

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Protecting and Promoting the Open Internet)	GN Docket 14-28
)	
In the Matter of Framework for Broadband Internet Service)	GN Docket 10-127
)	

**COMMENTS OF MEMBERS OF THE RURAL BROADBAND POLICY GROUP:
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CHURCHES, TERZETTO CREATIVE, LLC, AND WEST VIRGINIA
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TABLE OF CONTENTS

I. INTRODUCTION 3

II. SECTION 706 IS INSUFFICIENT AUTHORITY TO PROTECT NETWORK NEUTRALITY 5

III. TO ENSURE THE OPEN INTERNET REACHES RURAL AMERICANS, THE COMMISSION MUST RECLASSIFY INTERNET SERVICE AS A TITLE II TELECOMMUNICATIONS SERVICE AND REGULATE INTERNET SERVICE PROVIDERS AS COMMON CARRIERS..... 5

IV. MOBILE BROADBAND SERVICE SHOULD NOT BE EXEMPT FROM RECLASSIFICATION NOR MOBILE BROADBAND PROVIDERS FROM ADHERING TO TITLE II REGULATIONS 6

V. TITLE II SECTIONS THAT MUST BE EXEMPT FROM FORBEARANCE 8

VI. CONCLUSION 9

I. INTRODUCTION

Residents of rural and native communities constitute the majority of Americans who are unable to access telecommunications services. According to the 8th Broadband Progress Report released by the Federal Communications Commission in August 2012, fixed broadband networks do not reach 19 million Americans. Of those unserved by fixed broadband networks, 14.5 million live in rural areas. Nearly a third live in Tribal lands.¹ These statistics reveal a persistent digital divide that keeps rural communities from better education, health care, economic development, and from full participation in our culture and democracy.

The Open Internet presents the opportunity to revitalize Rural America's local economies, share rural culture with global audiences, and cultivate a space where rural voices can be heard. Access to the Open Internet breaks down the isolation and discrimination rural communities face for being rural. But access alone is not sufficient. Network Neutrality, the non-discrimination principle that characterizes the Internet, guarantees that it is a place where rural voices, stories, and ideas are on equal footing as our urban counterparts. In short, Network Neutrality guarantees rural residents access to the wealth of opportunities provided by the Internet. As our economy, culture, and civic engagement grow online, Network Neutrality becomes increasingly essential for the survival of rural and Native cultures and the diversity of our nation.

¹ *Eight Broadband Progress Report*, Federal Communications Commission. August 24, 2012

Rural Entrepreneurs

The Internet provides rural businesses, start-ups, and innovators access to global customers. Net Neutrality allows rural entrepreneurs and large corporations to compete for these customers on a level playing field. Allowing Internet Service Providers (“ISPs”) to sell fast Internet lanes to those who can afford them leaves rural businesses stuck in the digital dirt road. Without Net Neutrality, the road to economic progress is closed for rural communities.

Rural Artists

The Internet exposes global audiences to rural art, music, stories, and culture. Rural musicians, filmmakers, journalists, and artists use the Internet to be our cultural ambassadors. Lack of Internet access prevents rural artists from utilizing their most accessible venue. Allowing Internet service providers to sell fast Internet lanes to those who can afford them leaves rural talent locked out of the national and global stage.

Rural Advocates

The Internet is a platform where rural people can speak for themselves and on the behalf of their communities to wider audiences. Net Neutrality grants equal opportunity to every advocate and idea, thus ensuring that rural communities are not excluded and do not experience the same lack of representation they currently face in on other communications platforms. Allowing Internet service providers to sell fast Internet lanes to those who can afford them is like selling megaphones to the powerful and leaving rural people without a voice.

To establish and enforce Network Neutrality and to ensure that the full benefits of the Open Internet reach rural communities, the Commission must reclassify both mobile

and fixed Internet service as a Title II telecommunications service and regulate Internet service providers as common carriers.

