

May 11, 2017

The Honorable Ajit Pai
Chairman
Federal Communications Commission
455 12th Street SW
Washington, DC 20544

Re: Ex Parte Submission, Restoring Internet Freedom, WC Docket No. 17-108

Dear Chairman Pai:

We are 19 non-profit municipal broadband Internet service providers (“Muni ISPs”) who operate in hard-to-serve areas and in competition with other providers. We also support an open Internet. We write to applaud you for initiating a proceeding to reverse the previous Federal Communications Commission’s (“Commission”) decision to classify broadband Internet access (“broadband”) service as a telecommunications service and impose on ISPs a completely vague and open-ended general conduct standard. By returning to light-touch regulation of broadband service, the Commission will give Muni ISPs incentives to invest in enhancing our networks and our deployment of innovative services at affordable prices while still ensuring consumers have unfettered access to the Internet.

As Muni ISPs, we were confounded that the previous Commission, in seeking to promote an open Internet, would resort to making us common carriers, subject to Title II utility-style regulation, and adopt such an overly broad and vague rule as the general conduct standard to oversee our offering of broadband service. At that time, many of us tried to convince the Commission that its approach was flawed because it would impose needless and significant burdens on us and because it was based on the unwarranted assumption that Muni ISPs have the incentive or ability to act anticompetitively.¹ We are almost invariably not the only provider in our local markets and face competition from private sectors providers. Our customers have choices and can opt for another provider if we degrade their Internet experience. Moreover, because we are effectively owned by our customers and responsive to them politically, we make sure their interests are the primary drivers of our businesses. We always provide our customers with unfettered access to legal content on the Internet. We never block, throttle, or impair our customers’ traffic nor engage in paid prioritization. We have always said we would adhere to any such principles adopted by the Commission, as we have been doing since the Commission first articulated its Internet Policy principles in 2005.² Yet, the Commission ignored the evidence, and imposed the straight-jacket of utility regulation, subjecting us to the constant threat

¹ See *Ex Parte* Letter from Randy Darwin Tilk, Utility Manager, Alta Municipal Broadband Communications Utility d/b/a Altatec et al., to the Hon. Thomas Wheeler, Chairman, Federal Communications Commission, GN Docket Nos. 14-28, 10-127 (Feb. 10, 2015).

² See *Appropriate Framework for Broadband Access to the Internet over Wireline Facilities et al.*, CC Docket No. 02-33, Policy Statement, 20 FCC Rcd 14986 (2005).

that the Commission or some other party may bring an enforcement action based on the “unknown and unknowable” general conduct standard.

The Commission’s action also has proven counterproductive. For the past two years, the substantial costs of the 2015 decision have harmed our businesses. Because these rules are so complex and so difficult to fathom, we must pay lawyers and consultants to provide advice and direction to minimize any risk that we will be judged after-the-fact to be out of compliance. Moreover, even with this advice, we often delay or hold off from rolling out a new feature or service because we cannot afford to deal with a potential complaint and enforcement action. As a result, our customers lose out on having access to innovations and new capabilities.

For Muni ISPs, no longer classifying broadband service as a telecommunications service subject to Title II and eliminating the general conduct standard will provide real benefits for our customer-owners with no downside. The cost of regulatory compliance will go down. The overhang from unreasonable and potentially arbitrary enforcement actions and the threat of rate regulation will be removed. As a result, we will have greater certainty that our investments and development of new services and features will pay off. And, this will happen as our customers continue to have the same open Internet experience the 2015 decision aimed to ensure. So, ultimately, your proposal’s great value is that it will achieve the aims of the 2015 decision without resorting to utility regulation or applying the unwarranted and vague general conduct standard to broadband services.

Thank you again for initiating this proceeding. You can count on our support.

Sincerely,

/s/
William Bottiggi
General Manager
BELD Broadband
150 Potter Road
Braintree, MA 02184
Approximately 2,750 Broadband
Customers

/s/
Vicky Fletcher
Business Manager
Bagley Public Utilities
18 Main Avenue S., Box M
Bagley, MN 56621
Approximately 250 Broadband
Customers

/s/
Brian Thompson
Director of Electric & Telecommunications
City of Monroe
215 N. Broad Street
Monroe, GA 30655
3,174 Broadband Customers

/s/
Ralph L. Potts
General Manager
Oberlin Cable Co-op
27 E. College Street
Oberlin, OH 44074
1,517 Broadband Customers

/s/ _____
Steve Timcoe
Superintendent – Telecommunications
Wyandotte Cable
3200 Biddle Avenue
Suite 200
Wyandotte, MI 48192
Approximately 5,500 Broadband
Customers

/s/ _____
Chad Lawson
Network Manager
Murray Electric System
P.O. Box 1095
401 Olive Street
Murray, KY
Approximately 5,500 Broadband
Customers

/s/ _____
Chad Cleveland
General Manager
Laurens Municipal Communications Utility
272 N. 3rd Street
Laurens, IA 50554
415 Broadband Customers

/s/ _____
Robert Patrick
Director of Public Service
CityLink - City of Wadsworth
120 Maple Street
Wadsworth, OH 44281-1865
4,429 Broadband Customers

/s/ _____
Phillip D. Chaney
General Manager
Scottsboro Electric Power Board
P.O. Box 550
Scottsboro, AL 35769
Approximately 5,000 Broadband
Customers

/s/ _____
Steven Pick
General Manager/CEO
Spencer Municipal Utilities
520 2nd Avenue East, Suite 1
Spencer, IA 51301
Approximately 4,000 Broadband
Customers

/s/ _____
Chris Schweitzer
General Manager
Auburn Essential Services
P.O. Box 506
Auburn, IN 46706
Approximately 2,400 Broadband
Customers

/s/ _____
Richie Arnold
CEO
Conway Corporation
P.O. Box 99
1307 Prairie Street
Conway, AR 72033-0099
19,625 Broadband Customers

/s/ _____
John Higginbotham
Assistant General Manager -
Telecommunications
Frankfort Plant Board
P.O. Box 308
Frankfort, KY 40602
Approximately 14,400 Broadband
Customers

/s/ _____
Ted L. Book
Director of Cable & Communications
EastonVelocity, A Service of Easton
Utilities
P.O. Box 1189
Easton, MD 21601-3122
Approximately 7,000 Broadband
Customers

/s/

Sal LoBianco
General Manager
Muscatine Power and Water
3205 Cedar Street
Muscatine, IA 52761-0899
Approximately 8,450 Broadband
Customers

/s/

Jackie Pratt
Marketing & Customer Care Manager
Shrewsbury Electric & Cable Operations
100 Maple Avenue
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Approximately 12,500 Broadband
Customers

/s/

Brian Skelton
President
Tullahoma Utilities Authority
901 S. Jackson Street
Tullahoma TN 37388
Approximately 3,200 Broadband
Customers

/s/

Loras Herrig
City Administrator
City of Bellevue
106 N. Third Street
Bellevue, IA 52031
Approximately 700 Broadband
Customers

/s/

Jeffrey C. Mills, P.E.
City Electrical Engineer
City of Bardstown, KY dba Bardstown Cable
Internet
220 N. 5th Street, STE 1
Bardstown, KY 40004-1453
Approximately 8,200 Broadband
Customers

cc: Commissioner Mignon Clyburn
Commissioner Michael O’Rielly