



FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, DC 20554

December 19, 2016

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Dear Ms. Baker, Ms. Bloomfield, Mr. Berry, Mr. Polka, and Mr. Phillips:

Thank you for your letters to the FCC regarding the small business exemption from the Title II Net Neutrality Order's "enhanced transparency" requirements and reminding everyone of the disproportionate impact of these requirements on smaller sized broadband providers.¹ As you know, we dissented from the Commission's February 2015 Net Neutrality decision, including the Order's imposition of unnecessary and unjustified burdens on providers; we supported permanently exempting small businesses from the "enhanced transparency" rules. In fact, as we stated before and in line with the advocacy of the Obama Administration's own Small Business Administration, we would have expanded the scope of providers eligible for the exemption.

For the past month, our offices have attempted to find consensus at the Commission. Last week, with the December 15, 2016 expiration date of the exemption approaching, we put on the table a concrete compromise. It would have extended relief to providers serving 250,000 or fewer subscribers, consistent with bipartisan legislative efforts, while seeking comment on other possible changes to the exemption. Our aim in pursuing this compromise was to avoid unnecessary hardship on small providers who might expend scarce resources to comply with rules that could be revisited early next year. Unfortunately, Commissioners have not yet reached agreement on this or any other related proposal.

Although the exemption has technically lapsed, we note that the new requirements are not in effect and are not enforceable until January 17, 2017. We want to assure you and your members that we would not support any adverse actions against small business providers for supposed non-compliance

¹ Letter from Steven K. Berry, President & CEO, Competitive Carriers Association, Alex Phillips, President, Wireless Internet Service Providers Association, Shirley Bloomfield, Chief Executive Officer, NTCA—The Rural Broadband Association, and Matthew M. Polka, President and Chief Executive Office, American Cable Association, to the Honorable Chairman Tom Wheeler et al., FCC, GN Docket No. 14-28 (Dec. 13, 2016); Letter from Scott K. Bergmann, Vice President, Regulatory Affairs, CTIA, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 10-208; WC Docket No. 10-90, GN Docket No. 14-28 (Nov. 11, 2016).

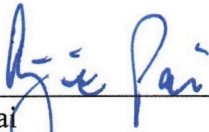
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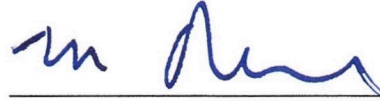
with the “enhanced transparency” rules after that date, and we will seek to revisit those particular requirements, and the Title II Net Neutrality proceeding more broadly, as soon as possible.

We hope this information is helpful to any affected members of your organizations.

Sincerely,



Ajit Pai
Commissioner
FCC



Michael O'Rielly
Commissioner
FCC