

**From:** [Records Center \(UTC\)](#)  
**To:** [UTC DL Records Center](#)  
**Subject:** FW: UTC Courtesy Email: UT-190437 Notice of Opportunity to File Written Comments and Respond to Small Business Economic Impact Statement Questionnaire. CRM:0003660  
**Date:** Friday, November 15, 2019 2:49:27 PM

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**From:** Forbes Mercy  
**Sent:** Friday, November 15, 2019 2:49:18 PM (UTC-08:00) Pacific Time (US & Canada)  
**To:** Records Center (UTC); Danner, Dave (UTC); Rendahl, Ann (UTC); Balasbas, Jay (UTC); letters@seattletimes.com  
**Subject:** Re: UTC Courtesy Email: UT-190437 Notice of Opportunity to File Written Comments and Respond to Small Business Economic Impact Statement Questionnaire. CRM:0003660

I want to immediately put on record that we worked very hard and repeatedly to make sure the word "Telecommunications" was dissociated with the word "Broadband" in the 2019 law. It has been a constant battle for the Internet industry. I understand UTC is made up of Telecom people and is heavily lobbied by phone companies, the ultimate "swamp" of industry regulating themselves.

The phone industry was the last companies to join the Internet, I clearly recall when I was selling dial-up that Qwest Communications told me they weren't going to sell me any more phone lines because the Internet "Is just a fad that will go away". They fought giving me CLEC lines to resell DSL copper finally charging me more per month than they charged for DSL themselves (once they got into the Internet business) violating the rules of the break-up of AT&T, did the government slap them for that? Of course not. CenturyLink just this year illegally claimed CAF II money to build fiber into a town (Tieton) where my Form 477 clearly shows I provide above the minimum FCC speed requirements. CAF is not closing the digital divide, it's just another tax meant to push legacy (NO phone company is a legacy Internet provider) Internet carriers out of business using tax/fee money to let government pick the winners because the phone companies have no intention of investing into their old copper plants. I complained to USAC and the FCC about the CL illegal build-out, no response, no big surprise there. Today's government is only responsive to big political donors not to taxpayers and especially not to small business. Sure you give lip service to us because we're the most popular and honest to our communities, but in the end we know all of your decisions will favor the major corporations and ignore the obvious damage you cause to small businesses, just like this proposed WAC does. You have no right to hijack my industry!

The phone companies waited too late to get into the Internet Industry and now they have you trying to make laws to force us under their restrictive telephone rules AGAIN. You are being an advocate for an outdated unrelated industry (telcos) in order to punish the private broadband industry for having vision and providing a new service. What industry will UTC pick up next to continue to feel relevant, grocery stores? media companies? In the end instead of making more rules UTC should be cut way back and CAF should go away, and not be a 25% tax meant only to hurt small CLEC's since no small company can comply with the purposely complex rules of claiming CAF money, so the small CLEC's are paying to fund illegal overbuilding of our areas. Isn't anyone at the state smart enough to recognize that 25% is likely the highest taxed product in the nation, maybe next to alcohol and marijuana. But in this case the money my CLEC pays goes straight to CenturyLink and Frontier to overbuild my areas. The \$4 million you just handed out specifically augments phone companies with

verbiage to encourage illegal overbuilding of existing Internet Service providers, shame on you!

Just because the Internet is now a dominant industry, it just doesn't automatically fall under the purview of UTC, and the UTC is now ignoring the verbiage in the law by trying, once again, to make the Internet a title 2 telecommunication regulated industry when under FCC rules we are an Information service under Title 1. The recent appellate court recognized that title 2 was badly outdated but gave states some authority, but it's intent was on states making reasonable rules not just adopting the popularly yet improperly named 'Net Neutrality' rules not applicable to the Internet. But as usual government is lazy and prone to do what the phone companies tell them to do. ISP's actually believe in service first, money second versus Telcos with their dozens of phony fees while UTC looks the other way and enables bad behavior while trying to bring down an industry (Internet) that has innovation and actual good service without being bad actors as the phone companies are. You can see being left alone by the government produced a service (the Internet) far superior than the heavily regulated phone industry, now you want to ruin the Internet as well?

Honestly I'm so mad that this document is as poorly written as the CAF adaption from USF was by Chairman Wheeler at the FCC. It is heavily contradictory, adds thousands of dollars in new wasted consultant fees we will have to hire to fill out a bunch of forms you will likely ignore just like the FCC does with 477 (which is getting new federal legislation to re-write how it's done making this bill irrelevant) when it became painfully clear that you do not intend on following the passed legislation and once again are trying to regulate an industry that accepts no government money and was paid for with private investment (except of course your phone company buddies). I will be more than happy to provide complete input once you modify this proposed WAC to match the law and stop trying to illegally regulate us. FOLLOW THE LAW AND STOP TRYING TO SLOW THE GROWTH OF OUR INDUSTRY, AND REDUCING COMPETITION FOR COMMUNITY OPTIONS WITH UNNECESSARY AND ILLEGAL APPLICATION OF RULES!!! Name just one violation that would necessitate you regulating us? Oh you can't? I thought not, how dare we be successful without some government agency trying to ruin something that works on it's own. Picking the winners, piling unnecessary costs on ISP's which will cause price hikes that prohibit the poor from buying Internet, truly the most corrupt government can be is to claim to be helping when in fact is going out of their way to hurt the citizens of Washington State just so the telephone companies can take over the Internet with your help.

I will have no problem forwarding this to my legislators if you persist in trying to rename the Internet into Telecommunications, they are worlds apart.

Forbes Mercy  
President - Washington Broadband, Inc.  
President - Washington Telco LLC

"Broadband service" means any service providing advanced **telecommunications** capability, including Internet access and access to high quality voice, data, graphics or video whether provided by a provider or its affiliate or a combination of the two. To be considered **advanced telecommunications**, broadband must be at, or above, a minimum download and upload speed." Just a perversion of the actual law passed and just making up the law as you go aren't you?!

On 11/15/2019 10:22 AM, Document Service Queue wrote:

The Washington Utilities and Transportation Commission (UTC) served the following document(s), regarding Docket Number(s) 190437, on 11/15/2019 10:20 AM

We attach a courtesy copy of the above document(s). Please do not reply to this e-mail. If you have any questions regarding this e-mail, please contact the UTC Records Center, at [records@utc.wa.gov](mailto:records@utc.wa.gov).