

February 17, 2015

**VIA ECFS**

The Honorable Thomas Wheeler  
Chairman  
Federal Communications Commission  
455 12<sup>th</sup> Street, SW  
Washington, DC 20544

**Re: Ex Parte Submission, Protecting and Promoting the Open Internet, GN Docket No. 14-28; Framework for Broadband Internet Service, GN Docket No. 10-127**

Dear Chairman Wheeler:

The undersigned, representing some of the country's smallest wireline Internet service providers ("ISPs") – each serving fewer than 1,000 residential broadband subscribers – are perplexed and troubled to hear your proposed Order ignores the market reality that operators of our size cannot disrupt the openness of the Internet. We are even more concerned that your proposed Order would subject us to the exact same onerous Title II regulations as you intend to apply to the country's largest providers – Comcast, AT&T, and Verizon – that serve tens of millions of subscribers. For the reasons set forth in this letter, it is critical for our subscribers and our businesses that you reconsider this action as it applies to ourselves and other small and medium-sized ISPs.

Our companies support an open Internet, but reclassifying and regulating smaller ISPs' broadband Internet access service as a common carrier service is unjustifiable, contrary to law and represents regulatory overkill. Accordingly, we urge the Commission at least to forbear from applying to smaller ISPs any new Title II regulatory obligations applicable to telecommunications common carriers, including those contained in Sections 201 and 202 and the related common carrier complaint and enforcement provisions of Sections 206, 207, 208 and 209, to provide relief from other collateral and unintended effects of reclassification.

Smaller ISPs have no reason to block broadband traffic or discriminate among edge providers and harm our subscribers. Many of us face competition, and, in any event, our customers would depart if we impaired their Internet experience. Moreover, we do not have the ability to harm or compel payments from any edge provider. This must be obvious in the case of service providers of our size, but it is equally true for all small and medium-sized ISPs. The lack of evidence in the record that we are a real or an existential threat to the open Internet confirms this point. For these reasons, the Commission has no basis to impose additional open Internet rules upon us, but most particularly rules as onerous as Title II common carrier obligations.

The regulatory burdens of your proposed approach will be substantial and tangible. We would be subject to numerous sections of Title II, including first-time requirements affecting retail prices and terms and many other public interest obligations. None of these were written with the characteristics of broadband Internet access service in mind, and some of these may conflict with or overlap our existing regulatory obligations as cable operators and providers of advanced communications services. After the Commission imposes common carrier status on us, our companies – which have no in-house attorneys and no budget line items for outside counsel – would immediately need to take crash courses to understand Title II requirements and their complex application and interaction with our other legal obligations. This will badly strain our limited resources. Making matters worse, we would be subject to complaints from anyone, including from class action lawsuits seeking damages in federal court. Furthermore, the rules of the road would not be static but could change anytime the Commission issues an

advisory, rules on a complaint, or adopts new rules. To subject small and medium-sized ISPs to such a regime, no less the very smallest of ISPs, is simply unreasonable.

For these reasons, we urge you to reverse your unwise and harmful course and provide small ISPs with appropriate relief.

Pursuant to Section 1.1206 of the Commission's rules, this letter is being filed electronically with the Commission via the Electronic Comment Filing System.

Respectfully submitted,

/s/  
Robert J Dunker  
Owner/President  
Atwood Cable Systems, Inc.  
423 State St.  
Atwood, KS 67730  
Number of residential Internet subscribers: 222

/s/  
Scott Shilling  
Owner  
Bay Country Communications  
502 Maryland Ave.  
Cambridge, MD 21613  
Number of residential Internet subscribers: 350

/s/  
Richard A. Nowak  
Owner/President  
Bellaire TV Cable Company  
64421 Hilltop Ave.  
Bellaire, OH 43906  
Number of residential Internet subscribers: 408

