

## Mike Hennigan

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**From:** Ombudsperson  
**Sent:** Wednesday, November 18, 2015 6:44 PM  
**To:** (b) (6)  
**Subject:** RE: Verizon Wireless Data Throttling.  
**Attachments:** FCC-15-24A1\_Open\_Internet\_Order.pdf

(b) (6)

Thank you for contacting the Federal Communication Commission's Open Internet Ombudsperson. The concern that you raised, involving speed reductions for individual mobile users on enterprise plans, may relate to the Open Internet.

If you would like to file a complaint, you can use the below link and select "Open Internet" as the "Internet issue" for which you are filing the complaint: [https://consumercomplaints.fcc.gov/hc/en-us/requests/new?ticket\\_form\\_id=38824](https://consumercomplaints.fcc.gov/hc/en-us/requests/new?ticket_form_id=38824)

Or you may contact the Consumer Help Center at (888) 225-5322 to file your complaint. If you file a complaint, Verizon Wireless will be required to respond to you in writing in thirty days.

You asked whether the Open Internet rules include enterprise plans. You may wish to review paragraphs 25 to 35 of the Open Internet Order (attached) which discusses the "Scope of the Rules." The Order applies its rules to the consumer-facing service known as "broadband internet access service" (BIAS), which is defined as:

- "A mass-market retail service by wire or radio that provides the capability to transmit data to and receive data from all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up Internet access service. This term also encompasses any service that the Commission finds to be providing a functional equivalent of the service described in the previous sentence, or that is used to evade the protections set forth in this Part."

Paragraph 26 of the Open Internet Order states: **"As in 2010, BIAS does not include enterprise services, virtual private network services, hosting, or data storage services."**

Also of interest may be the following consumer guide:

<https://consumercomplaints.fcc.gov/hc/en-us/articles/204231404-Open-Internet>

Thank you again.

| FCC Open Internet Ombudsperson | [ombudsperson@fcc.gov](mailto:ombudsperson@fcc.gov) | (202) 418-1155 |

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**From:** (b) (6)  
**Sent:** Wednesday, November 18, 2015 6:31 PM  
**To:** Ombudsperson  
**Subject:** Verizon Wireless Data Throttling.

To Whom It May Concern:

I am on an enterprise data contract with Verizon Wireless and I am being throttled. I currently have an Unlimited Data plan. Once I hit 5GBs of data Verizon will throttle my phone where it is unusable for data connections. I am not the account owner and I have no control over the plan. I called Verizon and asked them about being throttled. I mentioned Net Neutrality, however they told me that Net Neutrality does not cover Enterprise plans. Is this information correct, or is Verizon not following Net Neutrality? I am currently awaiting our IT Telcom people to contact me (which may be as long as Nov 26<sup>th</sup>). Verizon also informed me that once my billing cycle is over on the 23<sup>rd</sup> that my bandwidth throttle will be lifted until I hit 5GBs on my unlimited data plan.

Thanks,

(b) (6)

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The information contained in this message may be confidential and legally protected under applicable law. The message is intended solely for the addressee(s). If you are not the intended recipient, you are hereby notified that any use, forwarding, dissemination, or reproduction of this message is strictly prohibited and may be unlawful. If you are not the intended recipient, please contact the sender by return e-mail and destroy all copies of the original message.

## Mike Hennigan

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**From:** Ombudsperson  
**Sent:** Thursday, November 05, 2015 11:40 AM  
**To:** (b) (6)  
**Subject:** RE: Verizon Wireless Throttling?

(b) (6)

Thank you for contacting the FCC's Open Internet Ombudsperson. You raised a concern about the ability of Verizon Wireless customers to send text messages on iOS devices not running iOS 9.1. Your inquiry relates to an Open Internet complaint. If you have not already done so, please file your complaint.

You can use the below link and select "Open Internet" as the "Internet issue" for which you are filing the complaint:  
[https://consumercomplaints.fcc.gov/hc/en-us/requests/new?ticket\\_form\\_id=38824](https://consumercomplaints.fcc.gov/hc/en-us/requests/new?ticket_form_id=38824)

Or you may contact the Consumer Help Center at (888) 225-5322 to file your complaint.

If you file a complaint, we will serve your complaint on your provider and your provider is required to respond to you in writing in 30 days.

Also of interest may be the following consumer guide on the Open Internet rules:  
<https://consumercomplaints.fcc.gov/hc/en-us/articles/204231404-Open-Internet>

Thank you again.

| FCC Open Internet Ombudsperson | [ombudsperson@fcc.gov](mailto:ombudsperson@fcc.gov) | (202) 418-1155 |

---

**From:** (b) (6)  
**Sent:** Thursday, November 05, 2015 11:31 AM  
**To:** Ombudsperson  
**Subject:** Verizon Wireless Throttling?

To Whom It May Concern:

My name is (b) (6), and I believe that my text messages are being throttled due to Verizon blocking all text messages being sent on iOS devices not running iOS 9.1. Please view this link and provide your discretion, please. I was unable to post a discussion to the Verizon Wireless forums, as well, as seen in this

screenshot attachment.



[Cancel](#)

## Discussion

[Submit](#)

**You do not have permissions to access the requested content.**

Post To: Everyone

### iOS 9.0.2 Text Message Throttling

I wish to understand why I cannot send text messages unless I update to iOS 9.1. Because the FCC states, "No Throttling: broadband providers may not impair or degrade lawful Internet traffic on the basis of content, applications, services, or non-harmful devices."

I believe that an iOS software update is classified as "content" or "services." You may claim loophole, but I claim rights being violated. I have a

Sincerely,

(b) (6)



## Mike Hennigan

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**From:** Ombudsperson  
**Sent:** Tuesday, March 15, 2016 1:34 PM  
**To:** (b) (6)  
**Subject:** RE: Verizon wireless landline

Thank you for contacting the FCC's Open Internet Ombudsperson. It is unclear whether the concerns raised in your email, relating to a trial period for fixed wireless service and a restocking fee, relate to an Open Internet issue. The FCC's Consumer Center is the contact point for all incoming complaints/public inquiries and I encourage you to contact the FCC's Consumer Center.

You may contact the FCC's Consumer Help Center/file an informal complaint by accessing the following website/URL:

<https://consumercomplaints.fcc.gov>

If you file a complaint with our help center, we will serve your complaint on Verizon and Verizon will be legally required to respond to you in writing within 30 days.

Thank you.

| FCC Open Internet Ombudsperson | [ombudsperson@fcc.gov](mailto:ombudsperson@fcc.gov) | (202) 418-1155 |

**From:** (b) (6)  
**Sent:** Monday, March 14, 2016 5:47 PM  
**To:** Ombudsperson  
**Subject:** Verizon wireless landline

I went to the wireless landline, with a 14 day trial, it messed up all my phones in the house, could not get in or out call? I took Verizon wireless system back in one and a half days, they charged me a \$35.00 reshelf fee... which I was never told I would have to pay, if returned before 14 days was up... now have to wait 2 weeks to get land line back on with same number, nothing changed, except for WHAT they did? Now company is charging \$29.00 for rehook up fee, what happened to the 14 days free. Trail, this has cost me so much trouble and money... what a nightmare this has been and it's not over yet? Verizon never told us about any changes to our lines or any extra charges

...they did however lie to me about what money this system would save me? They should be made to pay me back my money, after all I'm still buying their services..... I have no other choice, if I need a landline? Thank you for reading this.....

## Mike Hennigan

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**From:** (b) (6)  
**Sent:** Thursday, November 05, 2015 1:16 PM  
**To:** Ombudsperson  
**Subject:** RE: Verizon Wireless Throttling?

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Should I inform Verizon Wireless that I am submitting a complaint to the FCC?

Sincerely,

(b) (6)

On Thu, Nov 5, 2015 at 8:40 AM -0800, "Ombudsperson" <[Ombudsperson@fcc.gov](mailto:Ombudsperson@fcc.gov)> wrote:

(b) (6)

Thank you for contacting the FCC's Open Internet Ombudsperson. You raised a concern about the ability of Verizon Wireless customers to send text messages on iOS devices not running iOS 9.1. Your inquiry relates to an Open Internet complaint. If you have not already done so, please file your complaint.

You can use the below link and select "Open Internet" as the "Internet issue" for which you are filing the complaint:

[https://consumercomplaints.fcc.gov/hc/en-us/requests/new?ticket\\_form\\_id=38824](https://consumercomplaints.fcc.gov/hc/en-us/requests/new?ticket_form_id=38824)

Or you may contact the Consumer Help Center at (888) 225-5322 to file your complaint.

If you file a complaint, we will serve your complaint on your provider and your provider is required to respond to you in writing in 30 days.

Also of interest may be the following consumer guide on the Open Internet rules:

<https://consumercomplaints.fcc.gov/hc/en-us/articles/204231404-Open-Internet>

Thank you again.

| FCC Open Internet Ombudsperson | [ombudsperson@fcc.gov](mailto:ombudsperson@fcc.gov) | (202) 418-1155 |

**From:** (b) (6)  
**Sent:** Thursday, November 05, 2015 11:31 AM  
**To:** Ombudsperson  
**Subject:** Verizon Wireless Throttling?

To Whom It May Concern:

My name is (b) (6), and I believe that my text messages are being throttled due to Verizon blocking all text messages being sent on iOS devices not running iOS 9.1. Please view this link and provide your discretion, please. I was unable to post a discussion to the Verizon Wireless forums, as well, as seen in this



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### iOS 9.0.2 Text Message Throttling

I wish to understand why I cannot send text messages unless I update to iOS 9.1. Because the FCC states, "No Throttling: broadband providers may not impair or degrade lawful Internet traffic on the basis of content, applications, services, or non-harmful devices."

I believe that an iOS software update is classified as "content" or "services." You may claim loophole, but I claim rights being violated. I have a

Sincerely,

(b) (6)



## Mike Hennigan

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**From:** Ombudsperson  
**Sent:** Sunday, January 17, 2016 6:08 PM  
**To:** (b) (6)  
**Subject:** RE: Verizon DSL  
**Attachments:** FCC-15-24A1\_Open\_Internet\_Order.pdf

(b) (6)

Thank you for contacting the FCC's Open Internet Ombudsperson. The concern that you raise below, regarding the consistency of and speeds provided by Verizon's DSL service, relates to the Open Internet. As such, you are welcome to file a complaint with us on this subject.

If you would like to file a complaint, you can use the below link and select "Open Internet" as the "Internet issue" for which you are filing the complaint: [https://consumercomplaints.fcc.gov/hc/en-us/requests/new?ticket\\_form\\_id=38824](https://consumercomplaints.fcc.gov/hc/en-us/requests/new?ticket_form_id=38824)

Or you may contact the Consumer Help Center at (888) 225-5322 to file your complaint. If you file a complaint, we will serve your complaint on Verizon and Verizon will be legally required to respond to you in writing in thirty days. If they do not do so or if their response is unsatisfactory to you, let me know.

I can understand why you feel powerless and at the mercy of your provider given that you only have one wireline broadband option in your area. Our consumer complaint process is different from other agencies in that providers are legally required to respond to complaints in writing and we can follow up with providers if the response is inadequate. Additionally, the filing of a complaint with the FCC can escalate the matter within a provider so that the complaint can get a more focused response than if the complaint was just filed with the company. I have seen many cases where our complaint process has led to progress and satisfactory resolutions.

As such, I encourage you to file a complaint. If you do so, you will be assigned a ticket number. Please email me the ticket number so that I can monitor the complaint. If you would like, we can have a phone call to discuss the provider's response when you receive it.

Regarding the questions that you asked, you may be thinking of our annual evaluation of broadband deployment where we have benchmarked broadband deployment based upon certain speeds. The Open Internet Order (attached) does not adopt a minimum speed requirement. Providers, however, must be transparent regarding the speed of service that they are offering to you. Regarding the number of service offerings in your area, the FCC is committed to consumers having competitive choices and we have taken steps to promote competitive alternatives throughout the country. Recently, we pre-empted two state laws that prohibited municipal broadband offerings.

Thank you again for bringing this matter to my attention. I hope that our complaint process can lead to improved Internet access for you and I am happy to discuss this further with you.

| FCC Open Internet Ombudsperson | [ombudsperson@fcc.gov](mailto:ombudsperson@fcc.gov) | (202) 418-1155 |



**From:** [REDACTED] (b) (6)  
**Sent:** Sunday, January 17, 2016 4:48 PM  
**To:** Ombudsperson  
**Subject:** Verizon DSL

Good afternoon. My name is (b) (6) and I am writing you regarding Verizon and Open Internet. I believe them to be intentionally disrupting my Internet connection in an effort to phase out their DSL services.

First of all, let me say that I live in a fairly rural area (Moneta, VA) and very slow DSL Internet from Verizon (1-3 Mbps) is the only fixed Internet available to me. Is this applicable to the recent law passed requiring minimum download speeds? Also, it seems very questionable for them to be my only option. There is satellite and mobile Internet, but nothing else.

Back to the situation I am writing you about. I have had issues with my connection for the past 4-5 months. I lose service (always on their end), report the problem, and am then told there is an outage in my area. It usually gets resolved in 24 hours. I only recently started documenting the date and duration of the losses, but it's definitely getting more frequent. At the time I'm writing this, I haven't had Internet in 3 days.

It is my belief that Verizon is intentionally disrupting my connection because they are trying to phase out their DSL services. Doing this would allow them to avoid replacing the old copper phone lines with the fiber optic cables needed for fast Internet speeds. Of course, I can't prove this, but I have read about others online having the same experience.

Your advice and/or suggestions regarding this matter would be greatly appreciated. I feel completely powerless and at the mercy of Verizon. I am disabled, so the Internet is even more important. It is my outlet to the outside world. Thanks for your time.

I'm including my address if you want to look into this. It is as follows:

(b) (6)  
[REDACTED]  
[REDACTED]  
[REDACTED]

Sincerely,

(b) (6)  
[REDACTED]

--  
Sent from Gmail Mobile

## Mike Hennigan

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**From:** Ombudsperson  
**Sent:** Thursday, May 19, 2016 4:29 PM  
**To:** (b) (6)  
**Subject:** RE: Verizon "enhanced high speed Internet"  
**Attachments:** 901753.pdf

(b) (6)

Thank you for contacting the FCC's Open Internet Ombudsperson. I help consumers with Open Internet related concerns.

Below you raise a concern about not receiving a response to your informal complaint from Verizon, as required under our rules. The rule is 47 CFR 1.717 and here is the relevant excerpt:

- The Commission will forward informal complaints to the appropriate carrier for investigation. The carrier will, within such time as may be prescribed, advise the Commission in writing, **with a copy to the complainant**, of its satisfaction of the complaint or of its refusal or inability to do so.

For your convenience, I have attached a pdf Verizon's response to your informal complaint. I have also raised your concern regarding not receiving the response with appropriate FCC staff.

If you find Verizon's response unsatisfactory and/or wish to discuss this further, I can set up a time for us to talk on the phone. Please let me know.

Thank you.

| FCC Open Internet Ombudsperson | [ombudsperson@fcc.gov](mailto:ombudsperson@fcc.gov) | (202) 418-1155 |

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**From:** (b) (6)  
**Sent:** Tuesday, May 17, 2016 1:17 PM  
**To:** Ombudsperson  
**Subject:** Verizon "enhanced high speed Internet"

On 4/8/16, I filed a FCC complaint (ID # 901753 Verizon "high-speed" Internet) indicating that I have been paying for Verizon "high Speed Internet enhanced" for years and was informed on Saturday, 4/2/16 that my internet speed is 3 megabits. This is not considered high speed internet according to your website (recently increased from 4 to 25 megabits).

It is not transparent for Verizon to call speeds of 3 megabits per second high speed Internet let alone "enhanced high speed Internet"

Although Verizon sent a letter to the FCC, I have not received a letter. The FCC closed my complaint after receiving information from Verizon and 2 e-mails sent to the FCC have not been responded to.

Thank you,

(b) (6)



## Mike Hennigan

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**From:** (b) (6)  
**Sent:** Friday, March 18, 2016 9:24 AM  
**To:** Ombudsperson  
**Subject:** RE: UPDATES - (b) (6)

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Mr. Jensen,

Possibile, but not likely. They all have the same 1-2 mbps speed, and the data shows in some cases a flat throughput signature. I could provide you a list of content providers to investigate, I have not been able to find anything on their transmission speeds. . Further, these content providers are in a competitive business, it would not make good business sense to send content at sub standard speeds thus reducing viewship. This is exactly the right question.

Thanks,

(b) (6)

----- Original message -----

**From:** Ombudsperson  
**Date:** 03/18/2016 8:40 AM (GMT-05:00)  
**To:** (b) (6)  
**Subject:** RE: UPDATES - (b) (6)

(b) (6)

See 3:26 to 3:46 in the video link below. "The content provider controls the stream."

Is it possible that the speed reductions that you are observing are originating in the content provider?

Thanks.

[https://newsroom.t-mobile.com/video\\_display.cfm?video\\_id=15630](https://newsroom.t-mobile.com/video_display.cfm?video_id=15630)

Michael Janson | FCC Open Internet Ombudsperson | [ombudsperson@fcc.gov](mailto:ombudsperson@fcc.gov) | (202) 418-1155 |

**From:** (b) (6)  
**Sent:** Tuesday, March 15, 2016 11:36 AM  
**To:** Ombudsperson  
**Subject:** UPDATES - C. HENSEL

Mr. Jensen,



Any News????

(b) (6)

**Mike Hennigan**

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**From:** Ombudsperson  
**Sent:** Friday, March 25, 2016 8:57 AM  
**To:** (b) (6)  
**Subject:** RE: UPDATES - (b) (6) - LIST VIDEO STREAMING SITES

(b) (6) – Fyi.

#### **WALL STREET JOURNAL: NETFLIX THROTTLES ITS VIDEOS ON AT&T, VERIZON NETWORKS**

By Ryan Knutson and Shalini Ramachandran, Wall Street Journal

The Journal reports Netflix has admitted to degrading the quality of its service over AT&T and Verizon.

<http://www.wsj.com/articles/netflix-throttles-its-videos-on-at-t-verizon-phones-1458857424>

#### **WASHINGTON POST: NETFLIX'S STUNNING ADMISSION: IT THROTTLES VIDEO SPEEDS FOR SOME CUSTOMERS**

By Brian Fung, Washington Post's "The Switch" blog

Netflix has long presented itself as a champion of unfettered access to Internet content. But those claims are ringing a little hollow after the company admitted Thursday that it deliberately slows down its streams for customers watching on the cellular networks of AT&T and Verizon.

Normally, Netflix subscribers need at least a 500 Kbps connection just to open a streaming TV show or film. The service recommends a connection that's at least six times as fast for normal viewing at standard definition.

But for more than five years, Netflix has capped its video stream to just 600 Kbps for AT&T and Verizon's wireless customers, the company told the Wall Street Journal Thursday. The reason? Well, because video uses up a lot of data, Netflix subscribers risked blowing past their monthly caps without the throttling. Not only does going over your limit result in sometimes stiff penalties, but it also may discourage users from continuing to watch Netflix. The throttling therefore helps ensure that consumers on AT&T and Verizon don't overuse their data – and that viewers' binge watching habits won't get cut short.

<https://www.washingtonpost.com/news/the-switch/wp/2016/03/24/netflixs-stunning-admission-it-throttles-video-speeds-for-some-customers/>

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**From:** (b) (6)  
**Sent:** Friday, March 18, 2016 9:49 AM  
**To:** Ombudsperson  
**Subject:** RE: UPDATES (b) (6) - LIST VIDEO STREAMING SITES

Mr. J,

The list of video streaming sites, virtually all function in the .5-1.5 mbps range. I will look into this some more on my end,

<http://watchmoviesnosurvey.com/beststreams.php>

(b) (6)

----- Original message -----

From: Ombudsperson <[Ombudsperson@fcc.gov](mailto:Ombudsperson@fcc.gov)>

Date: 03/18/2016 8:40 AM (GMT-05:00)

To: "(b) (6)"

Subject: RE: UPDATES - (b) (6)

(b) (6) -

See 3:26 to 3:46 in the video link below. "The content provider controls the stream."

Is it possible that the speed reductions that you are observing are originating in the content provider?

Thanks.

[https://newsroom.t-mobile.com/video\\_display.cfm?video\\_id=15630](https://newsroom.t-mobile.com/video_display.cfm?video_id=15630)

Michael Janson | FCC Open Internet Ombudsperson | [ombudsperson@fcc.gov](mailto:ombudsperson@fcc.gov) | (202) 418-1155 |

From: (b) (6)

Sent: Tuesday, March 15, 2016 11:36 AM

To: Ombudsperson <[Ombudsperson@fcc.gov](mailto:Ombudsperson@fcc.gov)>

Subject: UPDATES (b) (6)

Mr. Jensen,

Any News????

(b) (6)



## Mike Hennigan

---

**From:** (b) (6)  
**Sent:** Friday, March 25, 2016 10:15 AM  
**To:** Ombudsperson  
**Subject:** RE: UPDATES - (b) (6) - LIST VIDEO STREAMING SITES

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Mr. J,

STUNNING, a real game changer..... Where does anyone go from here? Netflix excuse that it is protecting customers was used by T Mobile, this issue of data throttling may not be fixable, extremely dissapointed,

(b) (6)

----- Original message -----

**From:** Ombudsperson  
**Date:** 03/25/2016 8:56 AM (GMT-05:00)  
**To:** (b) (6)  
**Subject:** RE: UPDATES - (b) (6) - LIST VIDEO STREAMING SITES

(b) (6) – Fyi.

### **WALL STREET JOURNAL: NETFLIX THROTTLES ITS VIDEOS ON AT&T, VERIZON NETWORKS**

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<https://www.washingtonpost.com/news/the-switch/wp/2016/03/24/netflixs-stunning-admission-it-throttles-video-speeds-for-some-customers/>

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Michael Janson | FCC Open Internet Ombudsperson | [ombudsperson@fcc.gov](mailto:ombudsperson@fcc.gov) | (202) 418-1155 |

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**From:** (b) (6)  
**Sent:** Tuesday, March 15, 2016 11:36 AM

**To:** Ombudsperson <[Ombudsperson@fcc.gov](mailto:Ombudsperson@fcc.gov)>

**Subject:** UPDATES - (b) (6)

Mr. Jensen,

Any News????

(b) (6)



## Mike Hennigan

---

**From:** Ombudsperson  
**Sent:** Monday, August 08, 2016 5:04 PM  
**To:** (b) (6)  
**Subject:** RE: Unfair Internet in Community  
**Attachments:** FCC-07-189A1\_MDUs\_Order.pdf

(b) (6)

Good talking with you today. Attached is a pdf of the Commission's 2007 order on exclusive cable arrangements for multiple dwelling units (MDUs). At paragraph 7, the Commission defined MDUs as:

- "For purposes of this Report and Order, we define the term "MDU" to include the kinds of dwellings that we have defined as being MDUs in past decisions implementing the Act. That is, MDUs include apartment, cooperative, and condominium buildings. For purposes of this Report and Order, we adopt this definition but expand it to include other centrally managed real estate developments. ***Thus, the term MDUs, for purposes of this Report and Order, also includes gated communities, mobile home parks, garden apartments, and other centrally managed residential real estate developments.***"

If you and your fellow residents are concerned about a potential violation of our rules, the FCC's informal complaint process provides consumers with a way to register their concerns with the FCC and their providers. If your informal complaint is signed by multiple individuals, it may benefit from being handled by our Market Disputes Resolution Division (MDRD), rather than through our Zendesk intake system (consumercomplaints.fcc.gov), which is more suited towards handling individual complaints. Here is information on filing an informal complaint with MDRD:

- To file an informal complaint, the complaining party need only submit a letter to the Chief of the Market Disputes Resolution Division, Christopher Killion, describing the alleged violation of the Communications Act. There is no fee associated with filing an informal complaint. The letter must include the name of the defendant provider, a complete statement of the facts, and the relief sought. Once MDRD receives an informal complaint, it will transmit the complaint to the provider and typically will require the provider to submit a written response to the complainant and the Commission within thirty days. Informal complaints do not result in public orders issued by the Commission.

