To: FCC Commissioners

Re: The FCC should retain the current Title II classification and its inherent consumer protections, Notice of Proposed Rulemaking (17-108)

My name is Harte Daniels. I’m currently a citizen volunteer on the Seattle Community Technology Advisory Board e-Government committee. This committee works to find ways for citizens and residents to better engage and communicate with their government and find tools and processes for government to innovate and work more efficiently and effectively. I urge the FCC to maintain the framework of net neutrality established under Title II of the Telecommunications Act. In 2015 the FCC forbore any onerous restrictions on ISPs so, in reality, they are not harmed by Title II[[1]](#footnote-1),[[2]](#footnote-2). This was evidenced by an historic period of U.S. investment and innovation and has been confirmed by multiple ISPs’ annual financial reports to their stockholders stating emphatically that they were not harmed by Title II. However, Title II does prevent discrimination in rates, practices, or offering of services. Maintaining the United States leadership in innovation and economic growth requires participation by **all** of its citizens. To do this they must have access to broadband, the critical 21st century tool. Moreover, if someone (underserved or disabled) wants to “pull themselves up by their own bootstraps” moving from social service dependency to contributing to the economy, Lifeline Broadband has to be available to them during the interim portion of their journey. Title II protects this vital development path. Leaving the decisions of 2015 stand is a bi-partisan matter. Some of those most hurt prior to 2015 were rural, residents of “fly over” states and “Red” states the ISPs refused to service for decades. Before Title II the ISPs were guilty, guilty, guilty of discriminatory practices harming individuals, small and medium sized businesses and the US economy. Until Title II the FCC had no legal standing to protect consumers and the nation against this flagrant behavior. Please do not return the US to the “bad old days” of ISPs lining their pockets and lobbing to pass anti-competition laws while demolishing the US ability to compete on the global stage.

The veracity of my statements come from both personal and professional experience. I possess 35 years’ strong career experience in large business management, project management, innovation, business start-ups, non-profit management and technology (networks, data systems, modeling and delivery, problem management, telecommunications, software development, solution development, large integrated platforms and enterprise systems) across multiple industries. While I progressively gained technical knowledge and experience with large, complex systems I also continuously applied my knowledge and systems thinking in helping those economically blocked by groups such as the ISPs. When I became disabled by someone using technology inappropriately, I suffered economic impoverishment and had to become creative in gaining access to the Internet in order to stay current in my profession.

I have intimate knowledge of the US rural education and economic situation. My final 3 years of high school was in a rural agricultural town. Most states derive education funding from property taxes. Rural residents tend to be poorer. On average, per capita income in rural areas is $9,242[[3]](#footnote-3) lower than the average per capita income in the United States, and rural Americans are more likely to live below the poverty level. Because of this I had the option of only one science class taught by an uncertified teacher in those 3 years. I got to where I am today by leaving the area and applying myself to any free source of education to which I could gain access. Not so for those I left behind. Until 2013 the best they had was dialup speed on the internet. This even though they live 20 minutes from an industrialized city with the third largest population in the state and headquarters to one of the largest, most recognized multinational corporations.

In the late 1990’s I was a small part of Microsoft’s effort outfitting libraries to offset inequities. When my brother died without a will 10 years later, the family decided to use the estate to supply the town’s library with books, a children’s section and computers and technical assistance so the community could gain access to other studies, communicate long distances and apply for jobs. But we couldn’t supply them broadband. Fifty-three percent of rural Americans lack access to 25 Mbps/3 Mbps of bandwidth[[4]](#footnote-4). Those with disabilities, multiple family obligations or living far from academic institutions use Distance Learning via the Internet to train for or improve their jobs. By throttling the Internet only ISPs get to decide who is worthy of bettering their lives. Broadband came during the Obama administration through the two USDA grants and low cost loan programs. And now there is FirstNet (First Responders Network), a program of linking rural fire, police, hospitals and libraries with broadband. In both cases it’s the ISPs who respond to the RFPs for the largess supplied by the American taxpayer. Government must step up for the health and welfare of the people when the capitalists will not.

Today even the family farm takes advantage of Smart Farming; weather reports, GIS positioning for planting and harvesting, manufacturers’ technology techniques for processing and digital marketing for a global reach. Vick Family Farms in Wilson, NC used all this and more to increase growth to the point of investing in a new processing plant employing 250 local people. This success relies on the high speed Internet the FCC reversal of Title II could take away. The FCC would then be responsible for the loss of jobs in North Carolina.

