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February 12, 2015

VIA Electronic Filing

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Re: In the Matter of Protecting and Promoting the Open Internet, GN Docket No. 14-28

The FCC and Amplex share similar goals - bringing Broadband to end users at reasonable prices.

Unfortunately, not only is the FCC not helping, it is actively working against the small businesses who serve the rural and underserved areas of the county.

Amplex was one of the first providers offering dialup service in our community. In 2003 Amplex began offering broadband using fixed wireless technology. Our initial service provided 512/256k service.

Over time this has grown to 3.5Mbps and now 10Mbps for residential consumers. The company serves over 3400 businesses and households over 1500 square miles. By reinvesting heavily into the business we have been able to expand to provide broadband in areas that previously had little or no service.

With 17 employees and expanding we contribute significantly to our community, our schools, local businesses, and the needs of our residents.

The business has grown so that we have the financial resources, expertise, and personnel to start running fiber to portions of our service area. The FCC's recent action to increase the definition of broadband to 25M/3M creates more problems than it solves. It will be difficult to provide 25/3Mb with the existing fixed microwave equipment and technology. To bring 25/3 to the entire coverage area will require us to divert funds from the fiber projects. The FCC, in CAF and CAF II, gave first choice in funding to our iLEC competition. Amplex can't simply ignore the FCC action and concentrate on the project that makes the most economic sense. We will be forced to delay fiber and instead invest in projects to meet the 25/3 standard, even though the useful life of that investment will be significantly shorter. The FCC, even without Title II, is already distorting the market and creating unintended consequences with its poorly considered actions.

Amplex was forced by the FCC to offer phone service in order to prevent the FCC from funneling additional money to our iLEC competition. According to the FCC and CAF II, even though Amplex offers broadband, the area is unserved if our broadband customers can't get phone service directly from Amplex. Never mind that our customers have a wide choice for phone service from companies such as Vonage, Packet8, Ooma, ViaTalk, RingCentral, Nextiva, Verizon, AT&T, Cingular, etc. It's bad enough that the FCC creates extra cost for service providers they don't regulate. Do you really expect that the FCC having Title II control will not bury us under paperwork and regulation?

Chairman Wheeler believes Title II is needed to solve "Net Neutrality". There is no consensus as to what "Net Neutrality" actually means, and based on the public statements from the Chairman and the

Commissioners, I'm not convinced even the FCC commissioners agree on what it means. The FCC is inserting itself into a business dispute between private parties, attempting to regulate a technology that changes rapidly, and one that the FCC has little institutional understanding of. There has been no market failure, and no consumer harm of any significance. Digging out 100+ years of Title II regulation and having to discard 95% to get it to fit is a method only Washington could come up with.

Taking a look at the FCC regulatory burden on Amplex last year without Title II:

- 477 Filing: "The estimated average time needed to make a semi-annual response consisting of one or more state specific reports is 296 hours." Twice a year - 592 hours, or nearly 15 weeks worth of work. Does it actually take us that much time? No - but given that the FCC keeps changing the data requested and going into ever greater detail we have to keep updating the process to produce the data.
- Data Collection for Special Access Proceeding WC Docket No. 05-25 - "We have estimated that each response to this collection of information will take an average of 134 hours."
- CAF II - no published estimate of time burden. Amplex spent at least 160 hours on the process in 2014

Since the FCC insists on funding our competitors through CAF if we do not offer phone service the regulatory burden of VoIP providers also applies:

- 499-A - "Estimated Average Burden Hours Per Response": 13.5 hours. An optimistic estimate on this one.
- Annual CPNI compliance
- Accessibility Certification

As an unregulated entity even the FCC's own numbers show us approaching 1000 hours per year of regulatory burden. The chairman assures us that forbearance will be used to minimize additional Title II burden, yet the commission's history shows very little consideration is given to the burden placed on small business.

Giving the FCC even more centralized authority over service providers is not going to increase speeds, investment, or competition. Title II is absolutely the wrong way to fix a problem that has yet to materialize.

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s/Mark Radabaugh  
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