



Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th St., SW
Suite TW-A325
Washington, D.C. 20554

January 27, 2005

Memo in OPPOSITION of Proceeding 04-440: Verizon Petition for Forbearance

Ms. Dortch,

In 1995, BerkshireNet, Inc. was founded to provide internet services to an area of Massachusetts (Berkshire County) which was severely underserved by the ILEC (then known as NYNEX, now known as Verizon) and had basically no available services except for AOL and Prodigy. Providing services in as severely underserved an area as Berkshire County took a lot of guts and fortitude – something that none of the major corporations had at that time. As the first ISP in that region, I relied heavily on COMPUTER II in order to provide those services.

Verizon's petition for forbearance will severely hurt my company and may cause its eventual failure. My access to even the most basic infrastructure is imperiled by recent FCC rulings. I am currently blocked from access to the cable infrastructure by the FCC's own rulings, wireless internet is available to me, but is not yet at a point that I would consider to be of a quality that I would like to base my business on. Satellite broadband is available to me only on a resale basis.

Therefore, COMPUTER II remains the only way I can stay in business. I strongly recommend that the FCC keeps COMPUTER II available and denies Verizon's request for forbearance. The independent ISP business will collapse without COMPUTER II, leaving hundreds of thousands or millions without internet access of even the most basic kind. The COMPUTER II rules should actually be expanded beyond its current boundaries as set by the FCC. For true competition to be created, the transport mechanisms must be opened for all competitors to use. Without free access to transport, a monopoly structure is created which is not beneficial for consumer, government or freedom as a whole.

Leaving America's communications infrastructure in the hands of a few well-connected monopolies leads to a single point of failure which gives the opponents of our freedom a chance to attack with a good chance of success. In 2001, the attack on the World Trade Center left Manhattan without communication for weeks due to a single point of failure - Verizon's central office in the basement of an adjoining building. Let's not allow a similar frailty occur in the actual business infrastructure of telecommunications and the internet.

Sincerely,

Michael D. Bathrick,
President
BerkshireNet, Inc.