

February 17, 2015

VIA ECFS

The Honorable Thomas Wheeler
Chairman
Federal Communications Commission
455 12th Street, SW
Washington, DC 20544

Re: Ex Parte Submission, Protecting and Promoting the Open Internet, GN Docket No. 14-28; Framework for Broadband Internet Service, GN Docket No. 10-127

Dear Chairman Wheeler:

The undersigned, representing some of the country's smallest wireline Internet service providers ("ISPs") – each serving fewer than 1,000 residential broadband subscribers – are perplexed and troubled to hear your proposed Order ignores the market reality that operators of our size cannot disrupt the openness of the Internet. We are even more concerned that your proposed Order would subject us to the exact same onerous Title II regulations as you intend to apply to the country's largest providers – Comcast, AT&T, and Verizon – that serve tens of millions of subscribers. For the reasons set forth in this letter, it is critical for our subscribers and our businesses that you reconsider this action as it applies to ourselves and other small and medium-sized ISPs.

Our companies support an open Internet, but reclassifying and regulating smaller ISPs' broadband Internet access service as a common carrier service is unjustifiable, contrary to law and represents regulatory overkill. Accordingly, we urge the Commission at least to forbear from applying to smaller ISPs any new Title II regulatory obligations applicable to telecommunications common carriers, including those contained in Sections 201 and 202 and the related common carrier complaint and enforcement provisions of Sections 206, 207, 208 and 209, and to provide relief from other collateral and unintended effects of reclassification.

Smaller ISPs have no reason to block broadband traffic or discriminate among edge providers and harm our subscribers. Many of us face competition, and, in any event, our customers would depart if we impaired their Internet experience. Moreover, we do not have the ability to harm or compel payments from any edge provider. This must be obvious in the case of service providers of our size, but it is equally true for all small and medium-sized ISPs. The lack of evidence in the record that we are a real or an existential threat to the open Internet confirms this point. For these reasons, the Commission has no basis to impose additional open Internet rules upon us, but most particularly rules as onerous as Title II common carrier obligations.

The regulatory burdens of your proposed approach will be substantial and tangible. We would be subject to numerous sections of Title II, including first-time requirements affecting retail prices and terms and many other public interest obligations. None of these were written with the characteristics of broadband Internet access service in mind, and some of these may conflict with or overlap our existing regulatory obligations as cable operators and providers of advanced communications services. After the Commission imposes common carrier status on us, our companies – which have no in-house attorneys and no budget line items for outside counsel – would immediately need to take crash courses to understand Title II requirements and their complex application and interaction with our other legal obligations. This will badly strain our limited resources. Making matters worse, we would be subject to complaints from anyone, including from class action lawsuits seeking damages in federal court. Furthermore, the rules of the road would not be static but could change anytime the Commission issues an

/s/
Rachel Kruse
Vice President
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PO Box 483
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Number of residential Internet subscribers: 4

/s/
Terry Reynolds
CEO
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P.O. Box 782
Swainsboro, GA 30401
Number of residential Internet subscribers: 500

/s/
Randy Scott
President
S & K TV Systems, Inc.
508 West Miner Ave.
Ladysmith, WI 54848
Number of residential Internet subscribers: 406

/s/
Tim Holden
General Manager
Sierra Nevada Communications
P.O. Box 281
Standard, CA 95373
Number of residential Internet subscribers: 689

/s/
Thomas Randolph
Owner
Spring Creek Cable, Inc.
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Montrose, CO 81401
Number of residential Internet subscribers: 297

/s/
Sheila Welvaert
Manager
Television Association of Republic
147-10 N Clark Ave.
Republic, WA 99166
Number of residential Internet subscribers: 777

/s/
Brian P. Frazee
President
QCOL, Inc.
213 Main St.
Markleysburg, PA 15459
Number of residential Internet subscribers: 87

/s/
James R. Hirschy
President
RuralWest™ - Western Rural Broadband, Inc.
2312 104th Ave, SE
Bellevue, WA 98004
Number of residential Internet subscribers: 540

/s/
Ray Poorman
General Manager
San Juan Cable
1911 C St.
Bellingham, WA 98225
Number of residential Internet subscribers: 500

/s/
Tim Olmstead
Owner
Sister Lakes Cable
517 Petrie Ave.
St Joseph, MI 49085
Number of residential Internet subscribers: 700

/s/
Rick Rothammer
President / General Manager
Stowe Cablevision Inc.
172 Thomas Ln.
Stowe, VT 05672
Number of residential Internet subscribers: 527

/s/
Rob Hium
GM / Owner
Tongue River Communications
620 Betty St. / Box 759
Ranchester, WY 82839
Number of residential Internet subscribers: 554

Hon. Thomas Wheeler, Chairman
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Number of residential Internet subscribers: 190

/s/
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Number of residential Internet subscribers: 217

/s/
Richard S Vogtmann
President
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Number of residential Internet subscribers: 313

/s/
Bill Bauer
President and CEO
Windbreak Cable
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Gering, NE 69341
Number of residential Internet subscribers: 231

cc: Commissioner Mignon Clyburn
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