II. SECTION 706 IS INSUFFICIENT AUTHORITY TO PROTECT NETWORK NEUTRALITY

The Commission's proposal to use the authority granted by Section 706 of the Telecommunications Act of 1996 does not fulfill the American public's request to protect Network Neutrality, especially for rural communities who do not have access to the Internet. In rural areas, Internet Service Providers cite low population density and unprofitability as excuses to deliberately avoid connecting rural communities. Section 706 does not give the Commission enough legal authority to stop Internet Service Providers from redlining any towns they do not want to serve. In effect, Section 706 allows providers to pick and choose who gets Network Neutrality and who gets the slow digital service, if any service at all. If the Commission relies on Section 706 authority to establish Network Neutrality rules, it would allow Internet Service Providers to continue redlining rural communities. Therefore, Section 706 alone is insufficient legal authority to accurately serve the American public.

III. TO ENSURE THE OPEN INTERNET REACHES RURAL AMERICANS THE COMMISSION MUST RECLASSIFY INTERNET SERVICE AS A TITLE II TELECOMMUNICATIONS SERVICE AND REGULATE INTERNET SERVICE PROVIDERS AS COMMON CARRIERS

The only route the Commission can take to guarantee an open and neutral Internet reaches rural Americans is to reclassify mobile and fixed broadband services as Title II Telecommunication Services, and to regulate mobile and fixed broadband providers as common carriers. Title II reclassification is the legal foundation the Commission needs to

withstand the litigation backlash from Internet Service Providers willing to take any action necessary to profit from the bifurcation of the Internet. The Commission can and must choose to adopt the legal power of Title II authority to defend the Internet's structure of non-discrimination and act in the best interest of the American public.

For rural communities, Title II reclassification is even more crucial. According to the Commission's most recent Broadband Progress Report, advanced telecommunications capability is not being reasonably and timely deployed to Americans, particularly those living in rural areas.² Deployment efforts under current FCC authority have been insufficient and leave large portions of the American public behind. To achieve universal access, reliability, affordability, and quality in advanced telecommunications services, the solution is undisputable: the Commission must reclassify. To guarantee that every person in our country, regardless of their location of residence, can get online and access vital services, the Commission must reclassify broadband service as a Title II telecommunications service and enforce Title II regulations on fixed and mobile broadband service providers.

III. MOBILE BROADBAND SERVICE SHOULD NOT BE EXEMPT FROM RECLASSIFICATION NOR MOBILE BROADBAND PROVIDERS FROM ADHERING TO TITLE II REGULATIONS

The Commission should not exclude mobile broadband service from reclassification or the Net Neutrality rules it adopts. On the contrary, the Commission should ensure that both mobile and fixed broadband services are reclassified as Title II telecommunications services and follow Net Neutrality rules. Similarly, the Commission

² *Eight Broadband Progress Report*, Federal Communications Commission. August 24, 2012

should regulate mobile broadband providers as common carriers and require them to follow Net Neutrality rules and Title II regulations.

Reclassifying mobile broadband as a Title II service and regulating mobile broadband providers as common carriers is crucial for rural communities, particularly those who have lost the right to basic telephone service.

Our national commitment to ensure that every American has access to vital telecommunications tools created the Universal Service Fund (“USF”). USF and common carrier requirements assigned under Title II brought telephones to low-income and remote communities. If a person requests telephone service, she or he has a right to access it wherever she or he lives. Thanks to the strong consumer protections of Title II, 97 percent of Americans have affordable, reliable, quality telephone service.

Unfortunately, many rural communities are fighting the loss of this valuable communications tool at the hands of unscrupulous telecommunications providers who are pushing state legislation that removes the right to basic telephone service. What makes this situation more problematic is that no alternative communications tool is guaranteed for areas that have lost the right to basic telephone service. More and more rural and low-income communities are being left with weak wireless phone and mobile broadband reception at best, or absolutely no service at worst.