The ISPs discriminatory stranglehold on who has access and who doesn’t impacts future American lives economic growth in metropolitan areas as well. Parents who must work two jobs to offset living in income inequality areas do not always have the time to take grade school children the MacDonald’s parking lot late at night in order to use the Internet. Without backup power the hotspots on school buses some school districts park near low income neighborhoods die[[5]](#footnote-5). And the concept of “flipping the classroom” by having students accessing Khan Academy videos as often as necessary before working through the homework with teachers the next day is not possible when the ISPs throttle or apply caps to the Internet.

I am knowledgeable about what it takes to run a business and the responsibility to stockholders of publicly traded companies. I understand the ISPs business needs. During the Reagan economic crash I noticed large companies negotiating tax breaks on the promise of providing jobs they did not deliver. The 5 state area had a 22% unemployment rate; 45-62% if you were African American male. I began counseling others on starting and maintaining new businesses. (The largest employment sector in the US is small to medium sized businesses.) In Washington State I was part of a roundtable comprised of financial institutions and established business owners devising value added economic zones. As a member of a 5 person team I helped the turnaround of a medium sized manufacturing company we then took through an international joint venture with General Electric Company of Great Britain’s Reinforced Plastics division. As the Assistant Director of an international NGO working with the US State Department I not only ran financials and operations but would speak with foreign legislators and business leaders connecting them to their American counterparts. I worked with Microsoft’s Unlimited Potential group providing software development to augment Grameen and B&M Gates Foundations Internet solutions in rural India, Africa and China designed to provide a path of economic growth. With over 15 years’ experience with Fortune 250 companies handling implementation of Fortune 500 technology companies’ complex data, communication and process platforms I’ve been responsible for compliance of financial, privacy and security governmental regulations. I understand the ISPs arguments and find them lacking. Innovation entails more than technological innovation and the ISPs are not applying themselves innovatively.

In 2012 I completed my Office of the National Coordinator for Healthcare IT implementation specialist certification. My capstone, working with underserved communities, created a method gathering, storing and retrieving emergency medical information for rural communities living in or activity based organizations travelling through broadband deficient areas. It was this work that earned my invitation onto the FEMA Innovation Team in response to Hurricane Sandy. I was tasked with developing the technical specifications for a mobile Patient Locator application and platform to find vulnerable survivors lost during evacuation. Working remotely I relied on the Internet to research, gather developer talent and negotiate with companies. The technology premise came from rural Africa where they’ve had to leapfrog/forgo the US ISPs infrastructure. That’s right. The innovation of a developing country outstripped the ISPs refusal to innovate. The ISPs interest in reducing the FCC’s power to create and environment of innovation by revoking Title II is merely to maintain dominance by creating a barrier to the market. You saw this by their frustrating Google’s fiber efforts. Without support from the FCC what will they do to Microsoft’s white space, Elon Musk, Facebook and academia’s effort at improving communication services?

Ironically, one of the inspiring stories presented at the White House in the aftermath of Hurricane Sandy was how a group of impoverished youth trying to persist, in spite of the ISPs’ discriminatory practices, saved a section of New York city. FEMA used their infrastructure of open sourced routers and software protocols to give communication abilities to a wide section of their borough.

The next frontier in healthcare is improvements in telemedicine. Yes, the FCC Commissioners have stated “broadband-enabled health information technology can help to improve the quality of healthcare” and the United States remains behind some advanced countries in the adoption of such technology.”[[6]](#footnote-6) But the American Medical Informatics Association (AMIA) has said the so-called "digital divide" can have an adverse impact on health, and urged the FCC to count internet access among the social determinants of health when developing future policies and programs. The AMIA wants to ensure that populations with chronic conditions have access to affordable broadband and broadband-enabled health technologies.[[7]](#footnote-7) In addition to the ISPs determining who get to progress economically, they get to decide who lives and dies? The FCC must not give up its power imbued in Title II.

Telemedicine is a multi-part issue. The Plain Old Telephone System (POTS), one of disease management nurses surveying chronic disease patients via the phone has been in place for a while with the Veterans Administration being the leading innovator. However, even POTS is in jeopardy. Part comes from state legislators not able to agree on audio-visual telemedicine as opposed phone-based consults as a means of establishing a doctor-patient relationship. But the other part is telecommunications companies disconnecting land lines. Carol Kolen, 77, of Chicago has spotty cell service in her home and depends on her landline to monitor her pacemaker and defibrillator. "If my pacemaker doesn't work, I die," Kolen said. But AT&T, designated as the carrier of last resort by the FCC in 21 states, has told the FCC it wants to switch off all of its landline service, everywhere, by 2020. AT&T will use the money on its existing infrastructure, not new infrastructure. Thus forcing people onto Broadband for telephone calls. Montana's state senate has shot down telemedicine legislation, House Bill 389, which would have established practice standards for digital healthcare, saying the state can't rely on broadband-based services if its residents can't access them.[[8]](#footnote-8)

