



July 27, 2014

Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

Re: Protecting and Promoting the Open Internet, GN Docket No. 14-28

Dear Ms. Dortch:

On Wednesday July 24, 2014 we met with Gigi Sohn, Special Counsel for External Affairs, Office of the Chairman, Daniel Alvarez, Legal Advisor, Office of the Chairman, and Elizabeth McIntyre, Deputy Division Chief of the Wireless Competition Bureau's Pricing Policy Division. We certainly appreciated the time they gave to us during a very busy day. As discussed, Sunset is a small to medium Tier II Fiber-to-the-Premises Internet and telecommunications provider located primarily in Southwest Virginia and Northeast Tennessee. We have been in business for just over a decade, and provide broadband Internet, private data, fiber-optic TV, and telephone to residents, businesses, medical facilities, banks, and other Internet service providers. We built our network from scratch with young minds with computer software and networking backgrounds.

The purpose of our visit was in part to discuss Net Neutrality, and to lend a voice to a thus-far relatively silent group – that of private small to medium providers. We believe that the development of an effective means of insuring net neutrality is critical to maintaining the educational and economic benefits provided by the Internet that our country needs to prosper and grow. As a rural provider, we see our economies languishing because of the loss of 20<sup>th</sup> century industries and the closure of coalmines. In some aspects, our people lack the education and skills necessary to attract new businesses. Change is going to have to be made from the ground up, and without funding, our schools are ill equipped. The only viable answer is broadband for education and for jobs. We have seen it work, and with net neutrality it can continue. Net neutrality is critical in maintaining fairness to all who use the Internet from the smallest to the largest users. Without net neutrality, large corporations that have distribution monopolies could control content access of large populations that

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have no competitive access in their regions creating information monopolies. Rural America, in its lack of multiple providers, would especially be affected.

Networks like Comcast and Verizon, that are controlling the data quality received by their own customers, make a seemingly plausible argument. They believe that when their customers pull more data from a single content provider that the content provider should pay for the upgrades to their network to carry the data. Sadly, as recently displayed in their argument with Level 3 (one of Netflix's primary Internet providers and Tier 1 provider), they do not intend to stop at Netflix. They intend to extort the transport provider as well. We see this as an indicator of a broken business plan more than anything else.

As a network that is too small to make such demands, we have very little sympathy for a company that cannot afford to provide customers what was sold to them. Data has been increasing every year since the Internet began. That we are to believe that these experienced providers are suddenly surprised that customers keep pulling more data is far fetched. Indeed, after years of issues where these same providers often sold higher bandwidths than they could actually deliver (as shown by the FCC itself - [http://www.fcc.gov/measuring-broadband-america/2012/july#Test\\_Results](http://www.fcc.gov/measuring-broadband-america/2012/july#Test_Results) ) are we expected to believe that they now expect to blame their bandwidth problems, if there truly are any, on a relatively new content provider? The problem did not appear with a large content provider. The problem appeared with the distribution networks themselves who have made over-promising and under-delivering standard practice.

It is our opinion that, if a corporation is going to be allowed to have a monopoly (whether by coincidence or design), then that should come with certain community responsibilities. The issue of net neutrality is really only the fact that some carriers of commodity Internet (who are not necessarily telecommunications carriers) think that they have the right to adjust the quality of service on the transport portion of this network depending on whose data it is. This suggests that regulators should demand that these transport organizations adhere to the old common carrier regulations. That is, they are not allowed to interfere with customer's data flows, and all data is treated equal. Doing this should level the playing field for everyone.

Sincerely,

A handwritten signature in blue ink, appearing to read "P. Elswick".

Paul B. Elswick  
President & CEO

A handwritten signature in blue ink, appearing to read "R. Elswick".

Ryan B. Elswick  
Vice President & COO

A handwritten signature in blue ink, appearing to read "R. Daniel Wells".

R. Daniel Wells  
Director, Special Projects