When submitting an informal complaint, you should make it clear that you are filing an "informal complaint" under 47 C.F.R. § 1.716 and 47 C.F.R. § 1.717. Additionally, it is helpful to the Commission and to your provider if you explained specifically how you think our rules have been violated, with citation to the relevant rules and quotation of our rules as appropriate. You are welcome to submit supporting evidence as well as the scanned pages of the individuals in your community that signed your complaint.

You can file an informal complaint on behalf of multiple individuals by emailing [Christopher.Killion@fcc.gov](mailto:Christopher.Killion@fcc.gov)

If you have any questions, please feel free to be in touch. Thank you.

| FCC Open Internet Ombudsperson | [ombudsperson@fcc.gov](mailto:ombudsperson@fcc.gov) | (202) 418-1155 |



**From:** (b) (6)  
**Sent:** Monday, August 08, 2016 2:08 PM  
**To:** Ombudsperson  
**Subject:** RE: Unfair Internet in Community

Absolutely, my number is (b) (6)

On Aug 8, 2016 11:39, "Ombudsperson" <[Ombudsperson@fcc.gov](mailto:Ombudsperson@fcc.gov)> wrote:

(b)

Can we talk today at 4:00 pm eastern?

Thanks.

**From:** (b) (6)  
**Sent:** Friday, August 05, 2016 6:53 PM  
**To:** Ombudsperson <[Ombudsperson@fcc.gov](mailto:Ombudsperson@fcc.gov)>  
**Subject:** RE: Unfair Internet in Community

Thanks for the reply Michael. I am off all day on Monday, so I am free to discuss this when it would be best for you.

On Aug 5, 2016 17:32, "Ombudsperson" <[Ombudsperson@fcc.gov](mailto:Ombudsperson@fcc.gov)> wrote:

(b)

Thank you for contacting the FCC's Open Internet Ombudsperson. I understand that you are concerned about the speeds that your service provider is offering in the Heron Isles community in Yulee, Florida.

Would you have time on Monday to talk with me about this on the phone? If so, what would be some times that would work for you?

Michael

**From:** (b) (6)  
**Sent:** Wednesday, August 03, 2016 12:38 PM  
**To:** Ombudsperson <[Ombudsperson@fcc.gov](mailto:Ombudsperson@fcc.gov)>  
**Subject:** Unfair Internet in Community

Thank you for taking the time to review this email. My name is (b) (6), I serve in our nations Navy and am a new home owner. I purchased my home in March of 2016 in a community called Heron Isles in Yulee, FL. Everything seemed like it was going to be great for me and my wife in our first home, until we went to go choose an internet broadband provider.

As it turns out the developers of the area had signed a contract that gives a single company exclusive rights to provide services to our area, and the 1200+ residents of Heron Isles are being taken advantage of because of it. We are given substandard speeds of 1mbps-7 mbps with a data limit of 50 gigs a month, 25 gigs of anytime use and 25 of use between 2-6am. The price for this "state of the art" service ranges from \$50-\$100 a month before overage charges. Because of this I have had to drop my summer college classes because I could not afford to stream some of the videos I am required to review/watch for my degree and my wife has lost supplemental income from not being able to make her videos online.

I write to the FCC on this because you passed regulations and laws about landlords forming exclusivity deals for apartments. This situation falls under the spirit and intent of those situations, with the fact that it is much harder for homeowners to leave the bad situation as we are tied to the homes through mortgages and money restraints.

If there is anything you can do to help Heron Isles, or at least some advice we would be extremely grateful, and you would be helping to raise the quality of life of thousands of people.

Sincerely

(b) (6)

## Mike Hennigan

---

**From:** Ombudsperson  
**Sent:** Monday, October 05, 2015 2:59 PM  
**To:** (b) (6) Ombudsperson  
**Subject:** RE: Understanding problems

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi (b) (6)

Thank you for contacting the Open Internet Ombudsperson.

The Open Internet Order states that paid prioritization "*refers to the management of a broadband provider's network to directly or indirectly favor some traffic over other traffic, including through use of techniques such as traffic shaping, prioritization, resource reservation, or other forms of preferential traffic management, either; (1) in exchange for consideration (monetary or otherwise) from a third party, or (2) to benefit an affiliated entity.*"

To put this in context, please see the link below, which addresses some common misconceptions about the rule. The Chairman explains that, "[B]roadband providers will continue to be able to offer new competitive services and rates. This means that when a broadband service provider wants to add a faster tier of service at a new price, for instance, it is free to do so ... What providers can't do is engage in behavior that threatens the Open Internet."

The document can be found here: <https://www.fcc.gov/document/fcc-open-internet-order-separating-fact-fiction>.

Thank you, again.

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**From:** (b) (6)  
**Sent:** Wednesday, September 30, 2015 5:21 PM  
**To:** Ombudsperson  
**Subject:** Understanding problems

Could you please explain what the following portion of the open Internet rules.

- No Paid Prioritization: broadband providers may not favor some lawful Internet traffic over other lawful traffic in exchange for consideration of any kind—in other words, no "fast lanes." This rule also bans ISPs from prioritizing content and services of their affiliates.

Isn't Charging a higher rate for faster internet Paid Prioritization?

I know that is creating fast and slow lanes. Please explain this to me.

(b) (6)



## Mike Hennigan

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**From:** Ombudsperson  
**Sent:** Sunday, May 22, 2016 10:32 PM  
**To:** (b) (6)  
**Subject:** RE: Unanswered Complaint  
**Attachments:** FCC Response-18153-(b) (6).pdf

(b) (6) –

Thank you for contacting the FCC's Open Internet Ombudsperson. I went into our system and found your provider's response to your complaint and it is attached to this email. Did you receive a copy of this response previously?

If you find your provider's response insufficient, we can schedule a time to discuss it.

Thank you.

| FCC Open Internet Ombudsperson | [ombudsperson@fcc.gov](mailto:ombudsperson@fcc.gov) | (202) 418-1155 |

---

**From:** (b) (6)  
**Sent:** Sunday, May 22, 2016 1:29 PM  
**To:** Ombudsperson  
**Subject:** Unanswered Complaint

Dear Ombudsperson

Over a year ago I filed a throttling complaint with the FCC (I am not longer able to identify the docket number) and received a response in which it was stated that ATT would respond directly to me. Instead, I have since received another and more recent warning that I if I exceeded an arbitrary limit on my I-Phone I would have my access permanently slowed. When I signed up with ATT it was on the basis of unlimited lifetime internet access.

My phone number is (b) (6).

I urge the FCC to insist upon compliance with the regulations on which spectrum is licensed – as well as with the clear directives which in my case were completely ignored.



## Mike Hennigan

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**From:** Ombudsperson  
**Sent:** Thursday, August 20, 2015 11:53 AM  
**To:** (b) (6)  
**Subject:** RE: Unable to view most websites

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Thank you for contacting the FCC's Consumer Center.

If you have not already done so, please file a complaint on line:

<https://consumercomplaints.fcc.gov>

If you are unable to file the complaint on line, please contact the FCC's Consumer Center at the following toll free number:

888-225-5322

You may request that the staff member, answering your phone call, take the complaint over the phone. However, by filing over the phone, you will not be provided with on line access to the complaint filing itself.

Thank you again.

**From:** (b) (6)  
**Sent:** Wednesday, August 19, 2015 11:57 PM  
**To:** Ombudsperson  
**Subject:** Unable to view most websites

I have been unable to access most websites for over two days now. The only internet connectivity I have received is to extremely popular/wealthy sites, such as google, Facebook, Netflix, and YouTube. All other sites that i have attempted to use have been completely unavailable to me, and all programs that use internet connectivity (such as Skype, Steam, and many online games) have also been unavailable. Despite calling Comcast (my internet service provider) regarding my problem, I was given useless advice and not helped in any way. In fact, while the FCC website itself was available, the FCC complaint board was not, forcing me to use my mobile device to attempt to lodge my complaints. This is not the first time this has happened, and is in clear violation of the freedom of information act. My name is (b) (6), and I am emailing on the behalf of my mother (b) (6), who shares the same address. If you wish to contact me, my phone number is (b) (6).

## Mike Hennigan

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**From:** Ombudsperson  
**Sent:** Friday, June 10, 2016 9:18 AM  
**To:** (b) (6)  
**Subject:** RE: Time Warner Cable Internet Speed not what is claimed...

(b) (6)

Thank you for contacting the FCC's Open Internet Ombudsperson.

If you would like to discuss this with me, let me know some times today when we can have a phone call.

| FCC Open Internet Ombudsperson | [ombudsperson@fcc.gov](mailto:ombudsperson@fcc.gov) | (202) 418-1155 |

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**From:** (b) (6)  
**Sent:** Thursday, June 09, 2016 5:28 PM  
**To:** Ombudsperson  
**Subject:** Time Warner Cable Internet Speed not what is claimed...

A news report from yesterday, June 8, 2016 re: a probe of Time Warner Cable: Please Read the story in the link...

<http://www.msn.com/en-us/money/companies/probe-calls-time-warner-cables-internet-speeds-abysmal/ar-AAqNWF4?li=BBnbfcN>

## INTERNET SPEED IS NOT WHAT IS CLAIMED BY TIME WARNER CABLE

- (b) (6) March 07, 2016 15:59

My internet speed has been slower than what I've been paying for...for over 5 years, with no improvement in speed despite all of Time Warner Cable's promises. I should have 100 Mbps download speed. Instead, I have somewhere in the range of 20-40 Mbps. This has been going on for years! TWC's very own tech that visited my home said that it is TWC's problem with their servers in my area. I have his business card and phone number verifying all of that info. He found no problem with my modem or computer. Many technicians have visited without finding a solution. I am filing a complaint now, after two internet chat's and a phone conversation (yesterday and today) with TWC. My internet has gotten even slower lately. 03-07-16



- **FCC Consumer Complaints** March 31, 2016 13:03

Hi (b) (6)

Your Ticket No. 852069 was served on your carrier for its review and response.

Your carrier has provided the FCC with a response to your complaint. You should receive a copy of the response from the carrier within 7-10 days via postal mail. As such, no further action is required. Your complaint is closed.

We appreciate your submission and help in furthering the FCC's mission on behalf of consumers.

- (b) (6) April 05, 2016 03:24

My complaint is closed? Why? Because TWC is laying the blame on my computer?... which is fully equipped to deal with the speeds I'm supposed to be getting. This is like letting TWC be the judge and jury with no rebuttal allowed.

I'm just getting started. Please ask TWC to explain why I'm getting 11 Mbps download speed on a different computer...not even close to 100 Mbps. It's an up to date Mac laptop, wireless...which should certainly be more than 11 Mbps even wireless.

The technician didn't prove anything other than they brought in a laptop on which the speed, they said, checked out...I have requested the specs of that particular laptop but have not heard from TWC other than "you should be getting a call". Who knows what is going on with that particular laptop from TWC, I don't.

What "internet speed plan" was implemented on that computer that was used to "prove" my computer is at fault? Ultimate 200? Ultimate 300? Do tell.

Here's what I do know:

I have a capable computer (gigabit network card) and slow internet speed.

TWC's own tech said in the past that it was a problem with the servers in my area, not my computer.

If TWC believes the problem lies with my computer, why can't they tell me what that problem is?

Why was the speed of my computer blazing fast when TWC did the switch over to fiber optic cable last year? For one week during the transition I had blazing fast speed, then it slowed down again. What's up there?

Why are TWC speed test and Speedtest.net speed test two vastly different results? I'll tell you why...because Speedtest.net reads a peak for a couple of seconds only and is

pipelined through TWC as priority traffic, which is why TWC always is pushing to use Speedtest.net for testing. TWC own speed test is always a slower result.

I think there is provisioning going on in my area and I'm going to get to the bottom of it. It's unfortunate that more consumers don't get involved in what is happening here.

When I purchase a brand new shiny computer it had better get all the speed I'm paying for when I test the speed on it, or the sh#t is going to hit the fan.

Thanks for listening. I am carrying on my search for answers, and my complaint.

- **FCC Consumer Complaints** April 28, 2016 07:15

Hi (b) (6),

Your Ticket No. 852069 was served on your carrier for its review and response.

Your carrier has provided the FCC with a response to your complaint. You should receive a copy of the response from the carrier within 7-10 days via postal mail. As such, no further action is required. Your complaint is closed.

We appreciate your submission and help in furthering the FCC's mission on behalf of consumers.

- (b) (6) May 03, 2016 14:10

I received Time Warner Cable's (TWC) rebuttal which I will address line by line here....

TWC-As stated in our original response, we have verified that (b) (6) is receiving the speeds to which he subscribes.

(b) (6) -You have verified ONLY that you are in possession of a computer that works on my connection when you connect it. As stated in my previous complaint..."The technician didn't prove anything other than they brought in a laptop on which the speed, they said, checked out...I have requested the specs of that particular laptop but have not heard from TWC other than "you should be getting a call". Who knows what is going on with that particular laptop from TWC, I don't.

What "internet speed plan" was implemented on that computer that was used to "prove" my computer is at fault? Ultimate 200? Ultimate 300? Do tell" I have yet to get the specs of that particular computer although I was promised a phone call with the information on a number of occasions. Someone is hiding something.



TWC-TWC never guarantees a specific speed as various factors can affect performance at any given moment, including the number devices and the use of a WiFi network.

(b) (6) We tested with 1 device attached at time directly via Ethernet cable through my modem. No WiFi network was involved in the testing. If TWC is saying my internet plan is 100 Mbps but I'm only getting 30 Mbps average then that's a problem. I'd be happy if it was even occasionally 75-80 Mbps, sadly it is not even close.

TWC-Furthermore, we have no reports of issues from (b) (6)'s neighbors with their service.

(b) (6) Some people don't care, or don't have the time to complain even when they know they're not getting the service that they're paying for. Furthermore, my neighbors would have to have the exact same internet plan and equipment as me in order to compare my slow internet speeds to theirs.

Once again TWC has ignored my questions and deflected my comments. So, once again I ask the following to be addressed with some direct answers and information:

I am requesting the specifications of the laptop computer that was used to "prove" that I am getting my appropriate internet speeds...including the following items:

- 1 Make and model # of the laptop?
- 2 Windows or Mac machine?
- 3 Operating System and version #?
- 4 Network card and model #?
- 5 How much RAM in the laptop?
- 6 What was the internet plan in effect on the laptop? Ultimate 100, 200, 300, T1?

And furthermore...

I have a capable computer (gigabit network card) and slow internet speed.

TWC's own tech said in the past that it was a problem with the servers in my area, not my computer.

If TWC believes the problem lies with my computer, why can't they tell me what that problem is?

Why was the speed of my computer blazing fast when TWC did the switch over to fiber optic cable last year? For one week during the transition I had blazing fast speed, then it slowed down again. Ideas?

Why are TWC speed test and Speedtest.net speed test two vastly different results? I'll tell you why...because Speedtest.net reads a peak for a couple of seconds only and is pipelined through TWC as priority traffic, which is why TWC always is pushing to use Speedtest.net for testing. TWC own speed test is always a slower result.

I live right around the corner from CBS Radford Studios. I'm sure they have their own servers and are using a large amount of the available bandwidth in my area. What is the impact of that factor?

Thank you,

(b) (6)

May 3, 2016

- **FCC Consumer Complaints** Today at 13:57

Hi (b) (6)

The goal of the FCC's informal complaint process is to make it easy for consumers to file complaints about telecommunications services and for service providers to address those complaints. This process also helps to ensure that, even when a service provider's actions do not violate any applicable Commission rule, the provider knows how its customers feel about practices and policies that they believe are harmful to them.

In this instance, however, we regret that you were not satisfied with attempts by FCC staff to facilitate a more satisfactory resolution of the underlying issue. At this point, you might want to contact the company directly to see if you and the company can arrive at a resolution that is more acceptable to you. You will receive no further status on your complaint from FCC staff.

If you wish to pursue this further, you may contact the FCC's Open Internet Ombudsperson about your concerns. The Ombudsperson also is available to assist consumers, businesses, and organizations with Open Internet complaints and questions. The Ombudsperson can be reached at: [ombudsperson@fcc.gov](mailto:ombudsperson@fcc.gov).



## Mike Hennigan

---

**From:** Ombudsperson  
**Sent:** Monday, June 13, 2016 4:08 PM  
**To:** (b) (6)  
**Subject:** RE: Time Warner Cable Internet Speed not what is claimed...

Calling now.

---

**From:** (b) (6)  
**Sent:** Monday, June 13, 2016 3:58 PM  
**To:** Ombudsperson  
**Subject:** Re: Time Warner Cable Internet Speed not what is claimed...

Okay...

----- Original Message -----

**From:** Ombudsperson  
**To:** (b) (6)  
**Sent:** Monday, June 13, 2016 6:30 AM  
**Subject:** RE: Time Warner Cable Internet Speed not what is claimed...

(b) (6) – Today is good for a call at 1 pm PST / 4 pm EST. I'll give you a call at (b) (6)

---

**From:** (b) (6)  
**Sent:** Saturday, June 11, 2016 8:07 PM  
**To:** Ombudsperson <[Ombudsperson@fcc.gov](mailto:Ombudsperson@fcc.gov)>  
**Subject:** Re: Time Warner Cable Internet Speed not what is claimed...

FCC Open Internet Ombudsperson,

How about we talk on Monday or Tuesday, June 13/14, at 1pm PST?

Thank you,

(b) (6)

----- Original Message -----

**From:** Ombudsperson  
**To:** (b) (6)  
**Sent:** Friday, June 10, 2016 6:18 AM  
**Subject:** RE: Time Warner Cable Internet Speed not what is claimed...

(b) (6)

Thank you for contacting the FCC's Open Internet Ombudsperson.

If you would like to discuss this with me, let me know some times today when we can have a phone call.

**From:** (b) (6)  
**Sent:** Thursday, June 09, 2016 5:28 PM  
**To:** Ombudsperson <Ombudsperson@fcc.gov>  
**Subject:** Time Warner Cable Internet Speed not what is claimed...

A news report from yesterday, June 8, 2016 re: a probe of Time Warner Cable: Please Read the story in the link...

<http://www.msn.com/en-us/money/companies/probe-calls-time-warner-cables-internet-speeds-abysmal/ar-AAgNWF4?li=BBnbfcN>

## INTERNET SPEED IS NOT WHAT IS CLAIMED BY TIME WARNER CABLE

• (b) (6) March 07, 2016 15:59

My internet speed has been slower than what I've been paying for...for over 5 years, with no improvement in speed despite all of Time Warner Cable's promises. I should have 100 Mbps download speed. Instead, I have somewhere in the range of 20-40 Mbps. This has been going on for years! TWC's very own tech that visited my home said that it is TWC's problem with their servers in my area. I have his business card and phone number verifying all of that info. He found no problem with my modem or computer. Many technicians have visited without finding a solution. I am filing a complaint now, after two internet chat's and a phone conversation (yesterday and today) with TWC. My internet has gotten even slower lately. 03-07-16

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Thank you,

(b) (6)

May 3, 2016



• **FCC Consumer Complaints** Today at 13:57

Hi (b) (6)

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In this instance, however, we regret that you were not satisfied with attempts by FCC staff to facilitate a more satisfactory resolution of the underlying issue. At this point, you might want to contact the company directly to see if you and the company can arrive at a resolution that is more acceptable to you. You will receive no further status on your complaint from FCC staff.

If you wish to pursue this further, you may contact the FCC's Open Internet Ombudsperson about your concerns. The Ombudsperson also is available to assist consumers, businesses, and organizations with Open Internet complaints and questions. The Ombudsperson can be reached at: [ombudsperson@fcc.gov](mailto:ombudsperson@fcc.gov).

## Mike Hennigan

---

**From:** Ombudsperson  
**Sent:** Sunday, September 18, 2016 11:41 PM  
**To:** (b) (6)  
**Subject:** RE: Ticket 1043015 ATT Complaint

(b) (6)

I have been out of the office, but I am happy to talk with you on the phone.

Would you be available for a phone call on Monday, September 19, at 4:30 pm eastern time?

Thank you.

| FCC Open Internet Ombudsperson | [ombudsperson@fcc.gov](mailto:ombudsperson@fcc.gov) | (202) 418-1155 |

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**From:** (b) (6)  
**Sent:** Monday, August 22, 2016 2:43 PM  
**To:** Ombudsperson  
**Subject:** Ticket 1043015 ATT Complaint

Mr. Janson:

Please call me as I have some questions about this matter. I have been unable to reach you at the telephone numbers you provided. My number is (b) (6). Thank you.

(b) (6)

## Mike Hennigan

---

**From:** Ombudsperson  
**Sent:** Friday, June 03, 2016 2:38 PM  
**To:** (b) (6)  
**Subject:** RE: Ticket No. 948570  
**Attachments:** 948570\_(b) (6).docx; Open-Internet-Transparency-Rule.pdf; FCC-15-24A1\_Open\_Internet\_Order.pdf

(b) (6) –

Thank for your contacting the FCC's Open Internet Ombudsperson.

I went into our Consumer Help Center and found your provider's response, which is attached. This should have been sent to you directly under our rules. I encourage you to log back into our Consumer Help Center module ([consumercomplaints.fcc.gov](http://consumercomplaints.fcc.gov)) and post your concerns to your ticket # 948570 as a "rebuttal." Consumer Help Center staff will review your information and can serve a rebuttal on your provider. A provider must respond within 14 days to a rebuttal. If your provider's response to your rebuttal is unsatisfactory to you, we can schedule a time to talk about next steps.

More generally, I understand that you are concerned about the Internet service that your provider is offering in your community. In connection with this issue, you are concerned that your provider may not have adequately disclosed the level of service that it could provide to your community.

Initially, let me say that the FCC is committed to promoting broadband deployment, competition, and consumer choice. We have a number of proceedings that advance these goals and we provide financial support to encourage deployment of broadband in underserved areas. That being said, broadband deployment is not required under our Open Internet rules.

Our Open Internet rules, however, require broadband providers to be disclose accurate information about the services they offer consumers. Here is the text of our transparency rule:

### 47 Code of Federal Regulations § 8.3 – Transparency

- "A person engaged in the provision of broadband Internet access service shall publicly disclose accurate information regarding the network management practices, performance, and commercial terms of its broadband Internet access services sufficient for consumers to make informed choices regarding use of such services and for content, application, service, and device providers to develop, market, and maintain Internet offerings."

For your reference on the transparency rule, I have attached two pdfs to this email: (1) an FCC consumer guide on the transparency rule, and (2) the Open Internet Order, which the Commission adopted in February 2015. See, specifically, paragraphs 23-24, and 154-185 of the Order for discussions of the transparency rule.

If you choose to file a rebuttal, I encourage you to note clearly that it is a "rebuttal," and to explain specifically why your think our rules have been broken, with specific citation and quotation to our rules as appropriate.