Title I regulations do not require mobile broadband providers to serve rural communities. Title I allows them to cherry-pick areas to serve, in other words, to redline whatever communities they do not consider desirable. Title II would erase this redlining practice from both the mobile and fixed services. To ensure all Americans can get true Net Neutrality, the Commission must also ensure that they have Internet service. To

achieve both access and non-discrimination goals, the Commission must reclassify mobile and fixed broadband as Title II services and regulate mobile and fixed broadband providers as common carriers.

IV. TITLE II SECTIONS THAT MUST BE EXEMPT FROM FORBEARANCE

As the Commission considers the details of reclassification, we strongly encourage the Commission to exempt from forbearance the following sections of Title II in order to bring affordable, reliable, quality mobile and/or fixed broadband service to rural America.

Section 201. This section ensures that a rural customer will have the right to access mobile and/or fixed broadband service upon request. Section 201 stops an Internet Service Provider from redlining and leaving rural Americans without Internet access.

Section 202. This section ensures rural residents have the right to fair prices and reliable quality Internet service. It makes it illegal for an Internet Service Provider to discriminate against rural communities by selling them lesser service or charging unreasonable prices.

Section 208. This section ensures consumers have the right to complain to the FCC for any violation by a carrier.

Section 214. This section ensures that an Internet Service Provider does not discontinue services to rural areas without first obtaining approval from the Commission, a requirement for Universal Service Fund recipients. This is of grave importance to rural communities since USF plays a major role in ensuring telecommunications services reach rural areas.

Section 222. The privacy of customers is of utmost importance, and this section creates privacy safeguards and standards that protect customer information.

Section 225. This section protects the right of rural Americans with hearing and speech impairments to access telecommunications services.

Section 228. This section provides customers with protections from abusive practices by pay-per-call service providers.

Section 251. This section is a crucial provision for promoting broadband deployment in rural areas. Section 251 requires interconnection between carriers, thus allowing rural broadband providers to serve rural areas. Interconnection is a lifeline for rural providers committed to quality service. This is a necessary provision to foster competition in under-served and unserved communities. In addition, Section 251 prevents the redlining of rural communities and providers at the hands of large Internet providers who disproportionately control the market.

Section 254. This section establishes the Universal Service Fund, an essential set of programs that bring telecommunications services to rural communities.

Section 255. This section protects the right of rural Americans with disabilities to access telecommunications services and functional equipment.

Section 256. This section gives the Commission responsibility for coordinating and planning interconnection between networks on a nondiscriminatory basis, a necessary authority to ensure rural residents can access telecommunications services.

IV. CONCLUSION

Broadband service has become a necessity in our society. People need Internet service to apply for jobs, sign-up for healthcare, complete homework, launch businesses, and communicate with elected officials. Yet, 14.5 million rural Americans do not have access to broadband service in their home.

Allowing Internet service providers to sell fast lanes to those who can afford them would permit the redlining of rural towns and customers who cannot pay for the fast lanes. If such discrimination is allowed, rural businesses will be stuck in the digital dirt road, rural artists will have no access to the global stage, and rural voices will be silenced. To guarantee that every person in our country can get online and access vital services, the FCC must reclassify Internet service as a Title II telecommunications service.

For decades we have understood the importance of creating access to technologies that enhance our lives. We have achieved commendable progress in electricity and

telephones. We are once again at this critical juncture. Internet service has become a technology that not only enhances our lives, but is necessary for full participation in our economy, society, culture, and democracy.

For these reasons, the members of the Rural Broadband Policy Group urge the Commission to Reclassify mobile and fixed Internet service as a Title II telecommunications service and regulate mobile and fixed Internet Service Providers as common carriers. The Commissions foremost responsibility to achieve universal access to telecommunications services requires no less. Every American, regardless of their place of residence, deserves the opportunity innovate and contribute to the growth of our society.

Respectfully Submitted,

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