

The Honorable Michael K. Powell
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Dear Chairman Powell:

Mr. FCC Chairman:

My name is Jacques Ward and I am General Counsel for Atlantic.Net, a Gainesville, Florida-based ISP. We began our business in 1994 and presently have greater than 50,000 customers. A majority is based in the state of Florida, but several customers are located otherwise in the Southeastern United States.

Atlantic.Net offers many services that BellSouth, our local phone company does not. Atlantic.Net offers training programs for computer clubs and business opportunities for businesses to offer wholesale Internet services customized to a specific employee or customer-base. Atlantic.Net provides Virtual Private Networks and custom installs advanced features as requested by customers.

Atlantic.Net has done what BellSouth could not do: create opportunities for business customers to incorporate our services as a profit-making solution for their business models. Not only do the business customers use our services, but also they are able to resell the non-tariffed portions to become more attractive to their potential customers. Atlantic.Net's customer service is based on solving problems, not efficiencies of lower call times, which quite often lowers customer satisfaction.

BellSouth is formidable as a competitor for the fact that it does not compete fairly. In the past, BellSouth has traced our customers based on our networking interconnection with them and has directly solicited these customers to transfer to BellSouth's services. Also, in the past, install dates for ISPs have also been pushed back whereas BellSouth can offer a faster installation when the customer deals with BellSouth rather than a CLEC or ISP using BellSouth's network. BellSouth provides service discriminately to its competitors.

Bellsouth provides the majority of our broadband access. BellSouth provides little or no notice for maintenance of its network that affects our service to our customers. BellSouth also refuses to schedule maintenance for hours of less traffic, such as the early hours of the morning. Moreover, BellSouth does not provide credits for the time that their maintenance has taken our service down and has affected service to our customers.

I believe it would fly in the face of reason to assume the Telecommunications/Internet industry could survive with only a few large competitors. In smaller markets they most certainly fail because customer service is neglected and price-sensitive customers are ignored for the fact that operations are subsidized by non-local markets. But because ISPs and most CLEC do not have facilities to provide broadband services, ILECs should be regulated more carefully to ensure that ILEC competitors are provided adequate access to ILEC wireline facilities and that ILECs work with their competitors to provide a better quality of service to the end users.

Sincerely,

Jacques Ward

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