If you have any other questions, feel free to be in touch.

| FCC Open Internet Ombudsperson | [ombudsperson@fcc.gov](mailto:ombudsperson@fcc.gov) | (202) 418-1155 |

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**From:** (b) (6)

**Sent:** Friday, June 03, 2016 1:38 PM

**To:** Ombudsperson

**Subject:** Ticket No. 948570

I filed a complaint against Earthlink back on May 3. They have sold us bandwidth that is already oversold by CenturyLink and have promised us speeds up to 1.5 Mbps. By law we are supposed to get within 80% of promised speeds. We get on average 30% of that. I received a response on May 11 stating that a response was received from Earthlink and that I would receive a copy of it within 7-10 days. The complaint was also marked as Solved. This, however, is not solved and I have not received a copy of the response and it has now been 21 days. Earthlink was unable to resolve the speed issue as it is not their issue, but CenturyLink's. They had a CenturyLink tech come out the next day to check the lines. The tech showed up, tested nothing, told us they are



aware of the problem, literally laughed in our face, and said the company has no plans to upgrade the lines or fix the issues. I have not heard back from Earthlink to follow up with us after that visit. I'm attaching another speed log. As you can see lately we have been getting less than 0.2 Mbps. This is unacceptable. I know the issue is with CenturyLink, but as far as I know I cannot file a complaint against them as my account is held with Earthlink. This is a well know issue with CenturyLink in our area and many others. They willingly oversell and max out the bandwidth to the point where they literally cannot sell any more space. I can't even get my account moved from Earthlink to CenturyLink without losing my internet all together and not being able to get it back. Many people in my area can not get internet at all. In 2016! Most of us that do suffer from speeds so slow it's borderline non functional. I tried multiple times to reply to the ticket to update it with my response, or lack thereof, but it won't update. And this is a direct wired connection to our modem, not over wifi. The speed of this "broadband" is just too slow. Matter of fact, I've been trying to get this message to send for 3 days now to no avail. It appears the internet is too slow to send the 2MB pdf of my speed tests. It appears to time out after so many minutes. I've even been trying to upload a zipped version of the file that is on 618KB to Dropbox so I can send this over 4G from my phone, but even the smaller file won't upload! That's how bad our internet is. Please help!!!

(b) (6)

## Mike Hennigan

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**From:** Ombudsperson  
**Sent:** Tuesday, August 23, 2016 7:36 PM  
**To:** (b) (6)  
**Cc:** Ombudsperson  
**Subject:** RE: Ticket No. 1031592

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hello (b) (6)

Thank you so much for returning my phone call. It was my pleasure in assisting you with your internet concern.

As per our conversation, I sent a copy of both response letters, provided by EarthLink, through the FCC complaint system. (You may access the email link, that was sent, to review both responses). Also, an Informal Complaint/inquiry has been sent to CenturyLink to determine if they can provide internet service directly to you/to your address.

Both filings, the EarthLink complaint and the CenturyLink complaint, will be reviewed with the Ombudsperson upon his return to the office.

Should you have any further questions, please feel free to contact me.

Thank you again.

Robin McCullough

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**From:** (b) (6)  
**Sent:** Monday, August 22, 2016 2:57 PM  
**To:** Ombudsperson  
**Subject:** Ticket No. 1031592

I need some advice. We filed this complaint due to getting much lower speeds than what we were contracted for. We average around 0.4 Mbps when we are contracted for up to 1.5 Mbps. I don't know what the response from EarthLink was, but over the past 7 days CenturyLink has canceled our service twice. Both with out notice. We fully believe that this is retaliation on CenturyLink's part due to EarthLink's diligence in trying to resolve our FCC complaint. I work in a call center by remotely connecting from home. I have already missed 3 days of work the past week due to no Internet. I now have to relocate 1.5 hrs away just to work the rest of this week. After that, I dont know what I'm going to do. There are no other options for Internet service here other than CenturyLink, who now won't allow us to have service. I could potentially lose my job and our only source of income because of this. Should I file another complaint directly against CenturyLink? Or should I just start thinking litigation? My only access to the internet is now my cell phone which has spotty service.

(b) (6)

Sent from my T-Mobile 4G LTE Device

## Mike Hennigan

---

**From:** (b) (6)  
**Sent:** Monday, September 19, 2016 10:43 AM  
**To:** Ombudsperson  
**Subject:** Re: Ticket 1043015 ATT Complaint

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

I will not be available to speak with you by telephone today. However, I will be available September 20, 2016 between 4:30 and 5:30 P.M. Eastern Time. Please let me know if you will be available then and I will call you, or tell me a good time to call you or when you can call me. Please give me your name and number. My number:

(b) (6)

ATT has again failed to adequately respond, this time to the matters in the rebuttal complaint File #1155619 and it appears they are not at all concerned that the FCC is involved. Although the persons that have contacted me from ATT all say they are in the "Presidents Office," none of the ones that I spoken with have the authority to make any of the changes being requested and instead just want to quickly sell me additional services. I recently attempted to speak with Orlanda Simmons, Manager, the person who has signed both of ATT's written responses to the FCC, but she just had a lower level employee contact me. I am hoping that you can now contact them so that this matter can be finally resolved. Thank you.

(b) (6)

On Sunday, September 18, 2016 11:40 PM, Ombudsperson wrote:

(b) (6)

I have been out of the office, but I am happy to talk with you on the phone.  
Would you be available for a phone call on Monday, September 19, at 4:30 pm eastern time?  
Thank you.  
| FCC Open Internet Ombudsperson | [ombudsperson@fcc.gov](mailto:ombudsperson@fcc.gov) | (202) 418-1155 |

---

**From:** (b) (6)  
**Sent:** Monday, August 22, 2016 2:43 PM  
**To:** Ombudsperson  
**Subject:** Ticket 1043015 ATT Complaint  
Mr. Janson:

Please call me as I have some questions about this matter. I have been unable to reach you at the telephone numbers you provided. My number is (b) (6). Thank you.

(b) (6)



## Mike Hennigan

---

**From:** (b) (6)  
**Sent:** Thursday, October 20, 2016 3:27 PM  
**To:** Ombudsperson  
**Subject:** Re: Ticket 1043015 ATT Complaint

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Mr. Janson:

Thank you for your recent e mail and for contacting "Linda" at ATT. Although she had stated in her telephone message on September 26th that she would call me after she familiarized herself with my Complaints, since I did not receive another call from her today I called her. She again said she will be calling me back and I'm hoping she will now be able to help me in resolving this matter, even though she said she is not in the Office of the President. With regard to my filing a formal complaint with the FCC, before I would consider doing that I would first contact my U.S Congressman to request their assistance but I hope that will not be necessary.

Sincerely,

(b) (6)

On Thursday, October 6, 2016 11:30 AM, Ombudsperson wrote:

(b) (6)

I understand you are continuing to feel frustration about AT&T's policies and practices. A number of FCC staff have worked on addressing your concerns, serving them on AT&T, and ensuring that AT&T responded to you in writing under our rules. I had a telephone call with you and I personally reached out to AT&T on your behalf. My understanding is that subsequently AT&T called you, left you a voicemail message, and provided a phone number for you to call back to talk with a specialist – Linda – in the office of the AT&T President to address your specific concerns. Have you had a chance to call Linda back? You can reach her at (202) 457-3033. If you are unsatisfied with the informal complaint process and/or my assistance, you are welcome to file a formal complaint. A formal complaint is similar to litigation and there is a filing fee. Here is some information about filing a formal complaint:

Complaints filed through the Consumer Help Center are categorized as "informal" complaints. There is no fee for filing an informal complaint.

If you are not satisfied with the response to your informal complaint, you can file a "formal" complaint. Your formal complaint must be filed within six months of the date of the response to your informal complaint. The current fee for filing a formal complaint is \$225.00, but it is subject to change.

Formal complaint proceedings are similar to court proceedings. Each party must comply with specific procedural rules, appear before the FCC and file documents that address legal issues. Parties filing formal complaints usually are represented by lawyers or experts in communications law and the FCC's procedural rules. No attorneys fees may be awarded.

Complete information on how to file formal complaints can be found in sections 1.720 through 1.735 of the FCC's rules, located at 47 C.F.R. §§ 1.720 – 1.735, or sections 8.12-8.17, located at 47 C.F.R. §§ 8.12-8.17 (for Open Internet complaints).



You can also visit the FCC's [Enforcement Bureau website](#). Before filing a formal complaint, please contact EB staff at 202-418-7330.

<https://consumercomplaints.fcc.gov/hc/en-us/articles/205082880-Filing-a-Complaint-Questions-and-Answers>

**From:** (b) (6)  
**Sent:** Thursday, October 06, 2016 10:49 AM  
**To:** Ombudsperson  
**Subject:** Fw: Ticket 1043015 ATT Complaint

Mr. Janson:

I haven't received a return call from you regarding my message that I have not yet spoken with anyone else from AT&T since you said that you would be contacting them. This person "Linda V" from AT7T who had left a voicemail message saying she was calling me back has never done so. At this point I am considering my other options so I can find out why the FCC isn't following up with AT&T regarding my complaint and is allowing them to continue doing things that are contrary to the interests of the consumer. I am wondering why my tax dollars are going to the FCC. Please tell me who I can contact at the FCC to further discuss my concerns as apparently you are not able to further assist me. Thank you.

(b) (6)  
On Thursday, September 22, 2016 12:13 PM, "(b) (6)" wrote:

Mr. Janson:

I was hoping that you would call Ms. Orlanda Simmons, or the person who has the requisite authority at ATT, and see if they would address all my concerns with you before you and I speak. I will be available at 4:30 P. M. today to receive your call.

(b) (6)  
On Wednesday, September 21, 2016 6:04 PM, Ombudsperson <[Ombudsperson@fcc.gov](mailto:Ombudsperson@fcc.gov)> wrote:

(b) (6)  
I am sorry that I missed your call today. Can we schedule a time to talk tomorrow? Would 4:30 pm tomorrow, Thursday the 22<sup>nd</sup> work? If not, my schedule is relatively flexible during the day tomorrow.

**From:** (b) (6)  
**Sent:** Tuesday, September 20, 2016 5:53 PM  
**To:** Ombudsperson <[Ombudsperson@fcc.gov](mailto:Ombudsperson@fcc.gov)>  
**Subject:** Re: Ticket 1043015 ATT Complaint

Mr. Janson:

I just now saw your two e mails and I wasn't able to take your call today. I apologize and I will call you tomorrow afternoon. I don't reach you then I will be sure to be available for your call at 4:30 P.M. that day.

(b) (6)  
On Monday, September 19, 2016 10:45 AM, Ombudsperson <[Ombudsperson@fcc.gov](mailto:Ombudsperson@fcc.gov)> wrote:

(b) (6)  
4:30 pm eastern on Tuesday, September 20, will work for a call. I will put it on my calendar. My name is Michael Janson and I'm the FCC's Open Internet Ombudsperson. You can reach me at (202) 418-1155.

| FCC Open Internet Ombudsperson| [ombudsperson@fcc.gov](mailto:ombudsperson@fcc.gov) | (202) 418-1155 |

**From:** (b) (6)  
**Sent:** Monday, September 19, 2016 10:43 AM  
**To:** Ombudsperson <[Ombudsperson@fcc.gov](mailto:Ombudsperson@fcc.gov)>  
**Subject:** Re: Ticket 1043015 ATT Complaint

I will not be available to speak with you by telephone today. However, I will be available September 20, 2016 between 4:30 and 5:30 P.M. Eastern Time. Please let me know if you will be available then and I will call you, or tell me a good time to call you or when you can call me. Please give me your name and number. My number: (b) (6).

ATT has again failed to adequately respond, this time to the matters in the rebuttal complaint File #1155619 and it appears they are not at all concerned that the FCC is involved. Although the persons that have contacted me from ATT all say they are in the "Presidents Office," none of the ones that I spoken with have the authority to make any of the changes being requested and instead just want to quickly sell me additional services. I recently attempted to speak with Orlanda Simmons, Manager, the person who has signed both of ATT's written responses to the FCC, but she just had a lower level employee contact me. I am hoping that you can now contact them so that this matter can be finally resolved. Thank you.

(b) (6)

On Sunday, September 18, 2016 11:40 PM, Ombudsperson <[Ombudsperson@fcc.gov](mailto:Ombudsperson@fcc.gov)> wrote:

(b) (6)

I have been out of the office, but I am happy to talk with you on the phone.

Would you be available for a phone call on Monday, September 19, at 4:30 pm eastern time?

Thank you.

| FCC Open Internet Ombudsperson | [ombudsperson@fcc.gov](mailto:ombudsperson@fcc.gov) | (202) 418-1155 |

**From:** (b) (6)

**Sent:** Monday, August 22, 2016 2:43 PM

**To:** Ombudsperson <[Ombudsperson@fcc.gov](mailto:Ombudsperson@fcc.gov)>

**Subject:** Ticket 1043015 ATT Complaint

Mr. Janson:

Please call me as I have some questions about this matter. I have been unable to reach you at the telephone numbers you provided. My number is (b) (6). Thank you.

(b) (6)



## Mike Hennigan

---

**From:** Ombudsperson  
**Sent:** Wednesday, September 21, 2016 6:05 PM  
**To:** (b) (6)  
**Subject:** RE: Ticket 1043015 ATT Complaint

(b) (6)

I am sorry that I missed your call today. Can we schedule a time to talk tomorrow? Would 4:30 pm tomorrow, Thursday the 22<sup>nd</sup> work? If not, my schedule is relatively flexible during the day tomorrow.

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**From:** (b) (6)  
**Sent:** Tuesday, September 20, 2016 5:53 PM  
**To:** Ombudsperson  
**Subject:** Re: Ticket 1043015 ATT Complaint

Mr. Janson:

I just now saw your two e mails and I wasn't able to take your call today. I apologize and I will call you tomorrow afternoon. I don't reach you then I will be sure to be available for your call at 4:30 P.M. that day.

(b) (6)

On Monday, September 19, 2016 10:45 AM, Ombudsperson <[Ombudsperson@fcc.gov](mailto:Ombudsperson@fcc.gov)> wrote:

(b) (6)

4:30 pm eastern on Tuesday, September 20, will work for a call. I will put it on my calendar.

My name is Michael Janson and I'm the FCC's Open Internet Ombudsperson. You can reach me at (202) 418-1155.

| FCC Open Internet Ombudsperson| [ombudsperson@fcc.gov](mailto:ombudsperson@fcc.gov) | (202) 418-1155 |

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**From:** (b) (6)  
**Sent:** Monday, September 19, 2016 10:43 AM  
**To:** Ombudsperson <[Ombudsperson@fcc.gov](mailto:Ombudsperson@fcc.gov)>  
**Subject:** Re: Ticket 1043015 ATT Complaint

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| FCC Open Internet Ombudsperson| [ombudsperson@fcc.gov](mailto:ombudsperson@fcc.gov) | (202) 418-1155 |

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**From:** (b) (6)

**Sent:** Monday, August 22, 2016 2:43 PM

**To:** Ombudsperson <[Ombudsperson@fcc.gov](mailto:Ombudsperson@fcc.gov)>

**Subject:** Ticket 1043015 ATT Complaint

Mr. Janson:

Please call me as I have some questions about this matter. I have been unable to reach you at the telephone numbers you provided. My number is (b) (6) Thank you.

(b) (6)



## Mike Hennigan

---

**From:** (b) (6)  
**Sent:** Thursday, September 22, 2016 12:13 PM  
**To:** Ombudsperson  
**Subject:** Re: Ticket 1043015 ATT Complaint

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Mr. Janson:

I was hoping that you would call Ms. Orlanda Simmons, or the person who has the requisite authority at ATT, and see if they would address all my concerns with you before you and I speak. I will be available at 4:30 P. M. today to receive your call.

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On Wednesday, September 21, 2016 6:04 PM, Ombudsperson wrote:

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**To:** Ombudsperson  
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(b) (6)

## Mike Hennigan

---

**From:** Ombudsperson  
**Sent:** Thursday, October 06, 2016 11:31 AM  
**To:** (b) (6)  
**Subject:** RE: Ticket 1043015 ATT Complaint

(b) (6)

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**Sent:** Thursday, October 06, 2016 10:49 AM  
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**Subject:** Fw: Ticket 1043015 ATT Complaint



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**Sent:** Monday, August 22, 2016 2:43 PM  
**To:** Ombudsperson <[Ombudsperson@fcc.gov](mailto:Ombudsperson@fcc.gov)>  
**Subject:** Ticket 1043015 ATT Complaint

Mr. Janson:

Please call me as I have some questions about this matter. I have been unable to reach you at the telephone numbers you provided. My number is (b) (6). Thank you.

(b) (6)

## Mike Hennigan

---

**From:** Ombudsperson  
**Sent:** Tuesday, July 28, 2015 11:48 AM  
**To:** (b) (6) Ombudsperson  
**Subject:** RE: Throttling or blocking

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi (b) (6)

Thank you for your email. Your inquiry appears to relate to an Open Internet complaint. If you have not already done so, please file your complaint online.

You can use the below link and select "Open Internet" as the "Internet issue" for which you are filing the complaint:  
[https://consumercomplaints.fcc.gov/hc/en-us/requests/new?ticket\\_form\\_id=38824](https://consumercomplaints.fcc.gov/hc/en-us/requests/new?ticket_form_id=38824)

Also of interest may be the following consumer guide:

<https://consumercomplaints.fcc.gov/hc/en-us/articles/204231404-Open-Internet>

---

**From:** (b) (6)  
**Sent:** Monday, July 27, 2015 10:29 PM  
**To:** Ombudsperson  
**Subject:** Throttling or blocking

Dear Sir or Madmam,

My name is (b) (6) I am a paying customer of Time Warner Cable, specifically their internet services. After the first month of service, we began to have problems with the internet going down- DNS server errors. Originally, between the hours of noon and six, which was not a big deal because I worked usually during those hours or had plenty of errands to run. This time expanded. We called Time Warner to fix it, the tech discovered that connections were ill fitting and blamed it on that. Since then the time has expanded more to as late as 10 pm. Time Warner blames this on equipment, specifically my purchased wireless router/modem. The reason I use a purchased router/modem is you can buy one with four months of what they charge you to rent one each month. The problem solves itself for about five minutes when the house network is pinged. This is done through either calling time warner, or using the internet connection test on a PS3 but the connection will drop again

My problem is that I do not want to have a claim have an issue by calling it something it is not.

Would this be throttling or blocking??

Thanks,

(b) (6)



## Mike Hennigan

---

**From:** (b) (6) >  
**Sent:** Thursday, December 08, 2016 2:23 PM  
**To:** Ombudsperson  
**Subject:** Comcast and data caps

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi,  
I am writing to express my concern about the blatantly anti consumer and unjustified data cap strategy implemented by Comcast.

It's no secret that they have not imposed these rules in markets where they have legitimate compctition, and overall have stifled competition of streaming services and other ways to get content that they wish to control.

They've also been deceptive about how the cap works, how "big" it is, and how users who use less, pay less (only amounts to \$5 credit if the user is under 5GB a month).

I've written a few pieces about the topic here: <https://medium.com/@44/comcasts-cowardly-caps-e667b29915e1#.jencs3fl>

I hope you read them and further pressure Comcast to end this practice.

Thank you,

(b) (6)

## Mike Hennigan

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**From:** (b) (6)  
**Sent:** Friday, October 07, 2016 10:06 AM  
**To:** Ombudsperson  
**Subject:** Comcast data caps and the Open Internet  
**Attachments:** An important update to your XFINITY Internet service

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Comcast has been rolling out their new data caps after admitting that it has nothing to do with "Fairness". If the FCC planning to take action?

(b) (6)

## Mike Hennigan

---

**From:** (b) (6)  
**Sent:** Tuesday, October 06, 2015 11:11 PM  
**To:** Ombudsperson  
**Subject:** Centurylink Internet Yuma Arizona

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

So I just got this nice notice that the local provider here said that they are going to start metering our internet, I thought the whole net neutrality fight was to prevent data caps...

I guess not

(b) (6)



## Mike Hennigan

---

**From:** [REDACTED]  
**Sent:** Thursday, September 01, 2016 6:40 PM  
**To:** Ombudsperson  
**Subject:** Broken Internet

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

It all started when my isp,merged with megapath...I was with covad for seven and a half years...Then megapath merged with global capacity...Service slowed down after global capacity took over...I always signed a one year contract,so my new contract was up in February...Service went down the beginning of March,so I called for help.At the time I was waiting to sign a new terms of agreement...Well it never came,in the mean time they kept blaming my modem as the problem...Next thing I know bills coming with no service...They still owe me for the month of March...I had my modem checked out,nothing was wrong with it..But of course they didn't know this,an kept speaking from the same script...Had trouble tickets,but the said it's my fault cause I won't let them send out a tech...Now I'm in collections,how fair is that...

Sent from my iPhone

## Mike Hennigan

---

**From:** (b) (6)  
**Sent:** Thursday, June 18, 2015 8:04 PM  
**To:** Ombudsperson  
**Subject:** Can ISP's sell different download speeds at different prices

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

In light of the recent FCC rulings re: internet neutrality I asked my ISP (Wave) if they will change their billing practice. They currently charge different rates for different packages of download/upload speeds, and each package has its own data cap such as 100 GB, 300 GB, 1 TB. The new rules are rather vague on the data caps but it seems very clear ISP's can no longer charge for different download guarantees. In this instance everyone in the condominium complex is fed from the same cable from the street which is then distributed throughout the complex to each unit. Each unit has its own demarcation point and the wiring throughout the complex is fixed and identical. In other words the ISP has no physical network reason to provide condo A at one speed and then provide condo B a faster speed at a higher price. The only way this can be accomplished is using some sort of throttling device or algorithm.

This billing structure seems to be the de facto standard for ISP's but the new FCC rules, which were just recently affirmed by the DC Court of Appeals, states this is now illegal. Are there different rules for private consumers that allows this billing structure to continue?

Thank you,

(b) (6)  
[Redacted]  
[Redacted]  
[Redacted]

## Mike Hennigan

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**From:** Ombudsperson  
**Sent:** Tuesday, March 08, 2016 3:56 PM  
**To:** (b) (6)  
**Cc:** (b) (6)  
**Subject:** Broadband speeds

(b) (6)

In the email below to Feedback-MBA, you expressed concerns about the broadband speeds being delivered by your ISPs. These concerns relate to the FCC's Open Internet rules. As such, I encourage you to file a complaint with our Consumer Help Center.

If you would like to file a complaint, you can use the below link and select "Open Internet" as the "Internet issue" for which you are filing the complaint: [https://consumercomplaints.fcc.gov/hc/en-us/requests/new?ticket\\_form\\_id=38824](https://consumercomplaints.fcc.gov/hc/en-us/requests/new?ticket_form_id=38824)

If you file a complaint, your provider will be legally required to respond to you in writing in thirty days, copying us on their response. If you file a complaint and are dissatisfied by your provider's response, please let me know.

Thank you.

| FCC Open Internet Ombudsperson | [ombudsperson@fcc.gov](mailto:ombudsperson@fcc.gov) | (202) 418-1155 |

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**From:** [REDACTED]  
**Sent:** Saturday, March 5, 2016 12:39 AM  
**To:** FEEDBACK-MBA  
**Subject:** FCC speedtest results



export\_March\_4\_2016\_8\_24\_PM.zip

We are sending you our results. For the Internet results.

1. Last year Time Warner 2015
2. This year AT&T 2016

TWC offered 100 mbps and they assured us it was 100 mbps but after having one of their technical support we found out we had less than 18 mbps.

