

Thursday, October 23, 2014

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

RE: Notice of *Ex Parte* presentation in: GN Docket No. 14-28;
 WC Docket 13-184;
 Docket 10-90; PS Docket 11-153

Dear Ms. Dortch:

On behalf of Public Knowledge, this letter is to provide information relating to discussions between Kate Forscey, Internet Policy Fellow, Public Knowledge, Michael Nicholls of Access Sonoma Broadband, and Rebekah Goodheart, Legal Advisor, Wireline, Office of Commission Mignon Clyburn, on Wednesday, October 22, 2014.

PK and Access Sonoma expressed their belief that the Commission now stands at a critical crossroads. As PK continues to stress, Title II is the most reasonable, most reliable legal authority to invoke over broadband internet service. Critically, the immediate reestablishment of the Commission's ability to preserve the fundamental qualities of an open internet in the wake of the *Verizon* decision is at stake. But reclassifying broadband as a telecommunications service under Title II is a preliminary step not solely for addressing net neutrality; many other policies the Commission has indicated it wishes to address depend in part or in whole rooted in provisions of Title II.

In conjunction with this perspective, PK and Access Sonoma specifically discussed a range of problems Sonoma County, CA, and other nearby counties and tribal reservations face, all of which find their root cause in the absence of real broadband accessibility and options in vast swaths of rural California. These include, but are by no means limited to¹:

- Lack of granularity in mapping coupled with inadequate definition of “highspeed” broadband as – variably – somewhere between 3 Mbps and 6 Mbps down leads to serve inaccuracies in determining “served,” “underserved”, and “unserved” population blocks;
- lack of redundancy on first responder networks resulting in days of disconnected 911 service without notice on either end of the network;
- the many education disadvantages rural children already face are exacerbated by disparities in reasonable highspeed internet access, both at school and at home;

¹ See attached files for more specific descriptions.

- lack of economic incentives for incumbent broadband ISPs to build out the last mile results in high-speed fiber running through areas that nonetheless continue to go unserved;
- the related state-law barriers localities face in initiating projects to deploy their own broadband network in areas where incumbents refuse to build out the incumbent-owned fiber networks already in place.

We recognized that the Commission has already made great strides in many of these areas regarding the E-Rate program (WC Docket 13-184), Connect America (Docket 10-90), Next Gen 911 (PS Docket 11-153), as well as the problem of an insufficient definition of high-speed broadband. But proceedings broaching those specific issues cannot live up to their potential to increase access to *all* Americans if the Commission does not resolve the foundational issue of its general regulatory authority over broadband access.

The Commission's decision in the open internet docket does not happen in a policy vacuum – it goes to the underlying question of how it will establish an appropriate regulatory framework for Commission oversight of the essential communications networks of our time. Whatever framework it chooses in the instant proceedings will have profound effects on the internet's continued potential as a fundamental resource for innovation, investment, and diversity of voices, the ability of the Commission to fulfill its role ensuring consumer protection and public interest in the communications marketplace, and America's overall ability to remain competitive on the global stage where it has already fallen behind.

PK and Access Sonoma believe that by reclassifying broadband services as Title II, that the Commission can embrace its most solid statutory authority for ensuring more broadband buildout to those who do not yet have minimal access, and increased options in both connectivity and content marketplaces for those who do.

In accordance with the FCC's *ex parte* rules, this document is being electronically filed in the above-referenced dockets today.

Sincerely,

_____/s/_____
Kate Forscey
Public Knowledge

CC: Rebekah Goodheart