Eltopia Communications, LLC
15419 1st Ave. South
Burien, WA 98148

Thursday, September 19, 2019

VIA ECFS

Ms. Marlene Dortch, Secretary
Federal Communications Commission
445 12th Street, SW Washington, DC 20554

Re: Updating the Intercarrier Compensation Regime to Eliminate Access Arbitrage, WC Docket No. 18-155

Dear Secretary Dortch:

My name is Will MacHugh and I am the owner / president of Eltopia Communications, LLC. I grew up and live on a farm in Eltopia, WA. In 2005, I started Eltopia Communications to provide dial-up internet services to rural areas of WA state where I live. That grew into services in WA, ID, OR and MT. Over the years, the company has evolved to provide additional services to the rural areas of these states. Recently, we invested in a new cellular core and infrastructure in hopes to fill in gaps in coverage for our customers. We have never played any of games with mileage, rural rates, applied for ETC, or sought funding through any state or federal funding mechanism.

Yesterday I read the draft dated September 5, 2019. Based on this draft, we would fit the definition of traffic stimulator based on suggested 6:1 definition. In the last 10 years, it's become popular for many customers to get inbound telephone services from us and use another VoIP carrier to send their calls out because they are cheaper. They conduct business over their cell but keep their land line through us. They still make the majority of their calls from their cell phone and so the ratio is abnormal.

Regardless, it looks like there is a real possibility that our CABS revenue is not only at risk, but that our cost basis would increase to cover tandem fees. We recently invested over $1.5 million into cellular assets with a debt of over $600,000. Losing the CABS revenue with no time to factor the revenue loss will jeopardize our company and we would not be able to make our debt obligations.

I request 3 things:

I encourage the commission to look at rates, especially around mileage-based billing. I don't hear the IXC's complaining that traffic should be free. I hear them saying that the rates they are getting charged are unfair, or that the routing isn't competitive.

I request that using blanket traffic ratio-based definition be re-considered. Has anybody considered how this get monitored? Each IXC sends traffic to a LEC, but maybe the LEC outbounds their traffic through another IXC or commercial route. How does any IXC know what the composite traffic ratio looks like, opening every LEC open to scrutiny from any IXC who is happy to self-help their way into negotiating a lower rate.

I request the timeline for implementation be reviewed. Frankly, I read the position on why 45 days was enough time and that position is cavalier. How am I going to walk into Wells Fargo, tell them a significant percentage of my revenue is going away in 45 days and the 7 year loan that I just committed to is going to need to go on hold. We're in telecom, not fashion. Nothing in telecom takes less than 2 years.

Sincerely,

Will J. MacHugh

Will MacHugh