AT&T later dropped by and offered 24 mbps to which we bought into the offer. This is our current provider. Last week a representative from TWC dropped by because our neighbors had lost their feed. After the technician dropped by he explained about the problem. I mentioned that TWC offered to provide a separate line for us but never materialized even though another technician told us the box we had was incorrect for the feed provided. He corrected the problem by feeding another line to eliminate the co-channel interference and showed me the results on his handheld device. Showing the before and after of the connection taps interfered with the other residents. The technician admitted that it was a lazy effort. So he corrected it.

We had Time Warner which lied about the setup and had tapped into a community feed with AT&T. Lies seem to rule.



Also spoke to TWC local office in Garden Grove, Ca on Valley View st. The representative listened to the problem and offered to escalate to the next level.

If we don't have TWC or AT&T we are left with the limited antenna digital. The perpetual lies and slight of hands or smoke and mirrors leaves most residents ignorant of the facts.

I get tired of trying to see who will offer the honest truth about the future of communication we would pay for and still get basically minimal service for programming. As an American citizen and Veteran I see less and less per year. Is this the future for the next generation of tax payers money going nowhere? The "Do Not Call" list is barely working since we get scams coming our way.

Key word is Help! Do something!

Thanks,

(b) (6)

## Mike Hennigan

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**From:** Ombudsperson  
**Sent:** Thursday, November 19, 2015 1:51 PM  
**To:** James Miller; (b) (6)  
**Subject:** Broadband measurements

James – Please be introduced to (b) (6) who contacted the Open Internet Ombudsperson's office with concerns involving broadband measurements in Hana, Hawaii. (b) (6) has collected a significant amount of data on the broadband services that he is receiving and has some concerns about the reliability of the data from the SamKnows program. I've discussed these issues with (b) (6) and thought that it would be best if he continued the conversation with an expert such as yourself.

(b) (6) – Please be introduced to James Miller from our Office of Engineering and Technology. James has been working on our broadband measurement programs for some time and is an expert on these issues.

(b) (6) James – I hope you can coordinate directly to arrange a time to talk soon. I appreciate (b) (6) engagement with these issues and bringing them to the attention of the Commission. And I appreciate James's ongoing engagement with these issues as well.

Thanks!

| FCC Open Internet Ombudsperson | [ombudsperson@fcc.gov](mailto:ombudsperson@fcc.gov) | (202) 418-1155 |

## Mike Hennigan

---

**From:** [REDACTED]  
**Sent:** Wednesday, June 17, 2015 9:55 PM  
**To:** Ombudsperson  
**Subject:** Broadband availability question

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hello,

I don't know if availability falls under the new Title II regulations, but is availability something I can file a complaint about? There are currently 3 carriers who are servicing customers all within sight of my front door (Same section of my subdivision), yet I am unable to get any of those carriers to service my home.

AT&T - No more DSL. Many of my neighbours have it. It was available when the contract was signed on my home and sales were stopped 2 weeks before closing. Their U-Verse product is available 800 feet down the road from me on one side and 3000 feet down the road on the other side. Also we all know what AT&T is doing in the world of DSL yet they keep telling me to sing up for their waiting list for an available port. Read all the broadband forums, This is yet another lie this company is being allowed to get away with.

Charter - 11 houses down from me and not sure if expansion will ever happen. 80 foot wide lots so the distance is really not all that great...

Got-Wifi - Just flat out refuses to service me even though there is nothing preventing this company from doing so. They make claims about my co-workers but no documented reason for refusing service.

I am not the only home in my subdivision that is lacking in service.

Is there anything that can be done to aid in getting my home or any additional homes in this subdivision serviced either by encouragement to expand or by law? I've been in my home for 16 months now with a high priced low capped cellular solution that isn't making it to the end of the month and I need service for my job as well as my wife's at home business. The subdivision I live in is the largest in the city I live in and is not rural. There is no reason for a shortage.

Any information or direction would be greatly appreciated.

Thank you!

(b) (6)  
[REDACTED]  
[REDACTED]  
[REDACTED]



## Mike Hennigan

---

**From:** (b) [REDACTED]  
**Sent:** Wednesday, June 17, 2015 7:28 PM  
**To:** Ombudsperson  
**Subject:** Broadband and cell service

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hello,

I live in Southeastern Ohio. The only broadband that I can get is Frontier at 1.5mbs. Two miles down the road Suddenlink has high speed internet, but does not come this far up (b) (6) [REDACTED]. Time Warner does service out area for TV, but does not provide internet for our area even though their website says that it does.

A few years ago the federal government gave grants to broadband providers to expand their areas of service, but they did not do it here. Is there any way to get faster broadband in our area?

We also do not have consistent cell service in our area and the governor's proposed budget will allow telephone providers to discontinue landlines.

Thanks,

(b) (6) [REDACTED]

**Mike Hennigan**

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**From:** (b) [REDACTED]  
**Sent:** Monday, July 06, 2015 8:04 PM  
**To:** Ombudsperson  
**Subject:** BIAS Provider Structure Access - Questions for the FCC

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hello FCC Ombudsperson,

I'm writing regarding the FCC's new Open Internet rules. I am seeking the FCC's input on how Section 224 will apply to ISP's seeking to attach fiber cables to existing poles and into existing conduits.

My company, Tekify Broadband Internet Services, has sent a request to AT&T and the Northern California Joint Pole Association (NCJPA) to initiate negotiations for structure access. Our intent is to build a high-speed fiber optic network in portions of the SF Bay Area utilizing existing poles and underground conduits owned by the organizations. These requests were sent in to both organizations about 3 weeks ago, and in both cases we were told that the organization has no processes in place for allowing BIAS providers access to their structures without a CPCN (which is issued by the CA CPUC). Thankfully AT&T has remained in contact, and we are hoping they will have policy changes in place ASAP to allow us to utilize their conduits soon. NCJPA will be discussing this issue with their board in July and getting back to us.

I've reached out to the CA CPUC, and they've confirmed that they will not be issuing CPCN's for BIAS providers due to the FCC's preemption of certifications that would create a barrier to entry. Interestingly enough, however, is that the CA CPUC won't say whether it has or will be regulating pole attachments and underground duct construction by BIAS providers. As you may know, the CA CPUC has General Order 95 (aerial) and 128 (underground), which defines construction standards for overhead and underground utility lines in CA.

My questions:

1. How long should the NCJPA, or AT&T, or any other incumbent provider, have to institute a policy of allowing BIAS providers access to structures under Section 224? As of now, their delays are only serving to delay our entrance into the market.
2. Does the CA CPUC have jurisdiction to regulate overhead and underground construction standards by BIAS providers? Can they apply General Orders 95 and 128 to BIAS providers?
3. Will the FCC provide any type of registration system for BIAS providers that would allow them to "formalize" their utility status?
4. Can you point me in the direction of any orders/NRPM's/etc that explain what rights a BIAS provider has when it comes to obtaining public rights-of-way for fiber networks? What requirements may cities, counties, or the state, impose on a BIAS utility looking to place aerial or underground fiber optic cables on public land?

Thank you for your attention and support.

(b) (6)

Chief Executive Officer

(b) (6)

**Tekify Broadband Internet Services**

Web: <http://www.tekify.com>

(b) (6)





## Mike Hennigan

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**From:** (b) (6)  
**Sent:** Friday, September 04, 2015 12:03 PM  
**To:** Ombudsperson  
**Subject:** Bad Internet Service

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

I have been trying to work with a internet service provider for years now, I pay 60.00 a month for 6 mbps download speed on government funded fiber optic lines and only getting 5 or less. This company has a monopoly in my county of residence, they are the only provider. The last time I made a complaint to the FCC they responded denying everything. Then their office called and told me that if I ever made a complaint again I would get my internet cut off permanently. They also said they would cut my phone service cut off to. Almost every day our internet goes out. Its bad enough they won't give me what I pay for but no service at all is becoming a daily problem. What can I do in this situation. I'm 60 years old and a columnist for a major mid western newspaper. If necessary I will start writing but I want your opinion in this case first.

## Mike Hennigan

---

**From:** (b) (6)  
**Sent:** Thursday, June 18, 2015 12:35 PM  
**To:** Ombudsperson  
**Subject:** Attempts of Extortion by AT&T

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Ombudsperson,

I, as many other AT&T customers grandfathered in their unlimited data cell plan are grateful for our governments efforts in investigating and recently fining ATT over their unlimited data practices. However, from what I've read on the investigation nowhere is it noted that there are customers like myself that when I had other services "bundled" with the unlimited plan; i.e. IPAD & Mifi, which was costing me over \$250 a month. Not once did I get a message similar to the one I received on 6/15/2015 - it's below.

I have always used extensive amounts of data on my cell phone.

In January 2015, I reduced my services to my iphone only, the reduction was due to not needing other services as out of state construction project I had been on was finished.

My point being that it appears as long as AT&T was getting over \$200 a month from me however much cell data I used it was ok.

But since I reduced my bill & eliminated services do they keep sending me messages such as:

ATT Free Msg: Your data has reached 75% of the 3GB network management threshold. If you exceed 3GB this month, you may experience reduced data speeds at times and in areas that are experiencing network congestion. Wi-Fi helps you avoid reduced speeds. For more info visit [att.com/datainfo](http://att.com/datainfo) or [att.com/broadbandinfo](http://att.com/broadbandinfo)

Upon reading the links included in above text message it is clear that in order for me to not have my cell service slowed down; I would have to add services or change my plan away from unlimited data.

Is that not extortion for more money?

Thank you for your time,

(b) (6)  
[Redacted signature block]

## Mike Hennigan

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**From:** (b) (6)  
**Sent:** Wednesday, June 17, 2015 3:14 PM  
**To:** Ombudsperson  
**Subject:** Att

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

I keep getting text from AT&T telling me they are going to slow my internet down. I have unlimited and have for years. I don't understand why they call it unlimited if you cant even use it. I thought I heard something about this a couple months ago and they got i. trouble for it. But it didn't stop them. I think they are just trying to force me into a different plan so I don't have unlimited any more.

(b) (6)



## Mike Hennigan

---

**From:** [REDACTED]  
**Sent:** Monday, July 06, 2015 8:04 PM  
**To:** Ombudsperson  
**Subject:** BIAS Provider Structure Access - Questions for the FCC

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hello FCC Ombudsperson,

I'm writing regarding the FCC's new Open Internet rules. I am seeking the FCC's input on how Section 224 will apply to ISP's seeking to attach fiber cables to existing poles and into existing conduits.

My company, Tekify Broadband Internet Services, has sent a request to AT&T and the Northern California Joint Pole Association (NCJPA) to initiate negotiations for structure access. Our intent is to build a high-speed fiber optic network in portions of the SF Bay Area utilizing existing poles and underground conduits owned by the organizations. These requests were sent in to both organizations about 3 weeks ago, and in both cases we were told that the organization has no processes in place for allowing BIAS providers access to their structures without a CPCN (which is issued by the CA CPUC). Thankfully AT&T has remained in contact, and we are hoping they will have policy changes in place ASAP to allow us to utilize their conduits soon. NCJPA will be discussing this issue with their board in July and getting back to us.

I've reached out to the CA CPUC, and they've confirmed that they will not be issuing CPCN's for BIAS providers due to the FCC's preemption of certifications that would create a barrier to entry. Interestingly enough, however, is that the CA CPUC won't say whether it has or will be regulating pole attachments and underground duct construction by BIAS providers. As you may know, the CA CPUC has General Order 95 (aerial) and 128 (underground), which defines construction standards for overhead and underground utility lines in CA.

### My questions:

1. How long should the NCJPA, or AT&T, or any other incumbent provider, have to institute a policy of allowing BIAS providers access to structures under Section 224? As of now, their delays are only serving to delay our entrance into the market.
2. Does the CA CPUC have jurisdiction to regulate overhead and underground construction standards by BIAS providers? Can they apply General Orders 95 and 128 to BIAS providers?
3. Will the FCC provide any type of registration system for BIAS providers that would allow them to "formalize" their utility status?
4. Can you point me in the direction of any orders/NRPM's/etc that explain what rights a BIAS provider has when it comes to obtaining public rights-of-way for fiber networks? What requirements may cities, counties, or the state, impose on a BIAS utility looking to place aerial or underground fiber optic cables on public land?

Thank you for your attention and support.

(b) (6)

Chief Executive Officer

(b) (6)

**Tekify Broadband Internet Services**

Web: <http://www.tekify.com>

(b) (6)



## Mike Hennigan

---

**From:** (b) (6)  
**Sent:** Friday, September 04, 2015 12:03 PM  
**To:** Ombudsperson  
**Subject:** Bad Internet Service

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

I have been trying to work with a internet service provider for years now, I pay 60.00 a month for 6 mbps download speed on government funded fiber optic lines and only getting 5 or less. This company has a monopoly in my county of residence, they are the only provider. The last time I made a complaint to the FCC they responded denying everything. Then their office called and told me that if I ever made a complaint again I would get my internet cut off permanently. They also said they would cut my phone service cut off to. Almost every day our internet goes out. Its bad enough they won't give me what I pay for but no service at all is becoming a daily problem. What can I do in this situation. I'm 60 years old and a columnist for a major mid western newspaper. If necessary I will start writing but I want your opinion in this case first.



## Mike Hennigan

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**From:** (b) (6)  
**Sent:** Wednesday, June 22, 2016 12:19 PM  
**To:** Ombudsperson  
**Subject:** ATT Internet Slow

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

For the past year, our internet speed has gotten so slow, we cannot even open emails though we had no issues for the first 4 years. After repeated service calls, ATT states that this is the fastest available, and recommend us to move to another provider. We are a business and in the heart of the city and there are no other providers with service to our shopping center. Can you advise us of our options. Thank you

(b) (6)

(b) (6)

## Mike Hennigan

---

**From:** (b) (6)  
**Sent:** Tuesday, November 01, 2016 11:05 AM  
**To:** Ombudsperson  
**Subject:** ATT complaint #1011399

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hello,

My name is (b) (6) I just received your voice mail about my ATT complaint.

I assume you have read through the back and forth I have had over the last few months with ATT but here is a quick recap.

ATT claims that they have no control over the data usage calculation they use to charge overage fees to their customers, they have rarely provided anywhere near the 18Mbps throughput for which I am paying, and I have constant "network errors" that prevent me from utilizing internet services such as Netflix.

ATT's response to these issues has been (I am paraphrasing) that my hooking up a computer to their modem is responsible for my poor service.

I would have dropped ATT as my ISP long ago but they are the only provider in my area.

E-mail will be the easiest way for me to communicate as I have an odd work schedule for the rest of the year(at least).

(b) (6)

## Mike Hennigan

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**From:** (b) (6)  
**Sent:** Thursday, January 07, 2016 11:59 AM  
**To:** Ombudsperson  
**Subject:** AT&T wireless carrier blocking tethering on my phones  
  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hello,

When changing phones on my plan with AT&T the ability to tether/create a hot spot was removed. I have talked to them on 2 occasions and will call again. They have told me the tethering/hot spot capability was removed n=because the phone has an unlimited data plan.

I would like to know definitively if they can block tethering/creating a hotsopt on any of my devices irregardless of data plans.

When I have the response from FCC I plan to call them again.

Thank you

--  
(b) (6)



## Mike Hennigan

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**From:** (b) (6)  
**Sent:** Tuesday, July 12, 2016 5:57 PM  
**To:** Ombudsperson  
**Subject:** AT&T Pricing

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

To whom it may concern:

I am currently an AT&T Uverse customer and recently unemployed. I contacted an AT&T representative earlier today to ask about my options, and they advised the cheapest internet they have is 1.5mbps for \$49/month. Are they allowed to charge that much for non-highspeed internet? Also, are they allowed to charge me for changing/downgrading my service?

Thank you,

(b) (6)

## Mike Hennigan

---

**From:** (b) (6)  
**Sent:** Tuesday, September 15, 2015 3:12 AM  
**To:** Ombudsperson  
**Subject:** AT&T Lawsuit  
**Attachments:** image1.PNG; ATT00001.txt

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

I'm not sure I'm sending this to the right person so I apologize if this is not correct. I read that your organization is suing AT&T for slowing down internet speeds for unlimited data users since they did not appropriately inform customers they would be doing so. Are they allowed to be continuing to do this?

## Mike Hennigan

---

**From:** (b) (6)  
**Sent:** Friday, June 19, 2015 8:21 AM  
**To:** Ombudsperson  
**Cc:** (b) (6)  
**Subject:** AT&T Fine re Unlimited Data

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

I am an AT&T customer that recently saw headlines of a fine against AT&T for its throttling of internet speeds for unlimited data plans. Should that fine ultimately be imposed, will any small portion of it go to the AT&T customers, like me, that have been paying AT&T for that unlimited data plan for years?

Please let me know if I should address this question to a different person at the FCC.

I thank you in advance for your time.

Best regards,

(b) (6)



## Mike Hennigan

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**From:** (b) (6)  
**Sent:** Saturday, September 10, 2016 10:04 AM  
**To:** Ombudsperson  
**Subject:** AT&T Broadband  
**Attachments:** Speedtest\_060315.jpg; Speedtest\_060515.jpg; Speedtest\_090816.jpg; Speedtest\_090916.jpg; Speedtest\_091016.jpg

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

I am an AT&T broadband/DSL customer. Although I pay for service that is supposed to provide 3Mbps, I typically see speeds well below 500kbps. My service continues to deteriorate as you can see from the attached speed test screenshots.

In my last dealings with AT&T, they sent a tech who was unable, despite a number of efforts, to obtain anything near 3Mbps. Ironically, the tech called customer support from my home, identified himself as an AT&T tech, and customer support later hung up on him. I was told that I would need to upgrade my service to receive the speeds AT&T promised and for which I continue to pay.

Do I have any options?

(b) (6)



## Mike Hennigan

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**From:** (b) (6)  
**Sent:** Wednesday, June 17, 2015 2:33 PM  
**To:** Ombudsperson  
**Subject:** AT&T breaking FCC Net neutrality rules

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hello,  
I received this text from AT&T on 6/13/15

"ATT Free Msg: Your data has reached 75% of the 5GB network management threshold. If you exceed 5GB this month, you may experience reduced data speeds at times and in areas that are experiencing network congestion. Wi-Fi helps you avoid reduced speeds. For more info visit [att.com/datainfo](http://att.com/datainfo) or [att.com/broadbandinfo](http://att.com/broadbandinfo)"

I am on an unlimited plan.

I believe they are breaking the new net neutrality rules since they are throttling me based on the amount of data I have used in the past and not throttling other users on the same node who have used less data in the past.

(b) (6)

## Mike Hennigan

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**From:** (b) (6)  
**Sent:** Tuesday, November 03, 2015 4:10 PM  
**To:** Ombudsperson  
**Subject:** article about net neutrality in Europe

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Mr. Ombudsperson,

Will the recent rulings in the EU affect US websites being searched in Europe?

<https://www.linkedin.com/pulse/net-neutrality-lost-today-europe-steve-hart>

Best,

(b) (6)

ORPH



## Mike Hennigan

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**From:** (b) (6)  
**Sent:** Saturday, August 27, 2016 12:18 AM  
**To:** Ombudsperson  
**Cc:** (b) (6)  
**Subject:** Additional information and graph  
**Attachments:** PING PLOTTER AUGUST 26, 2016 2.png

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hello.

Apropos of my most recent reply, please see the enclosed copy of a sample of the Ping Plotter graph.

This graph shows that within the past hour millisecond times have increased substantially. Normally the round trip takes 67 milliseconds.

Please note that they did so following an outage that took place just before the Ping Plotter graph was saved into my documents.

In my opinion, this is an example of what happens when Charter's system becomes "overused".

Especially before a holiday, Friday night is when thousands of people come to Lincoln City, Oregon.

As a result, the internet becomes more crowded; latency and instances of packet loss increase.

In my view, outages and longer round trip times take place because the capacity is lacking or inadequate.

Yet, in order to attempt to improve my condition, for my broadcast relay streams, I would have to obtain an all fiber optics connections, which as I indicated in my last email, are prohibitively expensive.

Please note that a representative of Charter told me that the proposal recently sent to me does not include construction costs or that they are only partly included.

As mentioned, in order to get only 30 mbps upstream, I would have to pay about \$875 per month, for a three year contract.

These conditions are unacceptable, or should be, to any country that aspires to compete in the global market place where, for example, in various Scandinavian countries, South Korea and Japan, upstream speeds of 30-60 mbps are customary without customers' having to arrange for special, very expensive connections.

It is my hope that the FCC will persuade companies like Charter to spend considerably more on infrastructure.

The public should not have to tolerate such abominable conditions.

Thank you for your consideration.

Respectfully,

(b) (6)  
[REDACTED]

On Thu, Jul 28, 2016 at 09:44 AM, Ombudsperson wrote:

■ (b) (6)

> Are you available for a phone call today?

> Best - Michael

>

>

>

> -----Original Message-----

> From: (b) (6) Sent:

> Wednesday, July 27, 2016 6:17 PM

> To: Ombudsperson Cc: (b) (6)

> Subject: Thank you

>

> Thank you again.

>

> Concerning the recent interruption in service, I don't know whether

> this is related to this, but today I noticed that when I pinged three

> different sites, I found that the upstream speed has been reduced from

> a little over 6 mbps to about 4 mbps.

>

> This makes it difficult for me to relay my internet radio broadcast

> streams to my dedicated server.

>

> Thank you.

>

(b) (6)

>

>

> On Tue, Jul 19, 2016 at 05:13 PM, Ombudsperson wrote:

>

>> (b) (6)

>> Thank you for bringing this issue to our attention and providing this

>> additional information. This type of information is helpful to us as

>> we implement our Open Internet rules.

>>

>> | FCC Open Internet Ombudsperson | ombudsperson@fcc.gov | (202)

>> 418-1155 |

>>

>>

>>

>> -----Original Message-----

>> From: (b) (6) Sent: Friday,

>> July 15, 2016 1:23 PM

>> To: Ombudsperson Cc: (b) (6)

>> Subject: Thank you

>>

>> Ombudsperson  
>> FCC  
>>  
>> To Whom It May Concern:  
>>  
>> I would like to take this occasion to thank you for receiving and  
>> considering my thoughts about net neutrality as well as those of my  
>> experiences as an internet broadcaster.  
>>  
>> At about 12:20 AM (Pacific-Oregon time), Charter's internet service  
>> became unavailable. This outage lasted until about 1:35 AM  
>> (Pacific-Oregon time).  
>>  
>> When I called Charter I was told that because there are more  
>> customers than the system could cope with, Charter had to engage in  
>> this outage.  
>>  
>> In my opinion, this is an example of a company that has not invested  
>> enough in infrastructure and that has made what I regard as false  
>> claims in a number of advertisements.  
>>  
>> Yet, some time ago Charter petitioned the FCC to be allowed to  
>> purchase AOL-Time Warner. This was so even though about a year ago  
>> Charter had a debt to capital ratio of about 1,500%, according to  
>> Investors Business Daily and even though it had to take on more debt  
>> in order to complete the purchase of AOL-Time Warner.  
>>  
>> And, as I mentioned in previous correspondence, Charter refused to  
>> install an all fiber optics connection to my building, even though I  
>> communicated to Charter on many occasions that I was willing to pay  
>> extra for such a connection and that I was willing to sign a two-year  
>> contract.  
>>  
>> Only after I had contacted the FCC, after waiting many months for an  
>> answer, did Charter finally convey to me that Charter would not  
>> install such a connection to my building, even though it is quite  
>> close to a business district..  
>>  
>> For your reference, I am enclosing a copy of a Ping Plotter graph  
>> that shows what happened to Charter's service early this morning.  
>>  
>> In closing, given Charter's high level of debt and, in my opinion,  
>> its poor level of service, I am sorry that the FCC granted this  
>> company permission to buy and to take on the responsibility of owing  
>> AOL-Time Warner.  
>>  
>> Thank you for your consideration.  
>>  
>>  
>> Respectfully,  
>>  
>> (b) (6)



>>  
>  
>

## Mike Hennigan

---

**From:** (b) [REDACTED]  
**Sent:** Sunday, October 23, 2016 2:37 PM  
**To:** Ombudsperson  
**Subject:** 1280682

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Michael:

I hadn't thought to do the actual online speed tests, and had just been going by the numbers on the Router's "Gateway". When I had done speed tests online before they usually timed out.

