

Ms. Magalie Roman Salas  
Office of the Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

RE: GN DOCKET NO. 00-185

Dear Ms. Salas:

As a small, independent ISP, I urge the Commission to promote a national, enforceable open access policy that applies to all cable operators. I support a robustly competitive, "open" Internet, and urge the FCC to act quickly to ensure that "last mile" cable broadband transmission facilities do not create bottlenecks which reduce competition and consumer choice in ISP services. A national, enforceable policy of continued open access to the Internet supports consumer choice and spurs rapid deployment of competitive broadband networks, benefiting the public and creating economic growth and opportunity.

Sterling Communications is a 3 year old, local Internet access provider in Portland, Oregon. We cater to businesses and residential customers in our local area and offer a "filtered" internet access product. Using our firewall, we filter out the pornography and XXX adult content from the internet and deliver "clean access" to our clients. We have done well in the past three years and are finding our product offering warmly received by businesses and families in Portland Oregon. They applaud our value-added service as a stronghold against the trash that exists on the Internet.

We provide our services over standard phone lines, DSL circuits, Frame relay and dedicated T1 products that are facilitated through the local telephone companies in this area. With the advent of cable internet access, we are finding it very difficult to compete because of the tremendous speed difference of the cable networks. Cable is 30-40 times faster than the other transport mediums that we can offer though the telephone companies.

The disappointing thing is the attitude of the cable companies and their lack of interest in allowing us to offer our products over their transport medium. They have a "closed network" approach and will not allow our clients to choose Sterling Communications as their ISP when using cable access. This in contrast to the attitude of the major telco's (with support for DSL, etc...) in allowing clients to chose from a list of supported ISP's.

If cable companies are not forced to allow open access to their facilities, the net result will be;

- a) The cable access companies will develop a monopoly in the market with no control on pricing due to the lack of competition.
- b) Our clients will not be able to choose "clean access to the internet" and will be forced to deal with the rampant pornography that is on the internet because their choice has been removed.
- c) Cable access is primary mechanism by which schools in this area obtain internet access. Not being given a choice of provider, they will also not be able to provide a "filtered service" in our public and private schools.

Today, consumers choose from among thousands of companies offering an array of Internet access and content alternatives through "last-mile" platform facilities. This competitive environment has enabled thousands of entrepreneurs to innovate and compete, and the public has reaped the benefits in price and performance of Internet services. Openness and competition have also fueled dynamic investment and growth in the Internet. Phenomenal, real economic growth in the U.S. over the last several years has resulted in large part from innovations in the information technology industry and from the explosion in use of the Internet.

In light of this success, we urge the Commission to adopt a national open access policy consistent with these key points:

1. The government should not allow cable operators to reverse the present policy of consumer choice by limiting access to "last mile" broadband networks.

If cable operators control their broadband networks in a way that erodes the fundamental openness of the Internet, consumers will have fewer choices in products, services, features and price. Limiting consumer choice in Internet access will block the creativity and innovation that are today the hallmark of the Internet and will introduce monopolistic practices into the open avenues of the Information Superhighway.

We urge the Commission to support consumer choice, which is the foundation of the vibrant, competitive free market that presently exists for the Internet.

2. Competition through open access to broadband networks is the key to rapid broadband investment and deployment and therefore pivotal to future economic growth.

As competitors in the Internet marketplace, we are eager to join in bringing the tremendous promise of the broadband Internet to consumers and support efforts to speed the deployment of these networks. Open access is crucial to accelerating the adoption of high speed Internet services, and remains a key factor in bringing American consumers the many benefits of broadband services. These benefits will not be fully or quickly realized if the providers of underlying, last mile, broadband transport services offer consumers only one option—their own affiliated Internet service provider.

It has been a critical element of this nation's policy to develop local competition in our communications infrastructure. Open broadband cable and telecommunications platforms will permit Internet service providers to choose the lowest price, highest performance infrastructure for their service and thus stimulate competition, investment, and economic growth. And open access to broadband platforms will not impede investment • indeed, it will encourage investment, not only from companies building those platforms but from companies purchasing capacity to offer services over those platforms.

As a member of the openNET Coalition, we believe that a national, enforceable open access policy is required with the following minimum standards:

- Consumers of broadband cable services should have a choice among multiple ISPs
- Cable broadband providers must make high speed transmission available to any requesting ISP on a nondiscriminatory basis, and must allow ISPs to interconnect with cable networks in the most efficient, technically feasible manner available, including, but not limited to, at the headend. ISPs should also be able to add new features, functions and services without the cable operator's approval, as long as there is not any harm to the cable network.
- The number of ISPs utilizing a particular platform should be a function of the number of ISPs that request access, and not subject to any particular limit imposed by the cable operator.
- Cable broadband providers must negotiate at arms length nondiscriminatory commercial arrangements with both affiliated ISPs and unaffiliated ISPs, (including "first screen" placement).
- Consumers must be able to alter their Internet experience as they see fit, including freely (and easily) reconfiguring their "first screen" or "start page"; unaffiliated ISPs must be free to offer their browser of choice and start page to their customers without any restrictions or requirements imposed by the cable broadband provider.
- Customers of unaffiliated ISPs must be able to access content through any interface or portal they choose to use.
- Customers of unaffiliated ISPs must have a choice, through their preferred ISP, of Internet connections at different speeds.
- Cable operators must provide nondiscriminatory network management of their system.
- ISPs should be allowed to purchase broadband backbone transport services of their choice; the cable broadband provider must not be permitted to require an unaffiliated ISP or its customers to install any software on a customer's PC or other device to use the underlying broadband transport service.
- Consumers choosing an unaffiliated ISP must not be required to subscribe to any cable service (e.g., video programming) of the cable broadband provider in order to utilize the high-speed transport service; however, consumers choosing an unaffiliated ISP must be permitted to subscribe to any cable service (e.g., video programming) which would otherwise be available to them or is otherwise

generally available.

- ISPs should be able to market their services, including the underlying broadband transport service, directly to all cable customers.
- ISPs should have the choice of operating on a national, regional or local basis.
- ISPs should have the opportunity for a direct relationship with the customer, including (but not limited to) billing for the underlying broadband transport service.
- ISPs should be allowed to provide video streaming and there should be no discriminatory restrictions on provision of content
- ISPs must be able to fully maintain brand recognition in their offerings, and may not be required to "co-brand" or otherwise display the cable broadband provider's brand.

The FCC must adopt these at a minimum so that the vast potential of broadband Internet services--including services and applications we cannot yet fully imagine--is not artificially limited by the "closed" vision of any particular cable broadband provider. Further, it is insufficient to apply these elements to just one cable company. Rather, these elements must apply to all cable broadband providers nationwide in order to make the open access policy effective, and to sustain the open structure that has made the Internet a flourishing and transformative medium.

Respectfully yours,

Thomas M. Gillihan  
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