



1221 North Russell St. | Missoula, MT 59808
866-541-5000 | Blackfoot.com

December 8, 2017

Ex Parte

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

VIA ECFS

Re: *Restoring Internet Freedom* (WC Docket No. 17-108)

Dear Ms. Dortch:

I had a telephone conversation on December 7, 2017, with Federal Communications Commission (“FCC”) Chairman Ajit Pai to describe how the FCC’s 2015 Open Internet rules are impacting Blackfoot Telephone Cooperative, Inc. and its affiliates (“Blackfoot”).

I described to the Chairman how the existing Open Internet rules add administrative burden and expense, leaving Blackfoot with less money to invest in broadband infrastructure. I also described how the existing Open Internet rules create regulatory ambiguity for Blackfoot and uncertainty for our customers.

For example, Blackfoot elected Alternative – Connect America Model support for its rural incumbent local exchange areas. That election gives ACAM companies like Blackfoot the ability to offer “stand-alone” broadband services and still receive high cost universal service fund support. This also gives ACAM companies like Blackfoot the ability to price its broadband services in a manner that is responsive to what its customers want as well as what they can afford. The current Open Internet rules, however, give the FCC—not local service providers who live, work and raise families in the same rural communities as the customers they serve—the authority to determine what broadband offerings and prices are best for rural consumers.

I also explained how the current Open Internet rules are slowing down innovation. I provided the Chairman with a specific example of how Blackfoot is currently working with a local company that has unique encryption software that, when bundled with Blackfoot’s broadband service offerings, could have amazing cybersecurity benefits for businesses and consumers. But since this product has a broadband component, it places Blackfoot at risk to move forward because the current Open Internet rules give the FCC authority to regulate the broadband component of the product. In addition, the vague Internet conduct standards imposed





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by the current Open Internet rules make this technology susceptible to litigation and discrimination claims merely because Blackfoot happens to have an ISP as one portion of its business as a technology solutions provider.

I also told the Chairman that Blackfoot has never blocked, throttled or discriminated against any lawful Internet traffic.

Lastly, I explained to the Chairman that his proposed transparency requirements that ISPs disclose information about their practices to consumers, entrepreneurs and the Commission would not be unduly burdensome for Blackfoot to comply with and that such information would serve as important information for consumers.

Sincerely,

\s\Jason B. Williams

Jason B. Williams
Chief Executive Officer
Blackfoot