In audio and visual telemedicine other US companies innovate in the durable medical devices (such as Philips) on health platforms (such as Microsoft’s HealthVault) with audio/visual networks (such as Cisco’s TelePresence). It’s the ISPs who lag and refuse to innovate. Scotland’s National Health Service heavily uses telemedicine. Bringing fiber broadband to 95% of premises is difficult but the government has committed to doing that by next year. The final 5% of households will receive some form of broadband access through community initiatives. Right now, access is helped through High-Speed Universal Broadband for Scotland ([HUBS](https://hubs.net.uk/)), a not-for-profit membership organization of community network operators, or municipal broadband operating on collective purchasing and pooling of engineering resources. But in the US the ISPs have gone state to state to pass anti-competition legislation forbidding municipal broadband. They are not interested in the health and welfare of American citizens and veterans. It’s the role of the FCC to care and protect the American people.

Chairman Pai wants the healthcare industry to step up and not “drag its feet” on broadband. He doesn’t seem to understand the industries economic situation. Providers are already on a thin edge. The Stewards of Medicare have also weighed in healthcare’s future. Medicare and Medicaid makes the US government the largest insurer in the nation at 42% of the market. Telemedicine can make a economic difference if ISPs would just help. For example, the insurer Molina partnered with CHI Franciscan in extending a virtual urgent care service to Medicaid patients saving over $1.5 million in health care costs and 10,511 hours of wait and travel time[[9]](#footnote-9). Their only impediment is the ISPs.

According to the [Bureau of Labor Statistics](http://www.bls.gov/news.release/ecopro.nr0.htm), Healthcare is the largest employment sector of the US economy. But it also has the potential for bankrupting the US in the next two decades. Shoving responsibility for broadband onto healthcare is just increasing the burden and creating a backdoor program of windfall profits for the ISPs paid for by the taxpayer.

Keeping Title II and net neutrality is good for the economy, spurs innovation, supports Lifeline Broadband for the disabled and underserved, and supplies education and healthcare to rural Americans and veterans. The FCC should not abdicate its power by rolling back Title II and should continue to advocate for the American public.

1. Mike Cavanagh, Comcast Corporation Senior EVP and CFO, comments to CMCSA - Comcast Corp at UBS Global Media and Communications Conference, December 7, 2016; concerns were only based on “the fear of what Title II could have meant, more than what it actually meant.” [↑](#footnote-ref-1)
2. It's Working: How the Internet Access and Online Video Markets Are Thriving in the Title Il Era, S. Derek Turner, Freepress.net, May 2017 [↑](#footnote-ref-2)
3. Rural Health Information Hub. (2016). [Social Determinants of Health](https://www.ruralhealthinfo.org/states/united-states). Retrieved June 8, 2016. [↑](#footnote-ref-3)
4. Federal Communications Commission. (2015, February 4). [2015 Broadband Progress Report](https://www.fcc.gov/reports-research/reports/broadband-progress-reports/2015-broadband-progress-report). Retrieved June 9, 2016 [↑](#footnote-ref-4)
5. US Office of Educational Technology, [Busing in WiFi](https://tech.ed.gov/stories/busing-in-wifi/). Retrieved July 23, 2017 [↑](#footnote-ref-5)
6. Healthcare IT News, [FCC wants the healthcare industry to stop dragging its heels on broadband](http://www.healthcareitnews.com/news/fcc-wants-healthcare-industry-stop-dragging-its-heels-broadband). Retrieved April 25, 2017 [↑](#footnote-ref-6)
7. Healthcare Informatics, [AMIA Urges FCC to Consider Access to Broadband a Social Determinant of Health](https://www.healthcare-informatics.com/news-item/mobile/amia-fcc-access-broadband-social-determinant-health). Retrieved May 25, 2017 [↑](#footnote-ref-7)
8. mHealth Intelligence, [Broadband Problems Derail Montana’s Telemedicine Legislation](https://mhealthintelligence.com/news/broadband-problems-derail-montanas-telemedicine-legislation). Retrieved April 12, 2017 [↑](#footnote-ref-8)
9. Healthcare Informatics, [In Tacoma, CHI Franciscan Leverages IT to Transform Care Delivery](https://www.healthcare-informatics.com/article/telemedicine/tacoma-chi-franciscan-leverages-it-transform-care-delivery). Retrieved April 7, 2017 [↑](#footnote-ref-9)