



December 13, 2010

Via ECFS

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: *Written Ex Parte Presentation*
ET Docket Nos. 09-191 and WC Docket No. 07-52

Dear Ms. Dortch:

Our company, Eastern Indiana WiFi Inc., provides Fixed Wireless broadband service in rural Grant County Indiana. We rely primarily on unlicensed spectrum to deliver broadband services to consumers that have no [or few] broadband choices. We built our network because of the community need of these services using devices authorized under Part 15 rules the FCC adopted to open up 900 MHz, 2.4 GHz, 3.65 GHz and 5 GHz spectrum for unlicensed or light licensed broadband devices. Thanks to the Commission's initiatives; consumers, businesses, and government services in the Grant County Indiana area can now get broadband service. Having been part of the Indiana Region 4 Department of Commerce Advisory Board under the past administration I witnessed first hand the digital divide creating have's and have-not's because of lack of broadband service in rural Indiana. As I studied the reams of paper of studies, they all pointed to communication infrastructure as a major inhibitor of growth. All of the reports indicated lack of high speed internet was one of the biggest reasons rural communities were dying. My brother and I own two third generation businesses, a True Value Hardware store and a 36 hole golf complex. In both businesses we were handicapped by lack of reliable internet. The only option we had was satellite internet which is less than required for our business demands. Our decision in 2005 to start this company was based entirely upon the need for this service to grow our community. We both decided that it would be worth the effort as long as we did not go broke trying to make it happen. One of our early customers told us early on that we had changed their life, they no longer have to travel 12 miles each direction twice a week to download their accounting business information to their home office, they said we changed their life! Without broadband services in the rural areas, small communities will die. The biggest problem we face now is the availability of bandwidth at affordable pricing. We sell a 1M connection for \$39.95 while we purchase the same bandwidth at \$250 per M. metered at the 95th percentile. It doesn't take a mathematician to see that we cannot continue as the bandwidth usage is increasing exponentially with movie and television viewing over our system. Rural Indiana needs more access to internet and it is important for WISPS like us to be on an even playing field with other larger wireless service providers.

Eastern Indiana Wifi Inc. is concerned that certain Network Neutrality rules, if adopted, would severely and adversely affect our ability to continue to provide our customers with affordable Fixed Wireless broadband services. It is our understanding that although mobile broadband will have a special set of rules, Fixed Wireless broadband will be lumped in with

traditional wired services and be subject to a stricter set of rules. We feel that the Network Neutrality rules imposed on Fixed Wireless broadband should be no more rigid than the rules that will apply to mobile wireless broadband providers. WE are the ones willing to offer last mile service; stricter rules will reduce the ability for Wisps like ours to provide service to rural areas left out by national carriers. The physics of wireless technology and delivery necessitate a relaxed set of rules for all wireless technologies.

Many of the proposed rules will destroy our industry, our business and our customers' Internet experience. We believe wireless networks, either Fixed or mobile, will be unable to operate effectively if the definition of what constitutes "reasonable" network management practices does not account for the unique obstacles faced by small businesses with congested networks, bandwidth constraints, tower and middle-mile access limitations and a lack of investment capital. **For many households in rural America, this will mean the loss of broadband services entirely at a time when the country is seeking to accomplish ubiquitous coverage.**

Content delivery and demand is outpacing technology and spectrum available to meet consumer demands, especially for Fixed Wireless networks that have limited spectrum, capacity and throughput. Many regions of our country do not have the wireline broadband infrastructure available to meet this demand. The past has proven that often times it is economically unfeasible to build new wireline infrastructure in rural areas; thus Fixed Wireless broadband is often the only economical delivery mechanism to deliver quality broadband services to those households that have been overlooked or bypassed by traditional wireline Internet providers.

It should not be taken lightly that the FCC was charged by the ARRA to write a National Broadband Plan so that all Americans could receive affordable broadband service. **If the proposed rules are approved, this one action alone would cripple this goal.** Why would the FCC protect one method of wireless broadband delivery and not apply the same good fortune to a similar technology that is in place and actively servicing many people and businesses today? As Fixed Wireless technology improves, and more spectrum is opened to the Fixed Wireless industry, then a more relaxed set of Network Neutrality rules may be revisited in the future, but **now is not the proper time.**

In nearly every industry in the world, flow is managed, whether it is water systems, hydraulic fluid, natural gas, air traffic, the highway system, or countless other systems. Flow management is essential for orderly delivery of a medium in a safe and effective process. Data is no different than anything mentioned above. Without proper management, systems will fail and the data highways will be disrupted, leaving millions of businesses and residents without service. Specifically, customers now watch movies and television(s) through our internet connection and do not turn them off resulting in exponential bandwidth usage.

Companies that are building and maintaining the data highways should be able to control and manage the traffic coming in and out of their network as they see fit, in order to effectively deliver the high levels of sustained traffic that are starting to clog the Internet.

Ours as well as the majority of Fixed Wireless networks have been completely funded with private funds and organic growth. As Internet traffic grows exponentially, Fixed Wireless broadband providers are seeing not only their middle mile transport costs increasing but last mile transport costs increasing exponentially as well. Given the state of our current economy, we do not feel that we can pass these increased costs on to our customers. This is not a time to increase regulation as consumer thirst for more content delivered to their doorstep for the same cost that they are currently paying. The economics just do not justify it.

Our company supports the positions taken by WISPA, the Wireless Internet Service Providers Association in their Ex Parte presentation filed on December 10, 2010.

Sincerely,

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