



3201 W. Nob Hill Blvd.
Yakima WA 98902
Phone: 509.853.0858
Fax: 509.853.0856

FROM THE DESK OF FORBES MERCY

February 5, 2015
Marlene H. Dortch, Secretary
Federal Communications Commission
th
445 12 Street, SW
Washington, DC 20554

REF: GN Docket No. 14-28

Dear Secretary:

I run a WISP, while the telephone industry tells the FCC that we don't exist and the National Broadband Map established by NTIA should be ignored as irrelevant we have been the primary and in most cases the first Internet in our communities and especially the rural areas. I have 1400 customers in Yakima County serving rural residences and in-town businesses as a Wireless back-up for smart IT people who know if a pole is hit both Cable and DSL goes down. We began as a Dial-up company in 1994 and evolved into high speed in 2001. We employ five full-time employees and are an active part of our community providing the local service people in our community expect

Net Neutrality alongside Title II is one of the most abused and exaggerated subjects currently under consideration by the FCC. The rhetorical devices I would provide are that everyone agrees that the street parking around the local parking lot of the Walmart is crowded. The city around the Walmart eliminates parking so the street would have better circulation of cars, this would be characteristic of Net Neutrality, keeping the main path clean and accessible. Then the city went one step further deciding to say the parking spaces on Walmart property were also a public space because the public needs those spaces to park, and ordered parking meters at every space, then ordered Walmart to collect the money, pay it to the city, and file forms when the lot is full or if there is traffic congestion from people pulling into the parking lot, this is the far sided pendulum swing from free market to overregulation or Title II.

Meters on the actual Walmart property, ridiculous requirements just like taxing the Internet! Remember the telephone industry has been heavily subsidized so regulation made sense, nearly all Internet providers are privately funded thus illegal invasion of private property without compensation of any kind. Add to this reporting requirements that are of no interest to our customers and extremely burdensome on the business, plus putting regulations from another industry in a one size fits all attitude which the Internet certainly is not.

Now make that same argument for a small local business that, unlike Walmart, could never have the ability to afford the requirements of the city takeover of their lot. That small business would either have to charge their customers more because of having to hire someone to fulfill the city requirement or ultimately go out of business reducing competition in their field leaving only the big stores who can afford the excessive legal forms. Tack that onto a small Internet company that has to shut down and citizens would actually be left without any Internet option!

Perhaps because technology is such a mystery to most people that a restrictive takeover of the private sector is even possible? It wouldn't fly past city hall if they tried the same thing against a business that people understood. In a recent meeting at Senator Cantwell's office their Legislative Aid started the discussion with the question "how are you going to make the price of Internet go up for poor people?" My answer, "You are, with staggering regulation and taxes", now they are following through with this absurd act of trying to make the Internet less affordable to those who need it the most, job searchers, people using government programs that can only apply online and inner city users.

I have never raised my prices for my customers, a customer who paid \$39 a month in 2001 is still paying \$39 a month, no fees, no taxes, \$39 a month period. The government wants to change that in favor of the wireline side run mostly by former telephone executives in favor of an industry that claims in their ads "we don't lie about our rates, \$19.95"(Frontier Communications) but have no small print that claims you have to buy an overpriced phone line oh and they add nearly fees so their \$19.95 is about \$45/month. The FCC wants to favor them over us who are already in rural areas, already providing high speed, already planning to deploy fiber and in most cases still not asking for government handouts?

The Internet is no more a utility than is a grocery store, both are essential to living, both are a choice by consumers, and both are highly competitive and for the Government to intervene and take away rural Internet by putting small providers out of business or making the cost of the Internet escalate simply to help save the dying telephone industry is irresponsible and a reckless use of regulatory power. This justification for major control is being made on the back of the more logical control of the middle mile, a far stretch of the imagination and more of a power play than what's best for the average Internet user.

I am fully in favor of light touch legislation that stops the greed of the large middle mile carriers, which IS Net Neutrality. Title II is a land grab by the Telecom industry who initially felt the Internet was a fad (a direct quote I was told), and by the time they realized it was the next real media has tried every way they can to do a hostile takeover of the Internet Industry through legislation, subsidization, and tax exemptions favorable only to them in state and federal legislative bodies. There is no Google or Netflix over telephone, why are information services now considered a Telephone utility, our industry has nothing to do with their service. Telecommunications fell behind simply because they had no vision, I wish I'd had the same lobbying power when I had my dial-up Internet, then I could hold back technology just to keep my outdated dial-up alive, just like the telephone company is doing for their obsolete POTS lines. In 10 years all phone and TV will be IP based, fortunately I saw the way of the future and invested my own money into giving my rural area high speed Fixed Wireless Internet, apparently large corporations are more in favor of corporate welfare, and they are getting plenty.

When our local phone company has put DSL into our areas we have less than a 3% churn rate while the phone company is over 30% loss. The government is rewarding the misleading, poor service, underachieving wireline telephone industry for their incompetence and false belief that any communications should be over their networks and no one else, the same thing that led us to the AT&T breakup all over again, doesn't the government ever learn?

I already have to deal with subsidies in an increasingly irrelevant Universal Service Fund (USF/CAF) to subsidize the telephone industry to overbuild inferior networks in my already established customer service areas. How many more small business successes will be buried by competitors who know they aren't good at their businesses so they look to government to bury their competitors, so much for rewarding entrepreneurship innovation? One FCC employee told me "build a network then sell it to the big guys", well they don't do that anymore, big corporate goes to the government and regulate the small guy out of business then just take over the market with government support.

I'm all for eliminating most of Title II allowing Pole Rights to everyone, requiring full and free passage of traffic with no encumbrances and making the telephone industry have the freedom to battle side by side for customers as long as you stop subsidizing them to give them an unfair funding support. I have no doubt our local touch, flexibility in quick deployments to the smallest of populations, and great service will continue to reduce the size of the entitled telephone companies. Maybe one day we'll get someone to sponsor my beloved Seahawks stadium that isn't paying for it with the profits of government USF/CAF subsidies!

Respectfully Submitted,
Forbes Mercy
President - Washington Broadband, Inc.