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

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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
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BELD Broadband
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Braintree, MA 02184
Approximately 2,750 Broadband Customers

/s/ Vicky Fletcher
Business Manager
Bagley Public Utilities
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Approximately 250 Broadband Customers

/s/ Brian Thompson
Director of Electric & Telecommunications
City of Monroe
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Monroe, GA 30655
3,174 Broadband Customers

/s/ Ralph L. Potts
General Manager
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1,517 Broadband Customers
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Approximately 5,500 Broadband Customers

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Approximately 5,500 Broadband Customers

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