This morning I tried to get on the internet and it was very slow. I tried to get Bing...no. I tried Netflix....no. I found the Verizon online tests and began logging numbers. At one point this morning (10:30 a.m. Sunday), the testing came up as 0.74M down, and 0.15M up. At noon, the figures were about the same. Bing and Netflix loaded with absolutely no problem at all!!! Later in the day, (2:20pm) the test came up as: **0.14M down** and 0.15M up!!!! Four minutes later, it timed out completely! After another 5 minutes, the test bounced back up to 0.74M and 0.15.

This is unacceptable. I hope I don't have to keep screenshots of these!!

(b) (6) [REDACTED]

## Mike Hennigan

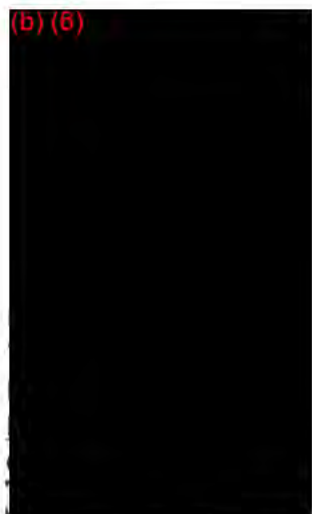
---

**From:** (b) (6)  
**Sent:** Tuesday, February 09, 2016 4:32 AM  
**To:** Ombudsperson; robert.marcus@twcable.com; ir@twcable.com; info@twcable.com; Tom Wheeler; antitrust@ftc.gov; Ombudsperson; Mignon Clyburn; Jessica Rosenworcel; executive-editor@nytimes.com; nytnews@nytimes.com; jason.geier@twcable.com  
**Subject:** 11-27-2015: Paying for 30 MBPS and getting less than 1 MBPS  
**Attachments:** Capture.PNG; Capture1.PNG  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed

The situation is the same ... take a look at the attachments

Thanks for your time and have a wonderful day!

(b) (6)



---

**From:** Ombudsperson [mailto:Ombudsperson@fcc.gov]  
**Sent:** Tuesday, December 01, 2015 10:08 AM  
**To:** (b) (6)  
**Subject:** RE: 11-27-2015: Paying for 30 MBPS and getting less than 1 MBPS

(b) (6)

Thank you for contacting the Federal Communication Commission's Open Internet Ombudsperson. The concern that you raised, involving paying for higher Internet speeds than you are receiving, may relate to the Open Internet.

If you would like to file a complaint, you can use the below link and select "Open Internet" as the "Internet issue" for which you are filing the complaint: [https://consumercomplaints.fcc.gov/hc/en-us/requests/new?ticket\\_form\\_id=38824](https://consumercomplaints.fcc.gov/hc/en-us/requests/new?ticket_form_id=38824)

Or you may contact the Consumer Help Center at (888) 225-5322 to file your complaint. If you file a complaint, Time Warner Cable will be required to respond to you in writing in thirty days.

Also of interest may be the following consumer guide:

<https://consumercomplaints.fcc.gov/hc/en-us/articles/204231404-Open-Internet>



Thank you again.

| FCC Open Internet Ombudsperson | [ombudsperson@fcc.gov](mailto:ombudsperson@fcc.gov) | (202) 418-1155 |

From: (b) (6)

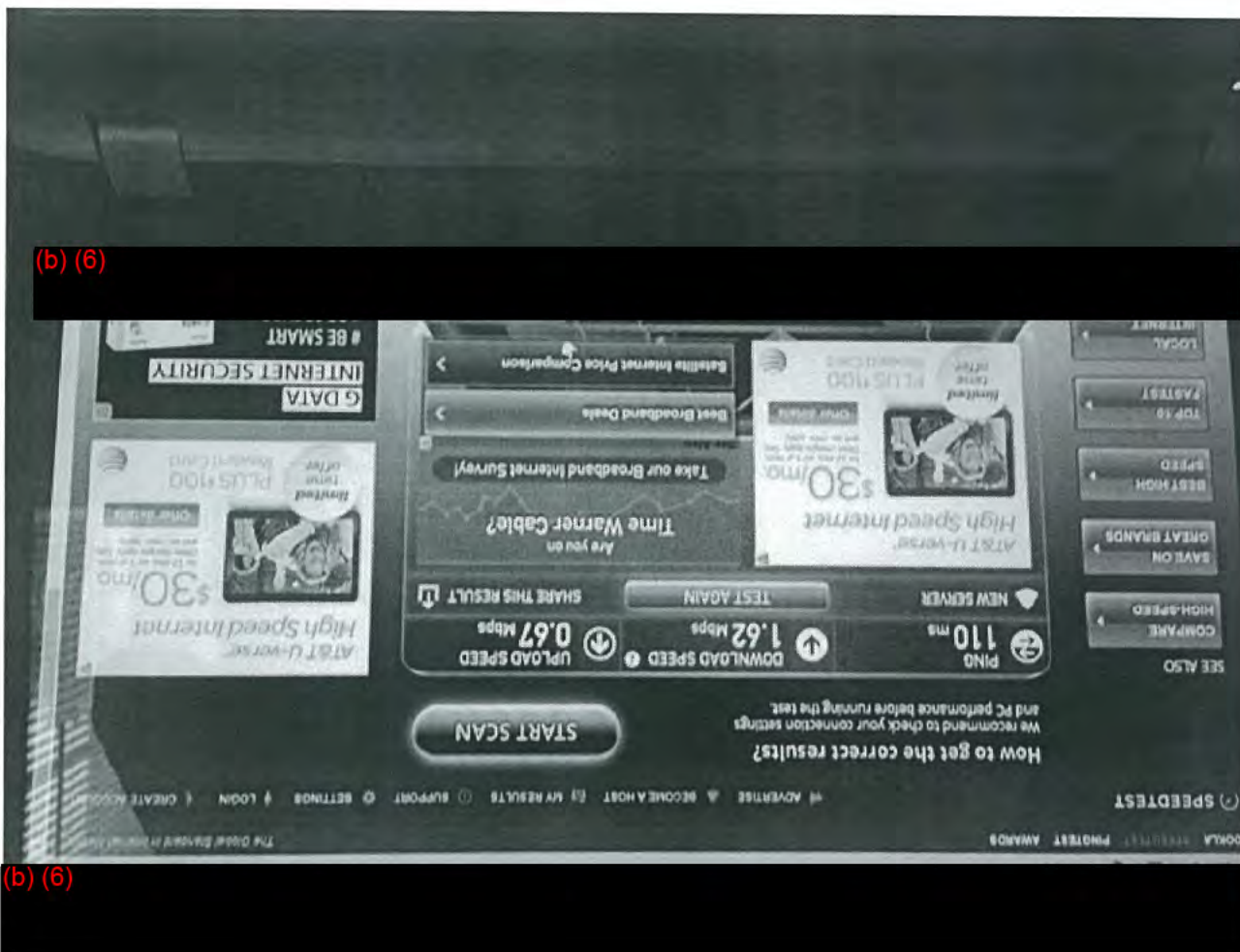
Sent: Friday, November 27, 2015 5:36 PM

To: [robert.marcus@twcable.com](mailto:robert.marcus@twcable.com); [ir@twcable.com](mailto:ir@twcable.com); [info@twcable.com](mailto:info@twcable.com)

Cc: Tom Wheeler <[Tom.Wheeler@fcc.gov](mailto:Tom.Wheeler@fcc.gov)>; [antitrust@ftc.gov](mailto:antitrust@ftc.gov); Ombudsperson <[Ombudsperson@fcc.gov](mailto:Ombudsperson@fcc.gov)>; Mignon Clyburn <[Mignon.Clyburn@fcc.gov](mailto:Mignon.Clyburn@fcc.gov)>; Jessica Rosenworcel <[Jessica.Rosenworcel@fcc.gov](mailto:Jessica.Rosenworcel@fcc.gov)>; [executive-editor@nytimes.com](mailto:executive-editor@nytimes.com); [nytnews@nytimes.com](mailto:nytnews@nytimes.com); [jason.geier@twcable.com](mailto:jason.geier@twcable.com)

Subject: Re: 11-27-2015: Paying for 30 MBPS and getting less than 1 MBPS

Again someone called from TimeWarner today 9999999 number and said he fixed something from the backend... I am stressed out dealing with this for over a year now....



☹

(b) (6)

Franklin WI 53132

(b) (6)

Sent from my iPhone

On Nov 27, 2015, at 1:09 PM, (b) (6) wrote:

(b) (6)

Franklin WI 53132

(b) (6)

Sent from my iPhone

On Nov 25, 2015, at 8:47 AM, (b) (6) wrote:

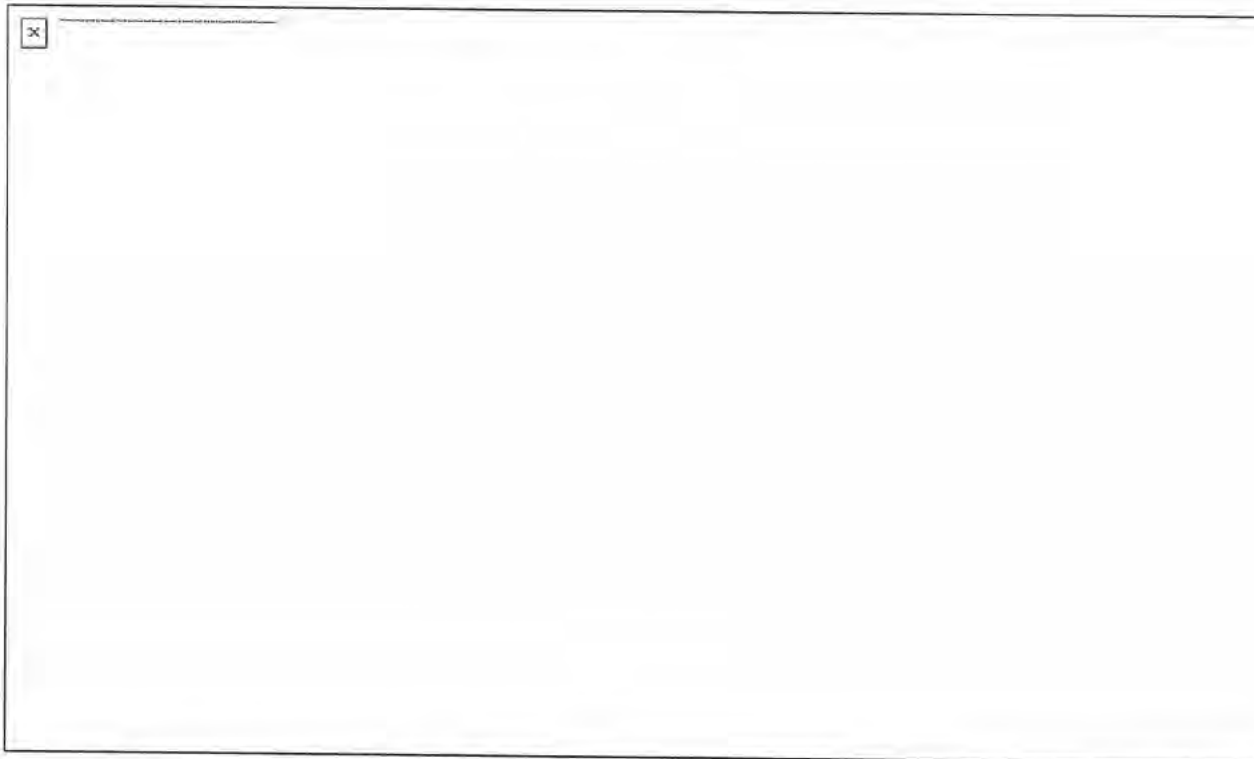
Hello again & good evening !!

Time warner cable is busy looting people in the name of providing service..... people are innocent & ignorant, don't know what they are getting from their trusted cable company. **I want every dollar I ever paid to TWC refunded back to me.**

I requested on twitter as well to be refunded whatever I paid to TWC in the last 1 year or so I had this lousy service.

**I need guidance from FCC & FTC on how to file for a class action lawsuit, for breach of contract by TWC.... I want to go on TV and tell people how to do a speed test so they know how they're being cheated by TWC.....**And for the benefit of others who are not aware of what was promised by TWC, what they're already paying for & sadly they are getting a fraction of what they're paying for.

Here is a video of the speed test... (b) (6)



Thanks for your time and have a wonderful day!



---

**From:** (b) (6)  
**Sent:** Tuesday, November 24, 2015 12:42 PM  
**To:** 'robert.marcus@twcable.com' <robert.marcus@twcable.com>; 'ir@twcable.com' <ir@twcable.com>; 'zulaika.burroughs@twcable.com' <zulaika.burroughs@twcable.com>; 'info@twcable.com' <info@twcable.com>; 'contact@twcable.com' <contact@twcable.com>  
**Subject:** Serious service issue

Dear Mr. Marcus,

Good morning !

I like reading about you ... <http://fortune.com/2015/05/26/charter-time-warner-cable-robert-marcus/>

Anyhow, I've been having issues with TWC that could be nationwide.

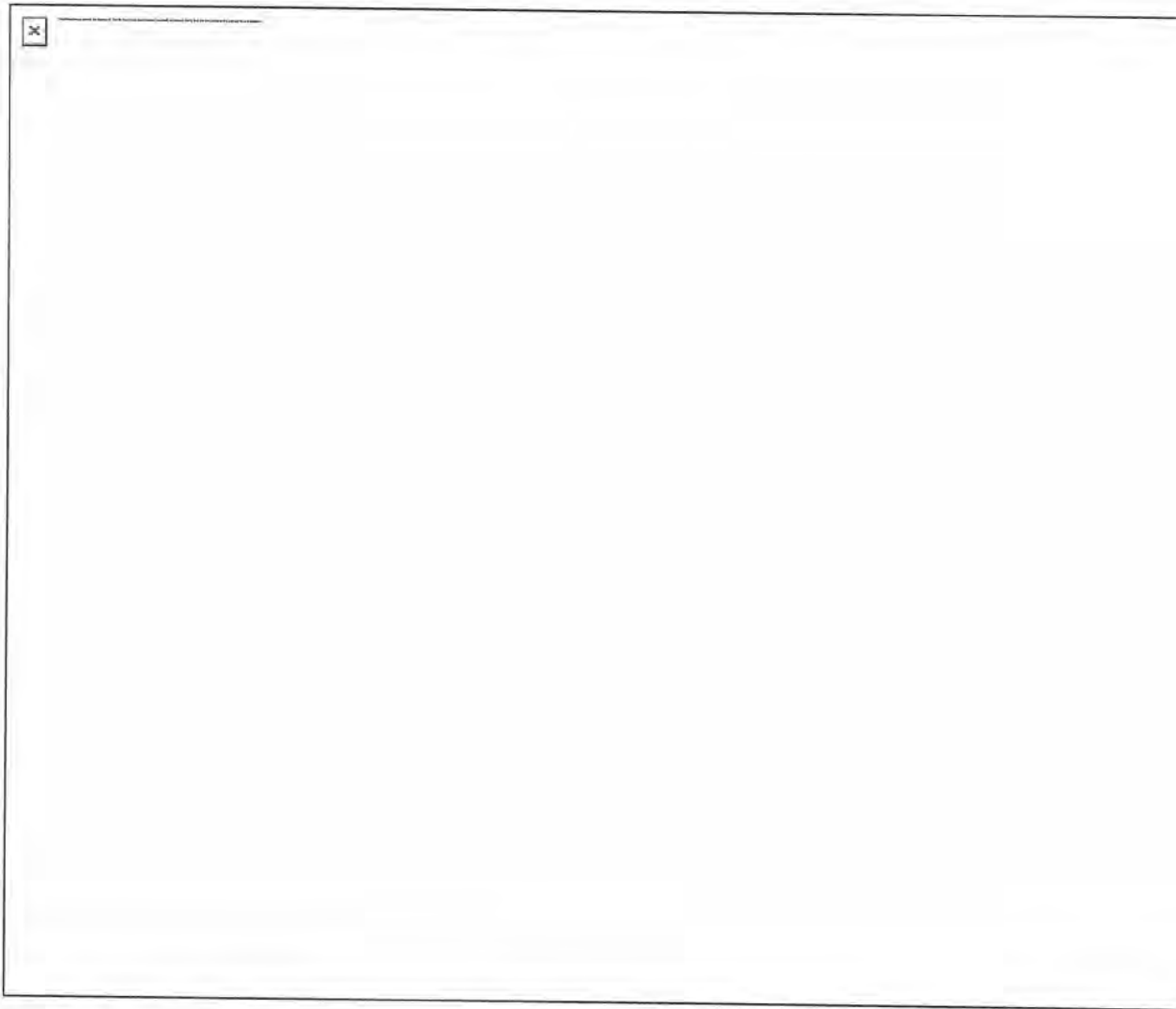


I'm being billed for 30 MBPS assured service whereas the service I get at 1 am is shown in the image below; the only device connected is this laptop. Most people using your internet would not know how to check the speed (that includes my wife), they can just complain that the internet is slow, they are paying for 30MBPS but getting 1/10 or even lower. Most people don't have the time and energy to call and write to TWC to ask for refund for the service they paid for but did NOT get (including myself). The audacity of TWC is that they'll ask ~ is this the first time you're calling to report this? Is this a joke or what?

I want the issue fixed & a decent refund for the poor service that I've been paying for through my nose TILL DATE; I wrote to TWC on Twitter too

Long story short ~ If this is not resolved to MY SATISFACTION, I'll make this issue into a national poll / debate. You being an attorney, know it's better to nip it in the bud. Please get it resolved to my satisfaction. How come Mr. Anthony (the agent at TWC in Milwaukee – extn 6421050) was not having an email ID to accept my images of proof? Why is the customer treated as a liar, giving the customer the impression that the problem just occurred or never occurred ? I have a proof that I want to submit, there is no email address with him. Hence I had to dig deep on the internet to find a few contacts to write to ~ before I escalate it into a class action.

Here are the images in question for ready reference.



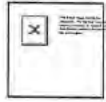
Thanks for your time and have a wonderful day!



(b) (6)

and

## TWC\_Help #4375259



1h

(b) (6)

2/2 I've been paying for 30 MBPS like most innocent customers & am being conned by @TWC ~ looks like you folks need a different pill~FCC/FTC

[Reply](#) [Retweet](#) [Favorite](#)



1h

(b) (6)

@TWC look@ its 2.2 MBPS just now as against YR PROMISE for 30MBPS, NO-ONE called 2 give the refund. STOP CHEATING 1/2  
<https://t.co/tZ1htzxuEC>

[Reply](#) [Retweet](#) [Favorite](#)



58m

## TWC Help @TWC Help

(b) (6) I apologize for the internet issues you are seeing. I would be happy to look into that for you here, and help any way I can. ^RL

[Reply](#) [Retweet](#) [Favorite](#)



55m



## TWC Help @TWC Help

(b) (6) I have run a few tests on the modem\router we provide to you. That is showing perfect signal strength, speed setup and PING tests that complete in 30 MS. All of this is indicating our services to be working. I am going to log in to my equipment and see the devices connected, as well as the settings that may be changed to help. ^RL

[Reply](#) [Retweet](#) [Favorite](#)



53m

## TWC Help @TWC Help

(b) (6) What is the device that is wired directly to the modem provided now? ^RL

[Reply](#) [Retweet](#) [Favorite](#)



50m

(b) (6)

@TWC Help instead of refunding all the money you siphoned from me & others, FCC & FTC will get refunds to everyone. It's a mental torture!!

[Reply](#) [Retweet](#) [Favorite](#)



47m

## TWC Help @TWC Help

(b) (6) Unfortunately, we cannot address matters of this sort, by this means of contact. Billing matters must be handled by a billing agent. They are reached by phone at 1-800-892-4357, or on the chat lines. I wish I were able to assist more with this, but it has to be handled appropriately, to ensure accurate changes are made for you. I am here to help with any technical issue you are seeing there. ^RL

[Reply](#) [Retweet](#) [Favorite](#)



36m

(b) (6)

[@FTC](#) [@FCC](#) See the image below against 30 MBPS its not even 1 MBPS, [@TWC](#) should refund every bill I paid till date  
<https://t.co/Q9rsqvPm8C>

[Reply](#) [Retweet](#) [Favorite](#)

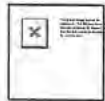


33m

## TWC Help @TWC Help

(b) (6) The next step I would need done is the computer wired to the modem provided, to test the output of the equipment directly.

[Reply](#) [Retweet](#) [Favorite](#)



29m

(b) (6)

[@TWC Help](#) Now I need every dollar I ever paid to TWC? Thinking this is a white collar crime [@FTC](#) [@FCC](#) ~ Pls help 2 file class action Lawsuit

[Reply](#) [Retweet](#) [Favorite](#)

Are you (b) (6)

Sign in with Twitter to let us know if this was helpful and see any private messages.

## Mike Hennigan

---

**From:** (b) (6)  
**Sent:** Monday, June 06, 2016 8:53 AM  
**To:** Christopher Killion  
**Cc:** Ombudsperson; (b) (6)  
**Subject:** FCC Informal Petition  
**Attachments:** Scan\_20160524 (6).jpg; Scan\_20160524 (5).jpg; Scan\_20160524 (4).jpg; Scan\_20160524 (3).jpg; Scan\_20160524 (2).jpg; Scan\_20160524.jpg; FCC Petition.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Mr. Christopher Killion  
Division Chief  
Market Disputes Resolution Division  
Federal Communications Commission  
445 12<sup>th</sup> street SW  
Washington, DC 20554  
June 6, 2016

Dear Mr. Killion:

On behalf of the residents of the Kahite Neighborhood of Tellico Village, I wish to file an informal complaint under 47 C.F.R. § 1.716 and 47 C.F.R. § 1.717 with the Market Disputes Resolution Division against Telephone and Data Services Inc. (TDS) for failure to provide adequate information about the internet services they offer residents in our area, as required under 47 C.F.R. § 8.3 - Transparency.

The Kahite neighborhood is a residential retirement community in East Tennessee. TDS is a Wisconsin-based local telephone and data services provider operating in several states, including Tennessee. It is the only landline service provider in Kahite, offering both telephone and internet service via DSL technology. In its Report and Order FCC 15-24, released March 12, 2015, the FCC put into place “strong, sustainable rules... to ensure that Americans reap the economic, social, and civic benefits of an open Internet today and into the future”[1]. Part of those rules reaffirmed the 2010 transparency rule, which stated:

*A person engaged in the provision of broadband Internet access service shall publicly disclose accurate information regarding the network management practices, performance, and commercial terms of its broadband Internet access services sufficient for consumers to make informed choices regarding use of such services and for content, application, service, and device providers to develop, market, and maintain Internet offerings.*

The FCC explained that this rule required providers to “publicly disclose accurate information regarding network management practices, performance and commercial terms”[2] of their broadband services. Network management practices disclosures include “specific disclosures related to congestion management, application-specific behavior, device attachment rules, and security”[3]. Under performance, the disclosure includes “expected and actual access speed and latency, and the suitability of the service for real-time applications”[4]. Furthermore, the Commission stated their expectations that the disclosures of performance should be “reasonably related to the performance the consumer would likely experience in the geographic area in which the consumer is purchasing service” and be measured “in terms of average performance over a reasonable period of time and during times of peak usage”[5].

