gardner project area are currently experiencing upload speeds of greater than the required 20 Mbps standard. Furthermore, the latency in every single one of these census blocks is 29 mS or greater and reflects a poor connection given the internet response time. These independent results clearly establish the claims by Spectrum of serving the residents of Gardner that WANRack is proposing to build to are misleading at best.**

**The letter from the City of Gardner in support of WANRack’s application further amplifies the urgent need for Gardner to increase connectivity. These factors do not reflect a solid partnership between provider and community that the residents of Gardner so richly deserve. The Gardner City Administrator emphasized to WANRack that building in this area would be of great help because “the project area is a high growth area, with several new subdivisions either just starting or getting ready to start in the fall. There will be in excess of 500 homes coming online.” We encourage KOBOD to speak with city officials to better understand this disconnect and obtain a clearer understanding of why a second service provider is so desperately**

needed for the City of Gardner to capitalize on its exciting economic opportunities.

#### **Lumen**

With respect to the comments provided by Lumen to WANRack's application, based on research done by WANRack and the City of Gardner, neither party could not identify a single residence to which Lumen provides any service today. While Lumen does provide residential service in areas where WANRack proposes building middle mile infrastructure, the purpose of this portion of our network is to enable and enhance the level and types of service WANRack is so excited to provide to residential customers in the northwest portion of the City of Gardner.

#### **Conclusion**

We ask that KOBD carefully analyze the data WANRack has provided. Please speak directly with officials of the City of Gardner, who are eager to have a new provider and have attempted multiple times in the past to make this happen. Finally, please help the City of Gardner begin to achieve served status along with helping to provide affordable connectivity to a community starving for better options. WANRack stands ready to work with KOBD and the City of Gardner to be a strategic partner providing valuable support to the city to help achieve its tremendous development potential in the very near future.

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Please provide supporting documents relative to your comments. Please submit multiple files as a ZIP file.

[Gardner\\_Speed\\_Block\\_Data.zip](#)

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**David Soffer**

By submitting this form for public comment and evidence to support your comment, you are accepting responsibility for the accuracy of the information submitted and that it is true and correct to the best of your knowledge. You agree to be contacted by the Kansas Office of Broadband Development, Kansas Department of Commerce should the need arise. Furthermore, by making this submission, you understand that Kansas Department of Commerce and the Office of Broadband Development reserve the right to publicly publish your comment and evidence provided. Falsification of information will result in rejection of future public comment submissions and could result legal action. Please type your name and today's date in the text box below.

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