

**Before the
Federal Communications Commission**

In the Matter of

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**Protecting and Promoting the
Open Internet**

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GN Docket 14-28

Reply Comments of TerrAvion

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I would like to explain why TerrAvion fully supports Y Combinator's position that the Internet ecosystem needs bright-line rules against application-specific discrimination and access fees (including paid prioritization), and agree that the only way the FCC could adopt these essential rules is to regulate broadband Internet access provision as a Title II service.

I. TerrAvion Uses Aerial Imaging to Make Agriculture More Efficient

Our company, TerrAvion, is a 12-person startup, co-founded by a Carnegie Mellon roboticist and a U.S. Army veteran, to increase agricultural productivity by making aerial imagery accessible. Aerial imaging is a well-established art that is known to produce great insights for farmers. However, there has been a big problem to date. Getting imagery has taken too long and it has been too expensive to use frequently. We've built a technological solution to this problem and have had amazing results: Bottom line productivity improvements on the order of 10% in the first year for our customers and 30%+ monthly growth for our company. We are a company that takes American innovation, industry, and the hard lessons of the recent wars and applies them to feed the world.

II. We Would not Have Founded Terravion if the FCC's Proposal had Been Law

The problem we face is that we collect enormous amounts of data and need to distribute this data to our customers. Thus, if we were in a slow lane, even if that lane were "pretty fast," the delays in loading our maps would be noticeable. Customers don't take kindly to these delays. They turn away even from websites with page-loading

delays as small as 250 milliseconds.¹ We would have needed to be in a fast lane to be competitive.

At the time of our founding, though, we simply could not have afforded to pay to put ourselves in a fast lane. My co-founder and I did not have the personal funds to afford that.

Earlier this year, we were fortunate to receive funding from ImagineH20 and Y Combinator, Silicon Valley's premier startup accelerator. We might not have received funding from either if the FCC's proposal had been in effect. Both ImagineH20 and Y Combinator would have realized that they had a stark choice: either invest extra money so that we could pay off ISPs, or risk putting us at a competitive disadvantage. Facing that choice, they might have simply walked away. However great our product is, any startup is a risky investment. They might have decided that the risk was not worth the reward.

III. The FCC's Proposal Threatens our Future

We are still a young company, and we run on tight margins. We might not be able to afford to put ourselves in a fast lane today. Even if we could, though, the money for it would have to come out of our hiring and growth.

I am also concerned about the threat of exclusive deals, signed between ISPs and our competitors, granting our competitors the exclusive right to a fast lane. Since these deals would put whoever purchased them at a huge advantage, they would be extremely expensive. We definitely can't afford them. Big companies can. Now that

¹ <http://www.nytimes.com/2012/03/01/technology/impatient-web-users-flee-slow-loading-sites.html?pagewanted=all>.

we've demonstrated our concept, one of them might swoop in and try to shove us out, leveraging their exclusive right to a fast lane.

IV. A Commercial Reasonableness Standard Won't Give us our Day in Court

We don't have an army of telecommunications lawyers, like big ISPs. In fact, we have not a single lawyer on our staff, and a tiny legal budget. If we were going to sue an ISP, we would need to have a rock-solid case. But we can't build a case like that on an extremely vague standard of "commercial reasonableness." Instead, we need bright-line rules against blocking, technical discrimination, and paid prioritization.

V. Conclusion

Most of our customers do not have effective choice among Internet Service Providers, and usually the provider of Internet holds the local cable franchise. This means that an unregulated, rent-seeking monopoly stands between us and our customers. Without protections like universal interconnection and non-discrimination provisions under Title II, these monopoly utilities are trying to extract payment from companies like ours in order to deliver the requests their customers are making and have paid them to deliver! If allowed to continue, this will create huge deadweight losses for the economy—which, in our case, means growers will have a poor experience of their farm maps, farmers will use our service less, we will make less money and hire fewer people, and wherever this happens American farmers will be about 10% less productive than they could have been.

Internet connectivity is not an information service; it is the telecommunications necessity of the 21st century—so much so that all our other telecom services run on top of it. Congress saw fit to make rules that require interconnection, non-discrimination, and universal service for telecommunications services; it is time to apply those rules to the most essential one.

Please feel free to reach out and contact me if you have further questions. I hope you will do the right thing and adopt the necessary bright-line rules under Title II, with appropriate forbearance.

Respectfully submitted,

/s/ Robert Morris

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