As evidenced by the attached petition, which was originally sent to the FCC’s Consumer Inquiries and Complaints Division, the residents of our community continue to experience a myriad of internet service problems, due mostly to severe bandwidth limitations that have never been properly disclosed. Consumer



information regarding performance contained within the High-Speed Internet Services section of the TDS website contains the following basic disclaimer:

*"High-Speed Internet availability varies and speeds shown may not be available at all service addresses. Certain speeds are only offered in areas served by TDS Fiber. Actual speeds experienced by customers vary and are not guaranteed. Speed ranges shown are expressed as 'up to' to represent network capabilities between customer location and the TDS network. Speeds vary due to factors, including: distance from switching locations and external/internal network conditions..."*

This disclaimer does not address the congestion management practices that are being implemented in our service area, as evidenced by the "throttle-backs" that occur on a daily basis, nor the latency issues, as evidenced by web page freezes, slowdowns and inability to connect at peak usage intervals<sup>[6]</sup>, nor the suitability for applications such as video streaming, nor any information regarding what we should expect as far as average performance over a reasonable period of time and during those peak usage periods. Even though in discussions with individual residents, TDS has admitted that their aging facilities have problems with current technologies and are unable to handle the current demand, this disclaimer, nor any other that our community is aware of, discloses the performance limitations that exist in our geographic area.

The FCC's Report and Order also addressed a "safe harbor" disclosure format that providers could voluntarily choose to use in order to meet their disclosure obligations<sup>[7]</sup> and directed the Consumer Advisory Committee (CAC) to formulate it within six months. The CAC completed this task and the FCC released a Public Notice on April 4<sup>th</sup> of this year which contained broadband label templates for both fixed and mobile broadband providers. The design and content of those templates clearly indicate the Commission's intent for providers to disclose specific details regarding the performance and management of their networks in a given service area. TDS' disclaimer falls far short of this requirement.

Although the residents of Kahite believe that TDS has failed to meet its disclosure requirements as they relate to our service area, our most pressing need is to obtain a commitment from TDS to upgrade their facilities and resolve the bandwidth limitations. Evidence of that sense of urgency is shown in the 174 signatures to the petition (attached) that was originally submitted to the Consumer Inquiries and Complaints Division. As such, we respectfully request the FCC's assistance in mediating the problems with TDS.

Sincerely,

(b) (6)



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<sup>[1]</sup> Par. 6

<sup>[2]</sup> Par. 157

<sup>[3]</sup> Par. 169

<sup>[4]</sup> Par. 165

<sup>[5]</sup> Par. 166

<sup>[6]</sup> See petition

<sup>[7]</sup> Par. 180

## Mike Hennigan

---

**From:** Ombudsperson  
**Sent:** Tuesday, October 25, 2016 3:04 PM  
**To:** (b) (6)  
**Subject:** FCC contact information

(b) (6)

Thank you for talking with me today. I'm sending you my contact information, which is below.

I understand that you do not have an active dispute with a telecommunications provider. If you do, you are welcome to email me about it and we can discuss potential ways that you can get your concerns addressed. Or you can use the informal complaint form again on our website and specify the telecommunications provider that is at issue. As we discussed, the FCC's Open Internet rules apply to providers of broadband Internet access service. If you have any questions, feel free to be in touch.

Thanks –  
Michael

| FCC Open Internet Ombudsperson | [ombudsperson@fcc.gov](mailto:ombudsperson@fcc.gov) | (202) 418-1155 |



## Mike Hennigan

---

**From:** (b) (6) >  
**Sent:** Sunday, June 19, 2016 1:18 AM  
**To:** Ombudsperson  
**Cc:** (b) (6)  
**Subject:** FCC Complaint/Ticket #881867

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Mr. Janson,

I was told to get in touch with you regarding the issues I've been having with Centurylink and a network peering problem between them and Netflix which is hosted by L3 Communications.

Back in February I purchased a home in the small town of Yacolt, Washington. Prior to purchasing the home I contacted Centurylink to ask about the type of services available to the folks there. Centurylink is the only telecommunications provider available in Yacolt. The only other option for broadband would be to subscribe to a satellite service which, for most folks, is out of the budget. Everything was working fine. We were promised 10Mbps download and 600 Kbps upload. Those speeds were delivered without issue. After a few weeks that changed. We started to notice during the day that Netflix wouldn't load content. If you're familiar with their interface, a speed test screen shows up prior to the program to be streamed. The speed displayed was showing up as 0.3-0.8/Mbps. Calls to Netflix were unsuccessful in getting a resolution. I was told that they don't have anything to do with the internet and that they just provide content. I was to call my ISP. I contacted Centurylink and was told that everything checked out on their end and that I'd have to contact Netflix for a resolution. Again, everyone was pointing fingers at each other, but not willing to help. Over time a pattern developed. It was during daytime and prime-time hours that the service was unavailable. Overnight, I work late hours a few days a week, Netflix works fine, providing 8-9/Mbps streams. Other streaming services like Amazon Video work fine as well and have never caused a problem.

I started to do some research and ran tests from my home during various times of the day. I trace-route tests for hours and found that packets were being dropped and errors were occurring where the data was being handed off between the Centurylink and L3 networks in Seattle. That's when I contacted the FCC for the first time. After a few weeks I received a response from Centurylink admitting that they were aware of a peering problem and that they were working to resolve it. They didn't indicate any timeframe for which it would be fixed. I submitted a rebuttal asking both Centurylink and the FCC what a reasonable amount of time would be to resolve this peering problem. Centurylink again responded that the problem was being looked into but that there was no time frame available. I still don't feel that's acceptable. I'm paying both Netflix and Centurylink monthly subscription fees for services that are unavailable during large parts of the day and both are, in my opinion, dragging their feet to get this fixed. I'm told that's where you come in.

Because I have no other options for a telecommunication provider in my area, I'm stuck between a rock and a hard place. What am I supposed to do or expect from these companies? How do I flex my muscles to get some response and some action on this? Calls to customer service have revealed that if there is a peering issue between Centurylink customers and Netflix, they're not being told about it or they're still blaming Netflix. We're going on month 5 now as we head into July. I'm just looking to find out if it's going to be a few weeks, a few months, or a few years.



Thanks for your time,

(b) (6)

## Mike Hennigan

---

**From:** (b) (6)  
**Sent:** Wednesday, April 12, 2017 9:30 PM  
**To:** Ombudsperson  
**Subject:** Facebook breaking net neutrality laws

Good Evening -

I am reaching out to you because Facebook is breaking net neutrality laws and conducting unfair business practices with respect to my social media advertising. More specifically, they have refused to run my ads because my chocolate products contain hemp seeds (which are completely legal), stating that they do not allow consumable hemp products to be advertised; however, they allow my competition to do so. This is extremely detrimental to my business as they have elected to block my content while allowing similar content to be advertised by my competitors. This could cripple me as I am a small business. I have provided a facebook link that clearly demonstrates that Facebook has allowed hemp seed products to be advertised by my competition:

<https://www.facebook.com/manitobaharvest/>

My chocolate is an organic vegan product and contains the very same brand hemp seeds that are allowed to be advertised in the link above. My products are sold in Whole Foods and are completely healthy (b) (6)

If you need more info, please advise....I have the entire chain of communication where I advised them of the above and they basically told me their decision remains despite the fact that the other company's advertising was allowed while mine was blocked....

How do I get this resolved?

Thank You,

(b) (6)

## Mike Hennigan

---

**From:** Larry Couch <lcouch@actcom.net>  
**Sent:** Monday, June 15, 2015 3:38 PM  
**To:** Ombudsperson  
**Cc:** Kent Sager; Rick Derr  
**Subject:** FCC Annual CPNI Certification Filing Year 2014 Confirmation #51466189 Change Question as it relates to FCC Open Internet Rules Changes  
**Attachments:** CPNI CERTIFICATION Action 11615.doc; CPNI STATEMENT OPERATING PROCEDURES Action 11615.doc; CPNI Transmittal Letter Action 11615.doc  
**Importance:** High  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Action Communications, Inc. is a small Two Way Radio Dealer, Paging Provider, ISP, and CLEC in Western N,E with less than 10,000 customers. We annually file our FCC CPNI filing in Jan – Feb of each Year to meet our annual FCC CPNI requirements. (Copy of our most recent filing attached and FCC confirmation below):

Action has searched the FCC BB website and is not able to determine what changes are being made to future FCC CPNI filing requirements. May we ask what changes are necessary to meet our new FCC Open Internet Rule CPNI requirements for the new FCC rules, that went into effect 6/12/15? Please help us understand what we need to do differently, to be in full compliance for our next CPNI filings in 2016 for Year 2015.

Please Call me for questions or if you need more details from Action to respond to our request.. Thanks.

Larry Couch  
Telecom Manager  
Action Communications, Inc.  
315 West 27th Street  
Scottsbluff, NE 69361  
308-630-3124 - Direct Line  
800-558-7836 - Toll Free  
308-632-5684 - Fax  
[lcouch@actcom.net](mailto:lcouch@actcom.net)

---

**From:** Larry Couch [mailto:lcouch@actcom.net]  
**Sent:** Friday, January 16, 2015 1:16 PM  
**To:** Larry Couch  
**Subject:** FCC Annual CPNI Certification Filing Year 2014 Submitted Confirmation #51466189 fu 1/19/16  
**Importance:** High

Use data attached for next year's filing 1/19/16

Larry Couch  
Telecom Manager  
Action Communications, Inc.



315 West 27th Street  
Scottsbluff, NE 69361  
308-630-3124 - Direct Line  
800-558-7836 - Toll Free  
308-632-5684 - Fax  
[lcouch@actcom.net](mailto:lcouch@actcom.net)

---

**From:** Larry Couch [<mailto:lcouch@actcom.net>]

**Sent:** Friday, January 16, 2015 1:09 PM

**To:** Rick Derr

**Cc:** Kent Sager ([kent@kci.net](mailto:kent@kci.net)); Connie Blome; Michelle Herrmann; Andrew Ott

**Subject:** FCC Annual CPNI Certification Filing for Year 2014 Submitted / Confirmation number 51466189

**Importance:** High

FYI..... I have filed Action's FCC CPNI Annual Certification filing for EB Docket 06-36 for Year 2014: Attached are the 3 files submitted with the new FCC filing Process.

Here is the new URL for processing the filing electronically with the FCC: <http://apps.fcc.gov/eb/CPNI/>

Below are screen shots of our filing confirmation data. I have a clean printed copy of the Confirmation and filed data:

**Annual 47 C.F.R. § 64.2009(e) CPNI Certification Template  
EB Docket 06-36**

---

Submission Confirmation Number: **51466189**

Annual 64.2009(e) CPNI Certification for 2015 covering the prior calendar year:

1. Date filed:

2. Name of company(s) covered by this certification: 

- Action Communications, Inc. (803603)

3. Form 499 Filer ID(s):

803603

4. Name of signatory:

5. Title of signatory:

6. Certification:

I, [name of officer signing certification] , certify that I am an officer of the company named above, and acting as an agent of the company, that I have personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the Commission's CPNI rules. See 47 C.F.R. § 64.2001 *et seq.*

Attached to this certification is an accompanying statement explaining how the company's procedures ensure that the company is in compliance with the requirements (including those mandating the adoption of CPNI




procedures, training, recordkeeping, and supervisory review) set forth in section 64.2001 *et seq.* of the Commission's rules.

The company [ has has not] taken actions (*i.e.*, proceedings instituted or petitions filed by a company at either state commissions, the court system, or at the Commission against data brokers) against data brokers in the past year. [NOTE: If you reply in the affirmative, please provide an explanation of any actions taken against data brokers.]

The company [ has has not] received customer complaints in the past year concerning the unauthorized release of CPNI [NOTE: If you reply in the affirmative, please provide a summary of such complaints. This summary should include number of complaints, broken down by category or complaint, *e.g.*, instances of improper access by employees, instances of improper disclosure to individuals not authorized to receive the information, or instances of improper access to online information by individuals not authorized to view the information.]

The company represents and warrants that the above certification is consistent with 47. C.F.R. § 1.17 which requires truthful and accurate statements to the Commission. The company also acknowledges that false statements and misrepresentations to the Commission are punishable under Title 18 of the U.S. Code and may subject it to enforcement action.

Signed: [Signature of an officer, as agent of the carrier]

<b>Attachments:</b> Accompanying Statement explaining CPNI procedures Explanation of actions taken against data brokers (if applicable) Summary of customer complaints (if applicable)		
 <u>CPNI CERTIFICATION</u> <u>Action 11615.doc</u>	 <u>CPNI STATEMENT OPERATING</u> <u>PROCEDURES Action 11615.doc</u>	 <u>CPNI Transmittal Letter</u> <u>Action 11615.doc</u>

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Federal Communications Commission Phone:1-888-CALL-FCC (1-888-225-  
445 12th Street SW 5322)  
Washington, DC 20554 TTY:1-888-TELL-FCC (1-888-835-  
[More FCC Contact Information...](#) 5322)  
Fax:1-866-418-0232

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- [Website Policies & Notices](#)
- [Required Browser Plug-ins](#)
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E-mail:[fccinfo@fcc.gov](mailto:fccinfo@fcc.gov)

Larry Couch  
Telecom Manager  
Action Communications, Inc.  
315 West 27th Street  
Scottsbluff, NE 69361  
308-630-3124 - Direct Line  
800-558-7836 - Toll Free  
308-632-5684 - Fax  
[lcouch@actcom.net](mailto:lcouch@actcom.net)



## Mike Hennigan

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**From:** Ombudsperson  
**Sent:** Monday, February 01, 2016 3:33 PM  
**To:** (b) (6)  
**Subject:** Emailing - 755050.pdf  
**Attachments:** 755050.pdf

(b) (6)

Attached is your provider's response. If you are not satisfied with your provider's response, please let me know.

Thank you.

| FCC Open Internet Ombudsperson | [ombudsperson@fcc.gov](mailto:ombudsperson@fcc.gov) | (202) 418-1155 |

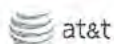
## Mike Hennigan

**From:** (b) (6)  
**Sent:** Tuesday, November 03, 2015 11:50 AM  
**To:** Ombudsperson  
**Subject:** Documents Alltel

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

AT&T

11/11/15 4:34 AM



Print

(b) (6)

### Account Details

#### Previous Activity for Jan 26 - Feb 25, 2015

Previous Balance	\$27.46
Payment - 03/22 - Thank You!	-\$27.46
<b>Total Balance From Previous Activity</b>	<b>\$0.00</b>

#### Current Bill for Feb 26 - Mar 25, 2015

##### Monthly Charges for 03/26 - 04/25

Smart Choice Unlimited	\$59.99
Discount for Smart Choice Unlimited	-\$30.00
Data Tethering	\$0.00
Data Unlimited for iPhone	\$30.00

**Total Monthly Charges** **\$59.99**

##### Surcharges & Fees

Administrative Fee	\$0.61
Federal Universal Service Charge	\$1.69
Regulatory Cost Recovery Charge	\$0.52
Telecom Relay Service Fund	\$0.14

**Total Surcharges & Fees** **\$2.96**

##### Government Fees & Taxes

9-1-1 Service Fee	\$0.60
NC State Telecommunications Sales Tax	\$2.31

**Total Government Fees & Taxes** **\$2.91**

**Total for 828-612-4442** **\$65.86**

##### Amount to be Debited

Your Credit Card will be debited on or after Apr 20, 2016.

**\$65.86**

[View explanation of services](#) | [View additional bill information](#)

### Bill Alerts

#### Billed discount

Your bill includes a discount - \$30.00  
[View this discount](#)

## Explanation of services

### Smart Choice Unlimited

- Includes unlimited Anytime Minutes, Nationwide Long Distance & Roaming, Call Forward feature, Caller ID, Call Wait, Conference Call feature, Basic Voicemail feature.

### Data Unlimited for iPhone on 4G LTE with VVM

- Includes Data Unlimited on 4G LTE for iPhone. Visual Voicemail.



Wireless Number	Date & Time	User Name & ID	Note
	02/26/2015 09:44:17 AM	(b) (6)	4G LTE Coverage The Alltel rate plans created for AT&T are not compatible with our 4G LTE network. If a customer wishes to take advantage of equipment or services that use our 4G LTE network, they must switch to a current ... <a href="#">View More</a>
(b) (6)	02/21/2015 10:54:36 AM		User Text: The Alltel rate plans created for AT&T are not compatible with our 4G LTE network. If a customer wishes to take advantage of equipment or services that use our 4G LTE network, they must switch to a current AT&T rate plan. Exception: Customers with iPhone devices on legacy Alltel rate plans are able to access the AT&T 4G LTE network; all other customers access the available non-LTE AT&T network in their given market.
(b) (6)	02/21/2015 10:50:26 AM		Subscriber level SOC created. SOC: GMANRDTHN. Effective: 02/21/2015.
(b) (6)	02/21/2015 10:50:26 AM		Subscriber level SOC created. SOC: GMTETHN. Effective: 02/21/2015.
(b) (6)	02/21/2015 10:50:26 AM		Subscriber level SOC created. SOC: GM244052. Effective: 02/21/2015.
(b) (6)	02/21/2015 10:28:20 AM		Subscriber level SOC expired. SOC: GMTETHN. Expiration date: 02/21/2015.
(b) (6)	02/21/2015 10:28:20 AM		Subscriber level SOC expired. SOC: GMANRDTHN. Expiration date: 02/21/2015.
(b) (6)	02/21/2015 10:28:20 AM		Subscriber level SOC expired. SOC: GM248899. Expiration date: 02/21/2015.
(b) (6)	02/21/2015 10:27:50 AM		Subscriber level SOC expired. SOC: GMDTPPU2. Expiration date: 02/26/2015.

(b) (6)

CONFIDENTIALITY NOTICE FROM (b) (6)™: The information contained in this communication is confidential and intended solely for the use of the individual to whom it is addressed and others authorized to receive it. If you are not the intended recipient, any disclosure, copying, distribution or taking of any action in reliance on the contents of this information is prohibited. If you have received this communication in error, please immediately notify the sender by phone or e-mail.

## Mike Hennigan

---

**From:** (b) (6)  
**Sent:** Wednesday, September 16, 2015 5:06 PM  
**To:** Ombudsperson  
**Subject:** docket for net neutrality?

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi- can you please tell me the docket number to enter in order to search for (ECFS) filings pertaining to net neutrality?

Many thanks,

(b) (6)

(b) (6)

(b) (6)

## Mike Hennigan

---

**From:** (b) (6)  
**Sent:** Tuesday, November 03, 2015 12:11 PM  
**To:** Ombudsperson  
**Subject:** Current Bill AT&T  
**Attachments:** ATT\_534159190305\_20151025.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

(b) (6)

CONFIDENTIALITY NOTICE FROM (b) (6) The information contained in this communication is confidential and intended solely for the use of the individual to whom it is addressed and others authorized to receive it. If you are not the intended recipient, any disclosure, copying, distribution or taking of any action in reliance on the contents of this information is prohibited. If you have received this communication in error, please immediately notify the sender by phone or e-mail.



## Mike Hennigan

---

**From:** (b) (6)  
**Sent:** Tuesday, October 25, 2016 9:55 AM  
**To:** Ombudsperson  
**Subject:** Cox Communications Suvey

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

While on my computer this morning, I was interrupted by Cox requesting that I participate in a survey. A small note appeared in the middle of my screen along with a VOICE message. I was certainly stunned.

I find this action by COX very intrusive and would like to know if they are allowed to send inquiries by this method. Below is the survey requested. Note: this survey includes my IP Address which I believe should NEVER be sent thru the internet. I did not proceed with the survey. A reward for completing the survey was included in the request.

An email requesting the same information would have been more appropriate -- however, it would have gone in to my spam folder and unanswered.

The source of the survey was from [www.vpvresearchgroup.com](http://www.vpvresearchgroup.com) which seems to not exist.

Please advise if this method of contact is legal. Worried this might be a future method of unwanted communications from others.

(b) (6)

(b) (6)

Hello Cox User,

Your Computer (b) (6) has been selected to participate in an anonymous survey about your experiences with **Cox**.

In consideration for your time, at the end of this short survey you will be presented with several exclusive reward offers (worth at least \$70).

Want to know what the reward offer is? Complete this survey to find out!

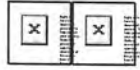
**Are you satisfied with the speed of your Cox internet connection?**

Yes, it's fast. I'm very satisfied

Yes, it's just ok

No, it's not always fast

No, it's never fast



## Mike Hennigan

---

**From:** (b) (6)  
**Sent:** Sunday, October 18, 2015 12:23 PM  
**To:** Ombudsperson  
**Subject:** Copy of the newest Open Internet Order

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hello,

I am a law review staff writer at the University of Dayton School of Law and I am writing about the current net neutrality debate. I was hoping there might be a way to obtain a printed copy of the new 2015 Open Internet Order (80 Fed. Reg. 19738). Would you be able to put me in touch with someone who would be able to speak to me about sending a physical copy to me?

I appreciate your time and service. Thank you!

--  
(b) (6)



## Mike Hennigan

---

**From:** (b) (6)  
**Sent:** Tuesday, November 24, 2015 11:14 PM  
**To:** Ombudsperson  
**Subject:** Cost of Internet

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

When we talked, I had read this but did not think about it at the time.

If you go to the link, there is a question that pops up before the article can be read.

<http://windowssecrets.com/top-story/why-is-the-internet-slow-and-costly-in-the-U-S/>

(b) (6)

## Mike Hennigan

---

**From:** Ombudsperson  
**Sent:** Friday, November 25, 2016 4:01 PM  
**To:** (b) (6)  
**Subject:** Contact info

(b) (6) Good talking with you just now. My contact info below. Let me know some times that work for us to talk next week. Thanks.

Michael Janson | [FCC Open Internet Ombudsperson](#) | [ombudsperson@fcc.gov](mailto:ombudsperson@fcc.gov) | (202) 418-1155 |

## Mike Hennigan

---

**From:** (b) (6)  
**Sent:** Wednesday, June 15, 2016 9:46 AM  
**To:** Ombudsperson  
**Subject:** CONGRATULATIONS COURT VICTORY

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Mr. Jensen;

Congratulations on the Appeals Court victory on Net Neutrality rules. Unfortunately too many people on the country are totally ignorant of the significance of this legislation. Thank you for all of your efforts to protect the integrity of the Internet,

(b) (6)



## Mike Hennigan

---

**From:** (b) (6)  
**Sent:** Wednesday, September 09, 2015 10:34 PM  
**To:** Ombudsperson  
**Subject:** Complaint

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Would like to speak with you about obtaining the contact info for Verizon managers that may be able to resolve a problem we have been experiencing for about 18 months.

Subscriber/Complainant (b) (6)

Contact: (b) (6)

Service Address: (b) (6)

### COMPLAINT

Inadequate & unstable internet service; billing for services not rendered since before July 2014.

More specifically, there are three issues central to our complaint:

1. Our Verizon Internet service cuts out intermittently on numerous times throughout the day.
2. We pay for an enhanced level of service and rarely receive the bandwidth associated with that service.
3. Verizon is not responsive to complaints for over one year.
4. Verizon bills for internet services not rendered and refuses to adjust the bill.

