Advocates for Rural Broadband
Mark M. Gailey
President

Kelly Worthington
Executive Vice President

January 21, 2015

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

RE: GN Docket No. 14-28; WC Docket No. 06-122

Dear Ms. Dortch:

On Tuesday, January 20, 2015, Derrick Owens and Gerard Duffy representing WTA – Advocates for Rural Broadband ("WTA") met with Nicholas Degani, Legal Adviser – Wireline to Commissioner Ajit Pai, to discuss the Commission's Open Internet proceeding.

WTA noted that virtually all of its rural incumbent local exchange carrier ("RLEC") members have elected Title II regulation for their broadband transmission services, and reiterated its support for limited Title II regulation for broadband Internet Protocol ("IP") services. WTA emphasized that it does not advocate common carrier regulation of retail IP services, but rather supports forbearance from most Title II regulation for broadband services with the exception of Sections 201, 202, 208, 251, 252 and 254 of the Communications Act. In addition to the general provisions in Sections 201 and 202, WTA believes that the Section 251 and 252 process for negotiation and arbitration of interconnection arrangements should be extended to the evolving IP world and that the existing Section 254 provisions for contribution to, and distribution of, universal service support should be retained. WTA noted, in particular, that Section 254(d) presently allows the Commission to require "other providers of interstate telecommunications" (including broadband service providers) to contribute to universal service support programs if it determines that "the public interest so requires," and that this provision should not be inadvertently deleted or rendered unclear by a forbearance action.

WTA reiterated the vigorous support of its members for broadband deployment and adoption, and their utter lack of interest in blocking access to, or discriminating against, various content and application providers. However, it noted that the Commission's proposed "enhanced transparency requirements" require substantial monitoring and test equipment purchases and increased operating expenses that will impede the broadband deployment of RLECs that are already struggling to meet increasing broadband capacity demands in a time of economic uncertainty and limited universal service support.

Pursuant to Section 1.1206(b) of the Commission's Rules, this submission is being filed for inclusion in the public record of the referenced proceeding.

Respectfully submitted,

Blooston, Mordkofsky, Dickens, Duffy & Prendergast, LLP
2120 L Street NW (Suite 300)
Washington, DC 20037
Telephone: (202) 659-0830
Email: gjd@bloostonlaw.com

Gerard J. Duffy
WTA Regulatory Counsel

cc: Nicholas Degani

Attachment

Advocates for Rural Broadband

Net Neutrality Proposals

Openness is what has made the Internet into the valuable economic, social and communications tool it is today. In considering net neutrality policy, policymakers should:

1) Ensure that rural local exchange carriers (RLECs) and other small carriers are able to interconnect with Internet backbone and transport providers at the nearest, most technically feasible point.

- Sections 251 and 252 of the Communications Act provide principles and rules that govern interconnection between telecommunications providers using the Public Switched Telephone Network that have worked well for decades.
- These principles and rules should be applied to Internet backbone and transport providers to ensure that RLECs are not required to pay for transporting the traffic of their customers in rural areas to distant urban hubs designated by the large providers.
- Because of the size disparity between RLECs and large backbone and transport providers, small carriers may be unable to even to participate in *bona fide* negotiations to establish reasonable interconnection and transport arrangements. Section 251 and 252 protections would ensure a fair and reasonable process and price.

2) Ensure that any net neutrality policies do not forestall reform of the Universal Service contributions mechanism.

- If Internet access services are classified as information services, confirm that internet access services can still be required to contribute to USF under the "other providers of interstate telecommunications" provision of Section 254(d) of the Telecom Act.
- If internet access services are classified as Title II services but provided forbearance for some Title II obligations, Section 254(d) [or all of Section 254] should not be forborne.

3) Limit service providers from imposing commercially unreasonable prices and practices with respect to access by edge providers to their customers.

- At this time, the several thousand customers of the average RLEC have not constituted a large enough market to prevail upon large content and application providers to negotiate specific access or commercially reasonable service agreements.
- However, RLECs have noticed some congestion problems on their networks due to increased use of streaming video, and there may come a time when it is possible to recoup the cost of increasing bandwidth by negotiating access agreements with large content providers. The statute and attendant regulations should not preclude reasonable prices and terms.

4) Forgo imposing resource-intensive "enhanced transparency" requirements on small providers.

- The FCC has proposed additional transparency requirements that go beyond the 2010 rules, which merely require public posting of a provider's network management practices, performance and commercial terms of its Internet access services. WTA opposes the enhanced transparency requirements due to increased costs associated with staff and additional equipment.