

I live in a town of about a thousand people that is 3 miles from I-5 in Southwest WA (2 hours south of Seattle and 1 hour north of Portland). We are hardly "backwoods" but we qualify as a rural area and have a small, family-owned telephone company that services the town of Toledo (ToledoTelephone). This company is the sole provider of land-line service, DSL Internet service, fiber optic Internet service, and satellite Internet service. There are no other providers in Toledo currently for any of these services or for any other telecommunication except cell phones. I want DSL Internet access in the home I live in - three blocks from the elementary school in the grid of "downtown" Toledo. There was land-line phone service to my house before I moved in and the house had a land line phone through ToledoTel. The wire from the pole to the home is still there. I have an AT&T cell phone. ToledoTel said they will not give me DSL unless I also purchase and maintain a land-line phone through them. This is illegal tying. The WA State Attorney General's antitrust division has recognized this, however, I was told there is "implied immunity" due to the 2003 BellSouth decision by the FCC. However, as I read that decision, there needs to be a CLEC in the picture. I am concerned that the dissent by Copps and Adelstein in this decision has been ringing true for years now as wireless and cell technology has advanced. Where is the regulation of antitrust behavior for small companies like ToledoTel? I have called small telephone companies throughout WA State and they all require their DSL users to have and maintain a land-line phone. They all can and do offer DSL at fair market rates - including up-front installation fees. Tying land-line phone service to DSL means that a user like me has to shell-out an additional \$30 per month for an unwanted, unneeded service just to acquire the desired service. 3 miles away from my house is Qwest territory. A customer can order just the products or services desired from Qwest without tying conditions. ToledoTel, however, serves a customer base unattractive to Qwest or other large company by virtue of the small population. There is a barrier to entry, despite the 1996 Telecom Act's opening of markets. ToledoTel is exploiting its customers and the Act's goals by tying services. Please address this issue immediately - life without the Internet at home puts me at a significant disadvantage to Americans in the territory of larger telecommunications companies who do not dare to tie their

services and instead offer ala carte or discounted bundling in a legal manner. Life in the territory of a small telephone company is a reality for many Americans - and all of us are falling behind while the FCC's "implied immunity" renders our state antitrust laws ineffective. End the limbo, please. Give power back to our states or regulate illegal behavior.