

December 8, 2017

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

Re: **Restoring Internet Freedom**
WC Docket No. 17-108
Notice of Oral Ex Parte Presentation

Dear Ms. Dortch:

On December 7, 2017, Dave Giles of InvisiMax, Mike Whelan of AirLink Internet Services and Mark Radabaugh of Amplex Electric met by telephone with Chairman Ajit Pai and Brian Hart and Tina Pelkey of the Commission's communications staff.

As three owners of small businesses that provide broadband service to small rural communities, Messrs. Giles, Whelan and Radabaugh each spoke about the harmful effects of the uncertainty that the Title II rules adopted in 2015 added, and the benefits to rural broadband providers and their customers that repealing those rules would bring about. All three commended Chairman Pai for his leadership on the important issue of Internet governance and his attention to the concerns and burdens that regulations place on small businesses and their customers, and the need to reduce regulatory risk and uncertainty to foster an environment conducive to investment and deployment.

Mr. Giles provided a brief overview of InvisiMax. InvisiMax is based in Warren, Minnesota, has 21 employees, and serves approximately 4,000 customers in 75 rural communities in Northwestern Minnesota and Northeastern North Dakota. Mr. Giles stated that he and his wife own 100% of InvisiMax and have invested their private capital to deploy service to rural Americans. He noted that, over the last few years, customers are demanding more and more bandwidth to cover large areas – the whole farm, not just the farmhouse. Mr. Giles explained that, over the past few years, there have been dramatic advancements in fixed wireless technology, including LTE-based equipment.

Mr. Giles stated that he wants to continue to invest in InvisiMax to grow the business and provide service, and more services, to more customers, but that the uncertainty surrounding how the Title II rules might be applied is not attractive for investment. He indicated that he would be investing more in his networks if the Title II rules are repealed and that he would have a greater opportunity to attract outside investment. Mr. Giles also observed that nobody has been able to explain to him what was wrong with the way the internet was regulated up until two years ago, and that it doesn't make sense for the FCC to treat InvisiMax the same way it looks at much larger, national providers. He added that InvisiMax has finite resources and that increasing regulatory costs for attorneys and consultants to help explain the Title II rules results in either reduced investment or pass-through costs to consumers.

Mr. Whelan is the majority owner of AirLink Internet Services, which is based in Mounds, Oklahoma and serves about 1,600 customers in the nearby rural areas and small towns. AirLink has 12 employees. Mr. Whelan stated that the internet should be free and open, and that the best way to ensure that outcome is to have simple rules that give consumers the information they need to make their own, informed decisions. If consumers have good and accurate information about the services AirLink provides, then they can do a good job at making their own decisions – they are better at holding us to our word than some government process. Mr. Whelan explained that the proposed transparency rules are easy to understand and provide consumers with the information they need about speed, pricing, network management and privacy.

Mr. Radabaugh's company, Amplex Electric, serves approximately 7,000 customers in Northwest Ohio, most of whom reside in rural areas, farms and small towns. Amplex began providing broadband service in 2003 and now has 27 employees.

Mr. Radabaugh spoke about the negative impact of the vague "general Internet conduct" standard. He explained that the meaning of the rule is unclear and that eliminating the rule would be mean one less thing Mr. Radabaugh has to worry about when considering investing in the Amplex network or expanding into new areas. Mr. Radabaugh noted his opposition to the advisory opinion process that would be eliminated under the proposed rules, stating that the FCC has no obligation to respond and that its opinion, if given, would be non-binding. In sum, the proposed rules would provide Mr. Radabaugh with more confidence about the future and certainty about what is expected of Amplex as an operator.

This letter is being filed electronically via the Electronic Comment Filing System in the above-captioned proceeding.

Respectfully submitted,

/s/ Dave Giles

/s/ Mike Whelan

/s/ Mark Radabaugh

cc: Chairman Ajit Pai
Brian Hart
Tina Pelkey