### BACKGROUND

We built our home in the outskirts of Centreville, MD, in 2006. Upon moving in, we used HughesNet, a satellite based internet service provider (ISP). Soon after we moved in, Verizon advertised door-to-door that DSL was coming to our neighborhood, and they made it sound like a much better service, especially with the upgraded level we agreed to. The basic level is .5 – 1 Mbps and upgraded level is 1.1 – 3 Mbps.

From the start, the internet connection has never been anything greater than barely acceptable, in the low end of the range for which we are paying; usually about 1.1 – 1.4 Mbps. In the past 2 years, the service has deteriorated greatly. The service is at its worst in the evenings and weekends; possibly that is related to it being a time when families are home and starting to work and play on the internet.

### PROBLEMS' DETAILS

Throughout the day, our internet service disconnects numerous times, losing connection for times that span 1 minute to 30 minutes (with some outliers being longer and shorter). Additionally, our speed during the aforementioned peak hours is usually about .4 Mbps. We conduct numerous speed tests to document these deficiencies.

We have a new home alarm system and it "pings" the internet because it will default to either a land-line or a cellular connection, when the broadband is disconnected. Additionally, it records all the times that the internet is "pinged" and is not available. It is noteworthy that there have been about 25 periods in which there was no internet service for various periods of time. The time spans of disconnections were about 15 – 20 minutes each.

### ACTIONS TAKEN

For more than a year, we continually call into the Verizon Premium Support, for which we pay an additional \$14.99 per month. This is about twice each month; there are many more problems than calls simply because it takes about 1.5 – 2 hours each time we call as each rep has to run through a litany of protocols. Plus, each call is treated like a new call so we have to go through the same steps over and over. Even though Verizon advertises that its premium support is U.S.-based, calls about DSL problems are directed to an off-shore support center; that adds another dimension of dissatisfaction due to language difficulties on some occasions. This is another example of false advertising by Verizon. In addition to the incessantly repetitive protocols mandated by the telephone reps that include removing and replacing wires and filters, resetting the router and home network time and again, turning various devices on and off, etc., etc., etc., we have been required by Verizon to purchase numerous routers – we have about 6 routers from Verizon now. While a problem on our end has never been detected, the Verizon telephone reps, as a rule, try to make it such to get it off their plate. Each call is approached by the Verizon rep as a new call, starting the process all over again. There is no acknowledgement of the numerous prior call or a review done to establish a more prevalent pattern.

Despite telling some Verizon representatives that interpret our inquiries as billing questions, even when we advise them we just want what we are paying for, they are quick to tell us the outages do not rise to the level of any financial reimbursement, and the speed is just what we have to tolerate as it is a "range," regardless that the range is lower than the one advertised and for which we pay. The arrogance of the representatives usually comes through quickly in that they ask if we want the services removed.

Calls that result in trouble tickets to some other unit (possibly "engineers"), such tickets result will result in a text and/or telephone call from another Verizon representative within 48 hours (their established timeline for completion of the ticket). We are usually told that the problem relates to "capacity" and that they are attempting to resolve the issue – of course, this has been ongoing for over a year.

No matter how many times we ask, the representatives will never provide more than their first name, nor will they provide the name and contact information (preferably email) of a higher level manager, a customer ombudsman or an escalated case management person to address the problem at a higher level.

Sometimes, the calls we make result in a field visit by a Verizon tech in a typical repair truck. Sometimes, the techs visit the boxes on the street but not the house. In the early field visits, the technicians checked the house wiring and setup and found all to be fine; and, nothing has changed in our home. In the more recent field visits, some field techs just come up to the house and just ask if anything changed in the house; since there have been no changes, they simply say something like, the following: the issue is capacity; the more candid techs say that if the "suits" (referring to Verizon managers) would make a decision, this could be resolved by just switching the servers that the local area connect to, but they try to convince the managers and they will not do it.

Thank you, (b) (6)

## Mike Hennigan

---

**From:** (b) [REDACTED]  
**Sent:** Thursday, December 10, 2015 12:30 PM  
**To:** Ombudsperson  
**Subject:** Comcast Overage

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Where do I file a complaint with comcast and their 300 GB cap?

Thanks

(b) (6) [REDACTED]



## Mike Hennigan

---

**From:** (b) (6)  
**Sent:** Friday, September 02, 2016 10:21 AM  
**To:** Ombudsperson  
**Subject:** Complaint and Questions regarding Internet Service

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

I am emailing in regards to our Internet Service through Frontier Communications, we are currently paying \$29.99 per month for a package that promises 6 mbps but after conducting speed tests we have discovered that our speed is only averaging between 1.3 to 1.9 mbps. We contacted Frontier regarding this and were told by the representative that "due to the high demand in our area it would be impossible to get 6 mbps until updates were done". I have emailed the Service Inquiry email address for Frontier but we have not received a response as to why we are being charged for a package that is advertised at 6 mbps when they cannot deliver what they have advertised. My husband also inquired as to when updates were expected to be done and was told that they could not give him a time frame. I am sure that everyone "in our area" that has the same 6 mbps package that we have is experiencing the same problem whether they realize it or not. Is this an issue that the FCC can handle and if so what do I need to do to have the situation investigated?

Thank you for your time and consideration in this matter.

(b) (6)

--  
(b) (6)



## Mike Hennigan

---

**From:** Ombudsperson  
**Sent:** Friday, May 06, 2016 3:34 PM  
**To:** (b) (6)  
**Subject:** Complaint 946971  
**Attachments:** FCC-15-24A1\_Open\_Internet\_Order.pdf

(b) (6) –

It was good talking with you today. You are welcome to supplement your initial complaint if you feel additional explanation would help the Commission and your provider better understand your concerns.

As we discussed, the FCC's Open Internet rules prohibit blocking, which the rules define as follows:

**47 CFR § 8.5 - No blocking.**

- *A person engaged in the provision of broadband Internet access service, insofar as such person is so engaged, shall not block lawful content, applications, services, or non-harmful devices, subject to reasonable network management.*

The Commission, however, instituted an exception to this rule for reasonable network management, which the Commission defined as follows:

**Reasonable network management exception**

- *A network management practice is a practice that has a primarily technical network management justification, but does not include other business practices. A network management practice is reasonable if it is primarily used for and tailored to achieving a legitimate network management purpose, taking into account the particular network architecture and technology of the broadband Internet access service.*

Paragraphs 216 and 217 of the Open Internet Order (attached) explain how the reasonable network management (RNM) exception works:

- Para. 216. For a practice to even be considered under this exception, a broadband Internet access service provider must first show that the practice is primarily motivated by a technical network management justification rather than other business justifications. If a practice is primarily motivated by such another justification, such as a practice that permits different levels of network access for similarly situated users based solely on the particular plan to which the user has subscribed, then that practice will not be considered under this exception. The term "particular network architecture and technology" refers to the differences across broadband access platforms of any kind, including cable, fiber, DSL, satellite, unlicensed Wi-Fi, fixed wireless, and mobile wireless.
- Para. 217. As noted above, reasonable network management is an exception to the no-blocking rule, no-throttling rule, and no-unreasonable interference/disadvantage standard, but not to the rule against paid prioritization. This is because unlike conduct implicating the no-blocking, no-throttling, or no-unreasonable interference/disadvantage standard, paid prioritization is not a network management practice because it does not primarily have a technical network management purpose. When considering whether a practice violates the no-blocking rule, no-throttling rule, or no-unreasonable interference/disadvantage standard, the Commission may first evaluate whether a practice falls within the exception for reasonable network management.

If you supplement your complaint, it is most helpful to the Commission and to your provider if you explain specifically how you think our rules have been violated, with citation to the relevant rules and quotation of our rules as appropriate. You are welcome to upload supporting evidence. If other subscribers to your ISP are having similar issues or concerns, it is helpful to the Commission and your provider to hear from those subscribers as well.

If you have any questions, just let me know.

Best –  
Michael

| FCC Open Internet Ombudsperson | [ombudsperson@fcc.gov](mailto:ombudsperson@fcc.gov) | (202) 418-1155 |

## Mike Hennigan

---

**From:** Ombudsperson  
**Sent:** Friday, September 18, 2015 5:21 PM  
**To:** (b) (6)  
**Subject:** RE: Information

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Thank you for contacting the FCC's Office of the Ombudsperson for Open Internet issues/concerns.

If your issue involves an Open Internet issue, and you have not already done so, please file a complaint on line:

You can use the below link and select "Open Internet" as the " Internet issue" for which you are filing the complaint:  
[https://consumercomplaints.fcc.gov/hc/en-us/requests/new?ticket\\_form\\_id=38824](https://consumercomplaints.fcc.gov/hc/en-us/requests/new?ticket_form_id=38824)

Also of interest may be the following consumer guide:  
<https://consumercomplaints.fcc.gov/hc/en-us/articles/204231404-Open-Internet>

However, if the issue involves your cell phone service, you may file a complaint by utilizing the Consumer Help Center at the following URL:

<https://consumercomplaints.fcc.gov>

OR

You may contact the FCC's Consumer Center at the following toll free number, for all issues not related to an Open Internet concern:

888-225-5322

Thank you again.

---

**From:** (b) (6)  
**Sent:** Friday, September 18, 2015 5:00 PM  
**To:** Ombudsperson  
**Subject:** Information

Hello,

I have a problem with the local wireless service producing the signal I am paying for. I'm not sure who I can talk to about this so I'm hoping you can point me in the right direction.

Thank you

(b) (6)  
(b) (6)

(b) (6)

Sent from Mail for Windows 10



## Mike Hennigan

---

**From:** Ombudsperson  
**Sent:** Tuesday, November 17, 2015 12:37 PM  
**To:** (b) (6)  
**Subject:** RE: inquiree  
**Attachments:** DA-15-356A1\_Petition\_For\_Rulemaking.pdf

(b) (6)

Thank you for contacting the FCC's Open Internet Ombudsperson. Your inquiry relates to an Open Internet complaint. If you have not already done so, please file your complaint.

You can use the below link and select "Open Internet" as the "Internet issue" for which you are filing the complaint:  
[https://consumercomplaints.fcc.gov/hc/en-us/requests/new?ticket\\_form\\_id=38824](https://consumercomplaints.fcc.gov/hc/en-us/requests/new?ticket_form_id=38824)

Or you may contact the Consumer Help Center at (888) 225-5322 to file your complaint.

Also of interest may be the following consumer guide:  
<https://consumercomplaints.fcc.gov/hc/en-us/articles/204231404-Open-Internet>

In your email, you mentioned "planning a petition." The following website provides an overview of the rulemaking process at the FCC and discusses petitions for rulemaking:

<https://www.fcc.gov/encyclopedia/rulemaking-process-fcc>

If, after reading about the rulemaking process, you are interested in filing a petition for rulemaking, you may do so following the procedures set forth here:

<https://www.fcc.gov/document/fcc-announces-petitions-rulemaking-may-be-submitted-online>

| FCC Open Internet Ombudsperson | [ombudsperson@fcc.gov](mailto:ombudsperson@fcc.gov) | (202) 418-1155 |

---

**From:** (b) (6)  
**Sent:** Monday, November 16, 2015 1:20 AM  
**To:** Ombudsperson  
**Subject:** inquiree

I am planning a petition and was wondering how many signatures I would need to get the FCC to put a stop to slow internet and data caps. I pay over \$50 for high speed internet yet I only get 6 Mbps of up and not even 1 Mbps down. I pay this because it has no data cap. To get better speed I would have to pay more and have to deal with data caps. Do to the fact that the internet was suppose to be free in the first place we should not be forced to pay these super high rates and get crappy speeds or data caps. I am tired of constant lag. I have done my research to know the whole internet suppose to be free thing. I understand the equipment costs but no where near what the providers charge. I also know from having family who are programmers that the faster speeds are done on the same equipment as the slower high speeds it is just a setting. These ISPs are taking advantage of the majority because they do not understand enough about how the equipment works to know it is just a matter of settings on the speed and something needs done to stop this. They charge outrageous rates for crap service and then they have crappy support. With what we pay we should much better service as well as support.

## Mike Hennigan

---

**From:** (b) (6)  
**Sent:** Wednesday, May 04, 2016 11:36 PM  
**To:** Ombudsperson  
**Subject:** RE: [FCC Complaints] Re: Violation of Open Internet 2010 Transparency - Deceptive Trade Practice

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

That's fine talk to you then.

Sent via the Samsung Galaxy Note® 3, an AT&T 4G LTE smartphone

----- Original message -----

**From:** Ombudsperson  
**Date:** 05/04/2016 9:51 PM (GMT-06:00)  
**To:** (b) (6)  
**Subject:** RE: [FCC Complaints] Re: Violation of Open Internet 2010 Transparency - Deceptive Trade Practice

(b) (6) -  
Can we talk at 2:00 pm eastern time on Friday? If that time won't work on Friday, please let me know some alternatives on that day.

Best -  
Michael

---

**From:** (b) (6)  
**Sent:** Wednesday, May 04, 2016 6:06 PM  
**To:** Ombudsperson  
**Subject:** FW: [FCC Complaints] Re: Violation of Open Internet 2010 Transparency - Deceptive Trade Practice  
Hi there Michael,  
Would like to talk about potential next steps.  
Best,

(b) (6)  

---

**From:** FCC [<mailto:consumercomplaints@fcc.gov>]  
**Sent:** Wednesday, May 04, 2016 4:08 PM  
**To:** (b) (6)  
**Subject:** [FCC Complaints] Re: Violation of Open Internet 2010 Transparency - Deceptive Trade Practice  
##- Please type your reply above this line -##

This ticket (#883941) has been updated.

---

**FCC Consumer Complaints (FCC Complaints)**



---

May 4, 5:08 PM

Hi (b) (6),

Your Ticket No. 883941 was served on your carrier for its review and response.

Your carrier has provided the FCC with a response to your complaint. You should receive a copy of the response from the carrier within 7-10 days via postal mail. As such, no further action is required. Your complaint is closed.

We appreciate your submission and help in furthering the FCC's mission on behalf of consumers.

---

(b) (6)

Apr 19, 12:10 PM

In response to the letter dated April 5th from Rise Broadband by their escalation specialist Chris;

I believe Rise Broadband has not answered the my concern. The concern is that the price advertised on their website for "Just Internet Pricing" is false, in that it does not include mandatory fees for equipment that must be sourced from Rise Broadband that add \$7.50 per month to the cost. In addition, the "carrier recovery fee" is a fee they have also made a mandatory monthly fee (currently at \$2.27) but have not disclosed the amount of; no place in the Rise Broadband response do they disclose where the total of the mandatory amounts added to the just internet pricing may be found, even though these amounts are known by them.

Consequently, consumers can not make an informed choice because these additional charges are not transparently disclosed as part of the total monthly fee.

Transparency of price is a requirement of the 2010 Open Internet Rules, this under Part 8 of Title 47, section 8.3 which reads:

§ 8.3 Transparency.

A person engaged in the provision of broadband Internet access service shall publicly disclose accurate information regarding the network management practices, performance, and commercial terms of its broadband Internet access services sufficient for consumers to make informed choices regarding use of such services and for content, application, service, and device providers to develop, market, and maintain Internet offerings.

The remedy I am seeking is full disclosure of monthly total on the same page, or ideally displayed adjacent to the "just internet" price on their website.

---

I ask that this complaint be re-examined by the FCC and the response from Rise Broadband be judged for what I believe it to be, dodging the requirement for transparency and compliant advertising.

Best Regards,

(b) (6)

Attachment(s)

(b) (6) - RiseBroadband Response.docx

---

### FCC Consumer Complaints (FCC Complaints)

Apr 5, 5:49 PM

Hi (b) (6),

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Your carrier has provided the FCC with a response to your complaint. You should receive a copy of the response from the carrier within 7-10 days via postal mail. As such, no further action is required. Your complaint is closed.

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---

(b) (6)

Mar 29, 6:14 PM

Rise Broadband, a.k.a - SkyBeam is not fully disclosing the cost of "Just Internet" rates on their website. \*\*see attached screen shots.

The promotional rates and extra fees that are cited only appear to apply to someone that elects a Rise Broadband Active Phone Plan, not the "Just Internet", "Non-bundled pricing". I believe this is deceptive in that there is a mandatory monthly fee of \$ 7.50 they now impose for a radio you must source from them that is not included as well as a fee they impose using terminology and placement that misleads one to believe it could be a government based charge, called "carrier recovery fee". On my bill that is an additional \$2.27 per month. Together these two non-advertised charges add 15% to my bill, and not only my bill, but the bill for over 200,000 other subscribers every month. I calculate this at \$22.8 Million of revenue per year increase.



I believe that this lack of transparency in the case of the additional charge for the radio, and the misleading term and placement of the "carrier recovery fee" is a violation of the 2010 Open Internet Rules, this under Part 8 of Title 47, section 8.3 which reads:

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In addition this company has perpetrated this on the public while being funded by the FCC program called the Rural Broadband Experiment in the approximate amount of \$16.9 Million in the last year.

I have approached and tried to reason with this organization in the last month. They are not interested in updating their advertised price to include all the charges they know must be on the bill to reflect the true cost of service.

I am asking for your review and possible intervention to correct their advertising and billing practice, and financially punitive measures if appropriate.

Best Regards,

(b) (6)

Attachment(s)

[Jeff Kohler Deceptive Charges on Bill.pdf](#)

[Rise Broadband March 2016 Highlighted.pdf](#)

[Rise Broadband Residential Internet Offers March 2016.pdf](#)

[RiseBroadband Active Phone Additonal Fees.pdf](#)

---

This email is a service from FCC Complaints. Delivered by [Zendesk](#)

## Mike Hennigan

---

**From:** Ombudsperson  
**Sent:** Wednesday, May 04, 2016 10:51 PM  
**To:** (b) (6)  
**Subject:** RE: [FCC Complaints] Re: Violation of Open Internet 2010 Transparency - Deceptive Trade Practice

(b) (6) -

Can we talk at 2:00 pm eastern time on Friday? If that time won't work on Friday, please let me know some alternatives on that day.

Best -  
Michael

---

**From:** (b) (6)  
**Sent:** Wednesday, May 04, 2016 6:06 PM  
**To:** Ombudsperson  
**Subject:** FW: [FCC Complaints] Re: Violation of Open Internet 2010 Transparency - Deceptive Trade Practice

Hi there Michael,

Would like to talk about potential next steps.

Best,

(b) (6)

---

**From:** FCC [<mailto:consumercomplaints@fcc.gov>]  
**Sent:** Wednesday, May 04, 2016 4:08 PM  
**To:** (b) (6)  
**Subject:** [FCC Complaints] Re: Violation of Open Internet 2010 Transparency - Deceptive Trade Practice

# = Please type your reply above this line - # =

This ticket ([#883941](#)) has been updated.

---

FCC Consumer Complaints (FCC Complaints)

May 4, 5:08 PM

Hi (b) (6)

---

Your Ticket No. 883941 was served on your carrier for its review and response.

Your carrier has provided the FCC with a response to your complaint. You should receive a copy of the response from the carrier within 7–10 days via postal mail. As such, no further action is required. Your complaint is closed.

We appreciate your submission and help in furthering the FCC's mission on behalf of consumers.

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Apr 19, 12:10 PM

In response to the letter dated April 5th from Rise Broadband by their escalation specialist Chris;

I believe Rise Broadband has not answered the my concern. The concern is that the price advertised on their website for "Just Internet Pricing" is false, in that it does not include mandatory fees for equipment that must be sourced from Rise Broadband that add \$7.50 per month to the cost. In addition, the "carrier recovery fee" is a fee they have also made a mandatory monthly fee (currently at \$2.27) but have not disclosed the amount of; no place in the Rise Broadband response do they disclose where the total of the mandatory amounts added to the just internet pricing may be found, even though these amounts are known by them.

Consequently, consumers can not make an informed choice because these additional charges are not transparently disclosed as part of the total monthly fee.

Transparency of price is a requirement of the 2010 Open Internet Rules, this under Part 8 of Title 47, section 8.3 which reads:

§ 8.3 Transparency.

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The remedy I am seeking is full disclosure of monthly total on the same page, or ideally displayed adjacent to the "just internet" price on their website.

I ask that this complaint be re-examined by the FCC and the response from Rise Broadband be judged for what I believe it to be, dodging the requirement for transparency and compliant advertising.



---

Best Regards,

(b) (6)

Attachment(s)

(b) (6) – RiseBroadband Response.docx

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## FCC Consumer Complaints (FCC Complaints)

Apr 5, 5:49 PM

H (b) (6)

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Your carrier has provided the FCC with a response to your complaint. You should receive a copy of the response from the carrier within 7–10 days via postal mail. As such, no further action is required. Your complaint is closed.

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---

(b) (6)

Mar 29, 6:14 PM

Rise Broadband, a.k.a – SkyBeam is not fully disclosing the cost of "Just Internet" rates on their website.  
\*\*see attached screen shots.

The promotional rates and extra fees that are cited only appear to apply to someone that elects a Rise Broadband Active Phone Plan, not the "Just Internet", "Non-bundled pricing". I believe this is deceptive in that there is a mandatory monthly fee of \$ 7.50 they now impose for a radio you must source from them that is not included as well as a fee they impose using terminology and placement that misleads one to believe it could be a government based charge, called "carrier recovery fee". On my bill that is an additional \$2.27 per month. Together these two non-advertised charges add 15% to my bill, and not only my bill, but the bill for over 200,000 other subscribers every month. I calculate this at \$22.8 Million of revenue per year increase.

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A person engaged in the provision of broadband Internet access service shall publicly disclose accurate

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information regarding the network management practices, performance, and commercial terms of its broadband Internet access services sufficient for consumers to make informed choices regarding use of such services and for content, application, service, and device providers to develop, market, and maintain Internet offerings.

In addition this company has perpetrated this on the public while being funded by the FCC program called the Rural Broadband Experiment in the approximate amount of \$16.9 Million in the last year.

I have approached and tried to reason with this organization in the last month. They are not interested in updating their advertised price to include all the charges they know must be on the bill to reflect the true cost of service.

I am asking for your review and possible intervention to correct their advertising and billing practice, and financially punitive measures if appropriate.

Best Regards,

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Attachment(s)

[Jeff Kohler Deceptive Charges on Bill.pdf](#)

[Rise Broadband March 2016 Highlighted.pdf](#)

[Rise Broadband Residential Internet Offers March 2016.pdf](#)

[RiseBroadband Active Phone Additonal Fees.pdf](#)

---

This email is a service from FCC Complaints. Delivered by [Zendesk](#)

## Mike Hennigan

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**From:** (b) (6) >  
**Sent:** Monday, May 16, 2016 11:54 AM  
**To:** Ombudsperson  
**Subject:** RE: [FCC Complaints] Re: Violation of Open Internet 2010 Transparency - Deceptive Trade Practice

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi there Michael,

Wanted to follow-up on the response of Rise Broadband.

Best,

(b) (6)

---

**From:** (b) (6)  
**Sent:** Wednesday, May 04, 2016 5:07 PM  
**To:** 'Ombudsperson'  
**Subject:** FW: [FCC Complaints] Re: Violation of Open Internet 2010 Transparency - Deceptive Trade Practice

Hi there Michael,

Would like to talk about potential next steps.

Best,

(b) (6)

---

**From:** FCC [<mailto:consumercomplaints@fcc.gov>]  
**Sent:** Wednesday, May 04, 2016 4:08 PM  
**To:** (b) (6)  
**Subject:** [FCC Complaints] Re: Violation of Open Internet 2010 Transparency - Deceptive Trade Practice

##- Please type your reply above this line -##

This ticket ([#883941](#)) has been updated.

