

September 22, 2016

VIA ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W., Room TW-B204
Washington, DC 20554

Re: Notice of *Ex Parte* in WC Docket Nos.16-143, 15-247, 05-25 and RM-10593;
Business Data Services in an Internet Protocol Environment, Special Access
Rates for Price Cap Local Exchange Carriers

Dear Ms. Dortch:

In accordance with the Commission's rules¹ please accept this notice of an *ex parte* presentation by myself, representative members of The Quilt, and counsel, in connection with the above captioned proceedings. On Tuesday, September 20, 2016, the following individuals met with Stephanie Weiner, Associate General Counsel and Special Advisor to Chairman Wheeler, and Deena Shettler, Associate Chief of the Wireline Competition Bureau: Jen Leasure, President and CEO of The Quilt, Mark Johnson from MCNC, Jeff Letourneau from Networkmaine, Jim Stewart from the Utah Education and Telehealth Network, Chip Byers from the Missouri Research and Education Network, Steven Fulkerson from Arkansas Research and Education Optical Network, John Windhausen of Telepoly Consulting, and Jeffrey Mitchell from Lukas Nace Gutierrez & Sachs, LLP.

The purpose of this meeting was to highlight comments The Quilt filed in this proceeding² and to emphasize the following:

- The Quilt is a non-profit 501(c)(3) organization representing over thirty-five of the nation's not-for-profit advanced Research & Education (R&E) networks in states across the country.
- The Quilt has not taken a position on the central issues the Commission is addressing in this proceeding.
- The Quilt has one primary concern and recommendation: that the Commission not sweep R&E networks into the same category as commercial service providers if it adopts a new regulatory framework for Business Data Services (BDS). The Commission has long-recognized R&E networks as providers of private, non-common carrier services, and the Commission should preserve this *status quo* of exempting R&E networks from regulation.

¹ 47 C.F.R. § 1.1206.

² Comments of The Quilt, filed August 9, 2016.

- Our country’s R&E networks were established to meet the unique and specialized needs of research and higher education institutions – needs not being met by commercial providers. As a result, these R&E networks have long been on the leading edge of technology to support academic research and education pursuits.
- Quilt members’ primary mission today remains to meet the specialized needs of research and higher education, although some networks also serve other non-profit or local governmental anchor institutions. All R&E networks that are members of The Quilt:
 - are organized as non-profits, divisions of public universities, or established by state government;
 - are mission driven;
 - operate private networks which offer specialized, high-capacity data and related services, including access to the national research and education network of Internet2, that are customized through individually-negotiated contracts;
 - are governed by representatives of entities that use the networks such as representatives of higher education, research organizations, state officials and anchor institutions;
 - provide services only to a limited set of organizations and institutions in alignment with mission-driven goals (as determined by the governance of each R&E Network);
 - make network investment decisions based on the needs of its constituents/members;
 - do not advertise the availability of their services to the general public;
 - do not provide service to general commercial accounts or residential customers.

Because R&E networks are providers of non-common carrier services, The Quilt recommends the Commission handle R&E networks in this proceeding categorically, recognizing them as private carriers and exempting them as a class from any regulations governing BDS.³ Alternatively, the Commission should exclude from the definition of BDS those services that generally meet the characteristics noted above and which are provided by non-profit or governmental entities.

Sincerely,

Jen Leasure
 President and CEO
 The Quilt

Attachment

³ Cf. *Protecting and Promoting the Open Internet*, GN Docket No. 14-28, Report and Order on Remand, Declaratory Ruling, and Order, 30 FCC Rcd 5601, 5749, ¶ 340 (2015) (declining to include “virtual private network (VPN) services, content delivery networks (CDNs), hosting or data storage services, or Internet backbone services” in the definition of Broadband Internet Access Service).

The Quilt

- **Mission:** The Quilt collaborates to collectively advance networking for research and education by promoting the delivery of networking services at lower cost, higher performance and greater reliability and security.
- **Established:** 2000
- **Business Structure:** Organized as a 501(c)3



Arkansas Research and Education Optical Network (ARE-ON)

- **Mission:** to promote, develop, and apply advanced application and communication technologies to support and enhance education, research, public service, and economic development.
- **Established:** 2006
- **Business Structure:** State entity governed by the presidents and chancellors of participating institutions in cooperation with the Arkansas Department of Higher Education



MCNC: Connecting North Carolina's Future Today

- › **Mission: MCNC** is one of the nation's first statewide education and research networks. It provides broadband communications technology services and support to K-12 school districts, higher education campuses and academic research institutions across North Carolina.
- › **Established:** 1980
- › **Business Structure:** Non-profit organization governed by a Board of Directors



Missouri Research and Education Network

- › **Mission: MOREnet** provides Internet connectivity, access to Internet2, technical services, resources and support, as well as technical training to Missouri's public sector entities, including K-12 schools, colleges and universities, public libraries, health care, government and other affiliated organizations.
- › **Established:** 1991
- › **Business Structure:**
Operates as a unit within the University of Missouri



Networkmaine

- **Mission:** The primary focus of **Networkmaine** is the design and operation of Maine's Regional Optical Network (MaineREN) and services developed to support education, research, public service, government, and economic development. In addition to servicing higher-education and research, Networkmaine provides schools and libraries in the state with Internet connectivity at little or no cost through the **Maine School and Library Network**.
- **Established:** 2009
- **Business Structure:** Operates as a unit within the University of Maine System



Utah Education Network

- **Purpose:** We connect people and technologies to improve education and healthcare in Utah.
- **Established:** 1989
- **Business Structure:** Administrative supervision provided by the University of Utah. The Utah Education and Telehealth Network Board, which is the governing board for UETN as outlined in state law.



UTAH EDUCATION NETWORK