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May 2, 2003

EX PARTE PRESENTATION

William Maher
Chief, Wireline Competition Bureau
Federal Communications Commission
445 12th Street, SW, Room 5 C450
Washington, DC 20554

Dear Mr. Maher:

We encourage the Federal Communications Commission (Commission) to act quickly in Docket No. 02-33, "Appropriate Framework for Broadband Access to the Internet Over Wireline Facilities." Broadband services are critical to the success of the citizens and businesses of America. The Commission has the power to facilitate increasingly rapid deployment of broadband services, and we encourage the Commission to use that power. Any delay in action in this broadband docket denies customers the benefits of increased broadband deployment and increased competition in the broadband market.

Service providers need flexibility to foster competition and to encourage them to expand the availability of increasingly greater broadband capabilities throughout the nation. Service providers need the ability to offer their broadband services as either common carrier transport services, private carrier transport services, or private carrier broadband transport as the telecommunications component of an information service (e.g. Internet access service.)

All broadband service providers should have the same regulatory options to deliver their broadband services. Otherwise, the broadband market suffers from regulatory distortions that prevent the market from working as effectively and efficiently as it possibly can. The current disparities between the regulatory treatment of Digital Subscriber Line (DSL) based services and cable modems is an impediment to competition. The Commission continues to embrace the benefits of competition. We encourage the Commission to continue to move down the competition path so that consumers are not denied its benefits (e.g. choice and innovation.) No one can reasonably deny that the limited competition in the broadband market is benefiting consumers. But there is more to be done by the Commission, and we encourage it to act now. The sooner the Commission fosters increased competition in the broadband market the sooner customers will reap the rewards.

We believe if the Commission makes its broadband decisions based on the manner in which the service provider offers its broadband services, the Commission will foster increased broadband creativity and deployment; service providers will be increasingly motivated to innovate and expand their broadband offerings; and customers will accrue the benefits of a flourishing competitive broadband market. By providing service providers the option of common carrier transport service, private carrier transport service, or private carrier information services, the Commission can advance the arrival of the competitive broadband market it desires.



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Increasing the choices for service providers increases the choices available to customers. We applaud the Commission for opening Docket No. 02-33 and gathering the information, which they now have and need to make a decision. We encourage the Commission to act now and provide all broadband service providers the option of offering their broadband services as common carrier broadband transport, private carrier broadband transport, or broadband transport as the telecommunications component of an integrated information service.

Sincerely,

Trenton D. Boaldin
President

cc: Matthew Brill
Michael Carowitz
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