/s/  
Herb Longware  
President  
Cable Communications of Willsboro, Inc.  
3669 Essex Rd., Suite 1  
Willsboro, NY 12996  
Number of residential Internet subscribers: 700

/s/  
Larry Waterman  
Owner  
FamilyView Cablevision  
PO Box 551  
Pendleton, SC 29670  
Number of residential Internet subscribers: 900

/s/  
John Kusky  
President  
J & N Cable Systems, Inc.  
614 S Columbus Ave.  
Goldendale, WA 98620  
Number of residential Internet subscriber: 83

/s/  
Gary R. Shields  
Majority Owner, President, GM  
K2 Communications, LLC  
PO Box 232  
Mead, CO 80542  
Number of residential Internet subscribers: 504

/s/  
John R Karban  
President  
Karban TV Systems Inc.  
73 A So Stevens St.  
Rhineland, WI 54501  
Number of residential Internet subscribers: 400

/s/  
Rachel Kruse  
Vice President  
Main Street Broadband  
PO Box 483  
Cannon Falls, MN 55009  
Number of residential Internet subscribers: 4

/s/  
Terry Reynolds  
CEO  
Reynolds Cable TV Inc.  
P.O. Box 782  
Swainsboro, GA 30401  
Number of residential Internet subscribers: 500

/s/  
Randy Scott  
President  
S & K TV Systems, Inc.  
508 West Miner Ave.  
Ladysmith, WI 54848  
Number of residential Internet subscribers: 406

/s/  
Tim Holden  
General Manager  
Sierra Nevada Communications  
P.O. Box 281  
Standard, CA 95373  
Number of residential Internet subscribers: 689

/s/  
Thomas Randolph  
Owner  
Spring Creek Cable, Inc.  
242 W. Main St., Ste 4  
Montrose, CO 81401  
Number of residential Internet subscribers: 297

/s/  
Sheila Welvaert  
Manager  
Television Association of Republic  
147-10 N Clark Ave.  
Republic, WA 99166  
Number of residential Internet subscribers: 777

/s/  
Brian P. Frazee  
President  
QCOL, Inc.  
213 Main St.  
Markleysburg, PA 15459  
Number of residential Internet subscribers: 87

/s/  
James R. Hirschy  
President  
RuralWest™ - Western Rural Broadband, Inc.  
2312 104<sup>th</sup> Ave, SE  
Bellevue, WA 98004  
Number of residential Internet subscribers: 540

/s/  
Ray Poorman  
General Manager  
San Juan Cable  
1911 C St.  
Bellingham, WA 98225  
Number of residential Internet subscribers: 500

/s/  
Tim Olmstead  
Owner  
Sister Lakes Cable  
517 Petrie Ave.  
St Joseph, MI 49085  
Number of residential Internet subscribers: 700

/s/  
Rick Rothhammer  
President / General Manager  
Stowe Cablevision Inc.  
172 Thomas Ln.  
Stowe, VT 05672  
Number of residential Internet subscribers: 527

/s/  
Rob Hium  
GM / Owner  
Tongue River Communications  
620 Betty St. / Box 759  
Ranchester, WY 82839  
Number of residential Internet subscribers: 554

Hon. Thomas Wheeler, Chairman

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/s/

Daniel W. Vaala

President

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PO Box 679

Story, WY 82842

Number of residential Internet subscribers: 190

/s/

Richard S Vogtmann

President

Vogtmann Engineering Inc.

6625 Maple Ridge Rd.

Alger, MI 48610

Number of residential Internet subscribers: 313

/s/

Robert G. Watson, Jr.

Vice President

Watson Cable Company

1127 Leverette Rd.

Warner Robins, GA 31088

Number of residential Internet subscribers: 217

/s/

Bill Bauer

President and CEO

Windbreak Cable

1140 10th St.

Gering, NE 69341

Number of residential Internet subscribers: 231

cc: Commissioner Mignon Clyburn  
Commissioner Jessica Rosenworcel  
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