

May 11, 2017

The Honorable Ajit Pai  
Chairman  
Federal Communications Commission  
455 12<sup>th</sup> 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.<sup>1</sup> 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.<sup>2</sup> Yet, the Commission ignored the evidence, and imposed the straight-jacket of utility regulation, subjecting us to the constant threat

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<sup>1</sup> 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).

<sup>2</sup> See *Appropriate Framework for Broadband Access to the Internet over Wireline Facilities et al.*, CC Docket No. 02-33, Policy Statement, 20 FCC Red 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  
Shrewsbury, MA 01545  
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