

Dear FCC Commissioners & Staff:

My name is Jonathan Baldwin and I am the CEO and president of Access Kentucky, INC, in Bowling Green. We began business in 1997 and presently have more than 1,200 customers, most of whom live and work in Bowling Green but we also do a fair amount of web hosting for customers throughout the nation, and have some overseas customers as well.

I am writing you regarding FCC NPRM docket numbers. 02-33, 95-20, 98-10. Here are my comments.

We offer many services that our local phone company, Bell South, does not. Services like live person technical support and a local representative who will actually look at a customer's computer to effect repairs, something that cannot be done by phone. We also work with non-profit organizations and state agencies to assist them with projects at special rates.

When we opened for business we started, as many ISPs did, with a stack of ordinary dial-up modems and a fistful of phone lines from Bell South, Of course getting phone lines from Bell South was always a problem, and we frequently lost customers when our modem lines became busy because Bell South was late delivering phone lines we had ordered well in advance. We also experienced numerous outages due to faulty equipment at the Bell South Central office. A problem that took them nearly 1 1/2 years to resolve. During that time, our customers blamed us for the outages, and we spent untold amounts of time explaining the situation and providing the finest customer support we could, given our telco difficulties.

When a CLEC came to town, we moved all of the business we could over to that company instead. Since then Bell South has developed a program to 'win us back' and has done so. The price has gone down, but more importantly, service has improved.

Unfortunately, I can't say the same about DSL. If we want to offer Internet access over DSL to our customers, we must do it through Bell South and the prices they have offered us make it impossible for us to compete. We are expected to pay \$33 per month for the data line to reach the customer plus a \$500 per month port charge, and turn around and compete with BellSouth, which is offering reconfigured phone lines, internet access and free \$200 modems, for \$49.95 per month. There is no way we can offer this product without losing money, and so we have stayed out of the DSL market. Unfortunately this also means that we are losing customers, either to Bell South for DSL or to the cable company, since more and more of our customers are demanding faster access and if we can't provide it, they'll go to someone who will. If that trend continues, Access Kentucky will not be around much longer.

I do not have the resources to fight the tariff that the telcos have filed that allows them to get away with charging ISPs a wholesale rate of \$33 for access to the network. I believe the true cost is probably a great deal less than that. However, I also do not believe that the answer to this problem is simply to allow Bell South to stop selling access to the network at all, or to take away the requirements that are supposed to be preventing Bell South from discriminating.

The answer is for the FCC to make a good faith effort to uncover the discrimination (whether it is in pricing or provisioning) and put an end to it.

Until the FCC has demonstrated that it is willing to do this for ISPs, any talk about lifting the rules for monopolies like Ameritech is premature.

In 1997, I left a career of 20 years to start my own small business. Since that time, we have focused on strong customer support and our customers appreciate being able to contact a 'live' person rather than a recording. I have invested my life, and mortgaged my house to start this business. They say that the 'heart of America is small business.' During my years as an ISP, I have paid in literally thousands of dollars to Bell South, while still waiting to take a salary as owner of the business. They, more than any other compa

Sincerely,

Jonathan Baldwin
641 E 10th Avenue
Bowling Green, KY 42101