---

**FCC Consumer Complaints (FCC Complaints)**

May 4, 5:08 PM



Hi (b)

Your Ticket No. 883941 was served on your carrier for its review and response.

Your carrier has provided the FCC with a response to your complaint. You should receive a copy of the response from the carrier within 7-10 days via postal mail. As such, no further action is required. Your complaint is closed.

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Apr 19, 12:10 PM

In response to the letter dated April 5th from Rise Broadband by their escalation specialist Chris;

I believe Rise Broadband has not answered the my concern. The concern is that the price advertised on their website for "Just Internet Pricing" is false, in that it does not include mandatory fees for equipment that must be sourced from Rise Broadband that add \$7.50 per month to the cost. In addition, the "carrier recovery fee" is a fee they have also made a mandatory monthly fee (currently at \$2.27) but have not disclosed the amount of; no place in the Rise Broadband response do they disclose where the total of the mandatory amounts added to the just internet pricing may be found, even though these amounts are known by them.

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I ask that this complaint be re-examined by the FCC and the response from Rise Broadband be judged for what I believe it to be, dodging the requirement for transparency and compliant advertising.

Best Regards,

(b) (6)

Attachment(s)

(b) (6) - RiseBroadband Response.docx

---

**FCC Consumer Complaints (FCC Complaints)**

Apr 5, 5:49 PM

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---

(b) (6)

Mar 29, 6:14 PM

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Internet access services sufficient for consumers to make informed choices regarding use of such services and for content, application, service, and device providers to develop, market, and maintain Internet offerings.

In addition this company has perpetrated this on the public while being funded by the FCC program called the Rural Broadband Experiment in the approximate amount of \$16.9 Million in the last year.

I have approached and tried to reason with this organization in the last month. They are not interested in updating their advertised price to include all the charges they know must be on the bill to reflect the true cost of service.

I am asking for your review and possible intervention to correct their advertising and billing practice, and financially punitive measures if appropriate.

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(b) (6)

Attachment(s)

[Jeff Kohler Deceptive Charges on Bill.pdf](#)

[Rise Broadband March 2016 Highlighted.pdf](#)

[Rise Broadband Residential Internet Offers March 2016.pdf](#)

[RiseBroadband Active Phone Additonal Fees.pdf](#)

---

This email is a service from FCC Complaints. Delivered by [Zendesk](#)



## Mike Hennigan

---

**From:** Ombudsperson  
**Sent:** Wednesday, July 29, 2015 4:58 PM  
**To:** (b) (6)  
**Subject:** RE: [FCC Complaints] Re: Verizon Wireless has refused to activate service/apply discounts for devices from sources other than Verizon Wireless.

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hello (b) (6)

I have been advised by the Consumer Center/Ms. Sharon Bowers that a copy of both responses have been delivered, to you, electronically/via an email.

The information that you have submitted, to the Ombudsperson's email address, was forwarded to Ms. Desai. The information is available for review, upon her return to the office.

Thanks again so much.

---

**From:** (b) (6)  
**Sent:** Wednesday, July 29, 2015 2:39 PM  
**To:** Ombudsperson  
**Cc:** Sharon Bowers  
**Subject:** Re: [FCC Complaints] Re: Verizon Wireless has refused to activate service/apply discounts for devices from sources other than Verizon Wireless.

I couldn't find the story on the Washington Post Web site I referenced today. Sorry. Below are some links to other coverage:

Complaint by CUNY Journalism Professor Jeff Jarvis:  
<http://buzzmachine.com/2013/11/06/the-verizon-saga-continues/>  
<http://buzzmachine.com/2013/09/19/verizon-responds/>  
<http://buzzmachine.com/2013/09/19/telhell-thus-far/>  
<http://buzzmachine.com/2013/09/17/verizon-caught-red-handed/>  
<https://www.youtube.com/watch?v=sqT-F-7sEps>

Article by P.J. Gretter in the Indiana Law Journal:  
<http://ilj.law.indiana.edu/articles/18-Gretter.pdf>

Coverage by Josh Stearns at Free Press:  
<https://www.freepress.net/blog/2013/09/20/hey-verizon-dont-mess-jeff-jarvis>

Coverage by Chris Morran at Consumerist:  
<http://consumerist.com/2013/09/19/verizon-doesnt-know-the-difference-between-cant-and-wont/>

Coverage by Jon Brodtkin at Ars Technica:  
<http://arstechnica.com/tech-policy/2013/09/verizon-blocks-nexus-7-and-will-probably-get-away-with-it/>

Again, please notify me when Ms. Desai returns from vacation and let me know about any updates you can share.

Regards,

(b)

On Wed, Jul 29, 2015, at 07:44 AM, Ombudsperson wrote:

Mr. (b) (6)

When I forwarded your concerns to the FCC's Consumer Center, I had been advised that the carrier had responded. Therefore, I believe that the Consumer Center will reach out to you to provide the current status of the complaint.

Thank you.

---

**From:** (b) (6)

**Sent:** Tuesday, July 28, 2015 8:42 PM

**To:** Ombudsperson <[Ombudsperson@fcc.gov](mailto:Ombudsperson@fcc.gov)>

**Subject:** Re: [FCC Complaints] Re: Verizon Wireless has refused to activate service/apply discounts for devices from sources other than Verizon Wireless.

On June 12, Verizon Wireless responded to the initial complaint filed in May 2015. However, on July 6, someone at the Commission concurred with me that the response was insufficient and escalated the complaint with a request for the carrier to provide a sufficient supplemental response by July 20:

- \* May 21: The Commission served the informal complaint I filed (Ticket #300766) on Verizon Wireless.
- \* June 12: I received an acknowledgment via e-mail that Verizon Wireless provided its response to the Commission (specifically, CICD Chief Sharon Bowers) but didn't receive a copy via postal mail by June 22 as promised, so I contacted Executive Relations, and an analyst sent me a copy via e-mail.
- \* June 23–26: I corresponded with various people at the Commission (including you) to argue the response by Verizon Wireless was insufficient.
- \* July 6: Someone at the Commission concurred that the response by Verizon Wireless was insufficient and escalated the complaint I filed with a request for the carrier to provide a sufficient supplemental response within 14 days.
- \* July 20: Verizon Wireless failed to respond but requested an extension of time. The Commission granted the carrier an extension of 7 days. (I received an acknowledgment of the extension via e-mail at 9:10 PM EDT.)
- \* July 27: Verizon Wireless failed to respond again. I have not yet received a response from the carrier via postal mail or an acknowledgment via e-mail that the Commission has received a response.

I'll call the Commission tomorrow.

Regards,



(b) (6)

On Tue, Jul 28, 2015, at 04:59 PM, Ombudsperson wrote:

Hello Mr. (b) (6)

Information/status checks, for Informal Complaints, must be provided by the FCC's Consumer Center. Therefore, I have forwarded your concerns to the FCC's Consumer Center. It is my understanding that Verizon has responded to the rebuttal/request for review of the original complaint and response.

The FCC receives their copy of the response via an electronic copy. However, Verizon will mail your copy, to you, via the United States Postal Service.

Should you need to reach out to the Consumer Center, you may contact the FCC's Consumer Center at the following toll free number:

888-225-5322

Thank you again.

---

From: (b) (6)

Sent: Tuesday, July 28, 2015 4:42 PM

To: Ombudsperson <[Ombudsperson@fcc.gov](mailto:Ombudsperson@fcc.gov)>

Subject: Fwd: [FCC Complaints] Re: Verizon Wireless has refused to activate service/apply discounts for devices from sources other than Verizon Wireless.

Hello, again.

After over 60 days (including an extension of time), Verizon Wireless has failed to respond to the informal complaint I filed (Ticket #300766).

I'm far from Washington, and I hope this case doesn't get lost in a black hole. Early Monday, I tried to contact CICD Chief Bowers via e-mail and phone but have yet to receive a response.

Can you raise the attention of this case at the CGB and EB?

Thanks,

(b) (6)

----- Original message -----

From: FCC <[consumercomplaints@fcc.gov](mailto:consumercomplaints@fcc.gov)>

To: (b) (6)

Subject: [FCC Complaints] Re: Verizon Wireless has refused to activate service/apply discounts for devices from sources other than Verizon Wireless.

Date: Tue, 21 Jul 2015 01:10:50 +0000

## - Please type your reply above this line -##

This ticket ([#300766](#)) has been updated.



---

## FCC Consumer Complaints (FCC Complaints)

Jul 20, 9:10 PM

Hi (b) ,

Your carrier has requested an extension of time to respond to your complaint. The Commission granted your carrier a 7 day extension to respond to your complaint.

Once we hear back from your carrier we will reach out to you again.

Thank you for your submission.

---

(b)

Jul 6, 4:10 PM

Thank you for escalating this. Verizon Wireless sent another form letter and did not answer any of the questions in the informal complaint I filed.

Note that to this day, I have not received a response from Verizon Wireless to the initial informal complaint via postal mail. I received a response via e-mail only because I called Executive Relations.

The Commission should require service providers to file responses online (unless a complainant requests otherwise). Electronic filing would reduce paperwork and remove doubt over whether the Postal Service miscarried or a service provider failed to send a response.

---

Sincerely, (b) (6)

---

(b)

May 21, 7:52 AM

[Attachment: Formatted informal complaint with footnotes]

[Attachment: Response from Verizon Wireless to an earlier informal complaint]

### Summary

In May of 2015, I attempted to activate service on the Verizon Wireless network for a Motorola Nexus purchased from Google. I browsed to the appropriate page on the Verizon Wireless Web site then entered my International Mobile Equipment Identity number of my device. The Web site confirmed my Nexus 6 is on the Verizon Wireless network and prompted me to order a new SIM card at a Verizon Wireless store (not on that Web page); however, after I tried multiple times to order a new SIM card at Verizon Wireless phone, Verizon Wireless would not give me a SIM card for my Nexus 6.

When the Federal Communications Commission, in 2008, granted licenses for spectrum in the 700 MHz band, it conditioned its grants on open platforms rules that prohibit licensees from:

- \* Denying, limiting, or restricting the ability of their customers to use the devices and applications of third parties;
- \* Imposing “any additional discriminatory charges (one-time or recurring) or conditions on customers’ use of their devices or applications outside of those provided by the licensee.”

However, since at least October of 2014, many people (including me) have reported that Verizon Wireless Block licensee, has:

- \* Refused to activate service for compatible devices from sources other than Verizon Wireless without that they violate technical standards, statute, or applicable government regulation, and
- \* Refused to apply monthly line access discounts for devices from sources other than Verizon Wireless

Continuing a pattern that includes blocking Bluetooth features, blocking GPS features, blocking blocking Google Wallet, and refusing to activate service for Nexus 7 devices, the behavior described counter to the Commission's objectives:

- \* Refusing to activate service for compatible devices from sources other than Verizon Wireless limits devices customers can choose and concentrates pricing power with Verizon Wireless. Furthermore, arbitrary discretionary certification and approval processes inhibit investment, innovation, and competition by competitors.
- \* Refusing to apply monthly line access discounts for devices from sources other than Verizon Wireless prevents customers from purchasing devices that compete with those provided by Verizon Wireless. Again, such blunt gatekeeping inhibits investment, innovation, and competition.

The Commission should investigate the behavior described above, and if it rules against Verizon Wireless, at a minimum:

- \* Order Verizon Wireless, if it refuses to activate service for a device, to provide specific references to technical standards, statutes, and applicable government regulations Verizon Wireless believes the device can violate. For every requirement referenced, (a) specific references to all tests for compliance with the requirement, and (b) test results for the device,
- \* Order Verizon Wireless to immediately end discrimination against devices from sources other than Verizon Wireless (including but not limited to discriminatory application of monthly line access discounts),
- \* Order Verizon Wireless to return all ill-gotten monies since at least October of 2014 to a redress program,
- \* Order Verizon Wireless to widely and prominently advertise on the Internet (including the Verizon Wireless website), at retailers (including Verizon Wireless stores), in bill inserts, in service contracts, on radio, on television, in magazines, and in newspapers that customers can activate service for compatible devices from sources other than Verizon Wireless ("bring your own device"),
- \* Require Verizon Wireless to let every prospective customer with a compatible device order a new SIM card on the Verizon Wireless Web site,
- \* Order Verizon Wireless to apply monthly discounts for eligible lines automatically, and
- \* Assess all penalties on Verizon Wireless appropriate for willfully and repeatedly flouting its legal obligations.



## Monthly Line Access Discounts

---

On February 13, 2014, Verizon Wireless introduced its MORE Everything plans, with monthly discounts on the Edge financing program and lines on month-to-month agreements. In August of 2014, it introduced line plans with similar discounts available. Monthly line access discounts are based on the type of device (smartphone, basic phone, or notebook computer) on each line and the data transfer volume Verizon Wireless charges before billing overage charges.

Since introducing them, Verizon Wireless has changed the discount structures of both types of plans. Examples of changes of writing:

- \* On MORE Everything plans with data transfer allowances of 6 GB or higher, a \$25/month discount is available for each smartphone line,
- \* On MORE Everything plans with data transfer allowances of 4 GB or lower, a \$15/month discount is available for each smartphone line,
- \* On all MORE Everything plans, a \$10/month discount is available for each basic phone line, and
- \* On all single line plans, a \$15/month discount is available (for a single smartphone line).

At the end of March 2015, Verizon Wireless had 10 million phones on Edge, and I posit that every phone was on a MORE Everything or single line plan. Verizon Communications does not publicly disclose the number of lines on month-to-month agreements, so at least 10 million lines were eligible for monthly discounts.

(Note: Verizon Wireless does not apply monthly discounts for eligible lines automatically. While a line may be eligible for a line access charge of \$15/month, Verizon Wireless will continue to charge the line access charge unless the line owner requests Verizon Wireless to apply monthly line access discounts.)

## Questions

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I have many of the same concerns as another Verizon Wireless customer who purchased a Nexus 6 from Verizon Wireless. In early April of 2015, he filed an informal complaint with the Commission against Verizon Wireless for refusing to apply monthly line access discounts for which he would otherwise be eligible for access to the My Verizon service. After Andrea Mattia, National Executive Relations Analyst at Verizon Wireless, responded to his complaint to Sharon Bowers, Consumer Inquiries and Complaints Division Chief, she posted a copy of the response:

\* The response did not provide specific references to technical standards, statutes, or applicable government regulations. Verizon Wireless believes a Nexus 6 from a source other than Verizon Wireless can violate, specific requirements, or test results. I contend Verizon Wireless failed its burden of proof.  
\* The response neglected to address discriminatory application of monthly line access discounts or whether Verizon Wireless will refund discounts it did not apply.

As the response left me with more questions than answers to my concerns, below, I quote portions of the response and request Verizon Wireless to provide answers individually to Q1 through Q8.

"To date, the only version of the Nexus 6 that has been certified for operation on the Verizon Wireless network is the version with Verizon Wireless installed software."

Q1. Please list all Verizon Wireless installed software on a Nexus 6 from Verizon Wireless.

Q2. Does Verizon Wireless believe a Nexus 6 from a source other than Verizon Wireless lacks Verizon Wireless installed software that a Nexus 6 from Verizon Wireless has? If so, please list all such software.

"While Google has confirmed for Verizon Wireless that the Nexus 6 hardware is the same for all Nexus 6 devices, the software installed by Google in the device varies between carriers."

Q3. Please list all ways Verizon Wireless believes the software in a Nexus 6 from Verizon Wireless differs from software in one from a source other than Verizon Wireless vary.

"Further, Google does not currently have a way to deliver Verizon Wireless software to a Nexus 6 that has a different carrier's software was originally installed by Google."

Q4. Does Verizon Wireless believe a Nexus 6 purchased from a different carrier has software that is not installed on a Nexus 6 purchased from Verizon Wireless? If so, please list all such software.

Q5. Does Verizon Wireless believe a Nexus 6 purchased from a non-carrier source like the Google Play Store or Motorola has a different carrier's software installed that is not installed on a Nexus 6 purchased from Verizon Wireless? If so, please list all such software.

Software images and software updates from Google for Nexus 6 devices have Verizon Wireless signed.

Additionally, in October of 2014, Dave Burke, VP of engineering for the Android platform and Network Services at Google, said: "What happens now is when you've got a Verizon SIM in the device, it actually installs the carrier's software as part of the setup flow, and then you can remove them if you want as part of the Play Infrastructure. Verizon can update it."

Q6. In light of evidence that appears to contradict Verizon Wireless, does Verizon Wireless maintain that Verizon Wireless software cannot be delivered to a "non-Verizon Wireless Nexus 6" (one purchased from a source other than Verizon Wireless)?

carrier, one purchased from a non-carrier source, or otherwise one Verizon Wireless claims has carrier's software installed)? If so, please list all Verizon Wireless software in a Nexus 6 from Verizon Wireless that Verizon Wireless believes cannot be delivered to a "non-Verizon Wireless Nexus 6" and list all avenues (e.g. software images, software updates, and the Google Play application store) Verizon Wireless considered before disclaiming the possibility of delivery.

"Accordingly, [his] Nexus 6 device is not approved for use on the Verizon Wireless network."

Given the Nexus 6 hardware is the same for all domestic Nexus 6 devices, Verizon Wireless has a duty to justify not approving a Nexus 6 from a source other than Verizon Wireless for use on the Verizon Wireless network by claiming that the software in a Nexus 6 from Verizon Wireless and the software in one from other than Verizon Wireless vary.

47 CFR § 27.16(b) prohibits 700 MHz C Block licensees from denying, limiting, or restricting the customers to use the devices and applications of their choice on the licensee's C Block network, insofar as such use would not be compliant with published technical standards reasonably necessary for the management or protection of the licensee's network, or (2) As required to comply with statute or applicable government regulation."

Q7. Given the Nexus 6 hardware is the same for all domestic Nexus 6 devices, does Verizon Wireless believe the software variations it claims exist are the basis for violating technical standards as defined by 47 CFR 27.16(b) statute, or applicable government regulation? If so, pursuant to applicable transparency rules, please provide specific references to all requirements Verizon Wireless believes a Nexus 6 from a source other than Verizon Wireless can violate, and for every requirement referenced, to demonstrate that standards for those requirements or applications or devices are not more stringent than those used by Verizon Wireless itself:

- (a) specific references to all tests for compliance with the requirement,
- (b) the test results for both a Nexus 6 from Verizon Wireless and one from a source other than Verizon Wireless,
- (c) the specific software variations Verizon Wireless believes are the basis for violating the requirement,
- (d) the justification for concluding the software variations specified are the basis for violating the requirement.

In its MORE Everything Plan FAQs, Verizon Wireless states monthly line access discounts "are available on a smartphone with Verizon Edge or are on a month-to-month agreement" but notes: "Discounts on monthly access on eligible plans and features are subject to restrictions."

Q8. Per applicable transparency rules, does Verizon Wireless explicitly disclose on its Web site that Verizon Wireless may not apply monthly line access discounts for devices from sources other than Verizon Wireless? If so, please reference all such disclosures and declare each one's first publication date.



I look forward to receiving answers to Q1 through Q8.

Sincerely,

(b) (6)

May 20, 2015

#### Appendix A: Similar Complaints

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3rdwave, 2015. <http://forum.xda-developers.com/showpost.php?p=60495525&postcount=221> ("Also 1 discount is gone until I put the moto x back on the line because it has to be an approved vzw device on discount.")

bbplayer5, 2014. <http://forums.macrumors.com/showthread.php?t=1810811> ("Currently they o smartphone line fee, which you cannot get unless the system sees your phone as a VZW device.")

Bert, 2015. <https://forums.motorola.com/comment/921909> ("I had the exact same issue. They i \$25 month-to-month discount for my Nexus 6.")

billycar11, 2015. <http://forum.xda-developers.com/showpost.php?p=59449946&postcount=56> to get worried because they sell it now and they just took away my discount")

DarthSudo, 2015. <http://forum.xda-developers.com/showpost.php?p=60087196&postcount=5> great, it just cost me my \$25 "bring your own device" discount when I plugged in my existing SIM

DroidDont, 2015. <http://forum.xda-developers.com/showpost.php?p=60465253&postcount=2> now gone here as well on my Motorola-purchased N6.")

Elmdor, 2014. <http://forums.androidcentral.com/google-nexus-6/444711-google-nexus-6-ve-47.html#post4141675> ("Just got my bill from Verizon yesterday and the \$25 month to month di: my bill as it should have been because I was out of contract, even before I switched to the Nexus customer support and she couldn't get the "promotion", the \$25 discount, on my line.")

GmoGoody, 2015. <http://forum.xda-developers.com/showpost.php?p=59592658&postcount=3> not apply the Month to Month discount because it is an unknown device")

goinflyn, 2015. <http://forum.xda-developers.com/showpost.php?p=59464081&postcount=564> was that when I switched plans a few months ago I had a loyalty discount on my phone (HTC drc removed when I replaced it with the n6.)")

hitmonchau, 2015.

[https://www.reddit.com/r/verizon/comments/2tjun7/buying\\_a\\_nexus\\_6\\_from\\_motorola/co0x6](https://www.reddit.com/r/verizon/comments/2tjun7/buying_a_nexus_6_from_motorola/co0x6) trouble getting Verizon to give me the month to month discount with Nexus 6, they gave me a c but this month they won't budge and are charging \$40 instead of \$15.")

hodgewdm, 2015. <https://community.verizonwireless.com/message/1239019#1239019> ("What Verizon to recognize my phone as a registered device so I can get my out of contract discount!")

JosephxSxN, 2015. <https://community.verizonwireless.com/message/1254963#1254963> ("Lool will not give your the \$25 off discount on a SmartPhone line if you bring a device you bought fro and not Verizon. This is beyond disappointing. The Verizon Reps said only a device known in the can get this discount and so it was automatic removed from my line at the time of billing.")

josheby, 2015.

[https://www.reddit.com/r/nexus6/comments/2yt0cu/now\\_that\\_verizon\\_carries\\_the\\_whale\\_how](https://www.reddit.com/r/nexus6/comments/2yt0cu/now_that_verizon_carries_the_whale_how) ("I lost my discount when I cut my Sim down and switched to my play store nexus 6... Switched t device and went up to 40 bucks...")

katchmeracing56, 2015. [https://www.reddit.com/r/verizon/comments/3396ju/nexus\\_6\\_imei\\_a](https://www.reddit.com/r/verizon/comments/3396ju/nexus_6_imei_a) ("Just noticed Verizon finally removed my\$25 discount because I activated a Nexus 6 purchased

kcl71, 2015. <http://forum.xda-developers.com/showpost.php?p=59880569&postcount=84> ("W with customer service I asked if the new line was eligible for the monthly discount, was assured bill came in and no discount. Called yesterday and rep was jumping through hoops trying to fig Motorola purchased Nexus 6 would not allow discount to be applied. End result was stated due t verizin device.")

Konfuzion, 2015. <http://forum.xda-developers.com/showpost.php?p=59892498&postcount=8> purchase a phone outright (off contract) it's \$15 which is what I was told in the store, but since r non Verizon nexus I'm being charged \$40. I am not getting any discount at all from my bill, again a non Verizon phone on my account.")

kvelec4326, 2015.

[https://www.reddit.com/r/nexus6/comments/312vsx/verizon\\_executive\\_office\\_just\\_called\\_me/](https://www.reddit.com/r/nexus6/comments/312vsx/verizon_executive_office_just_called_me/) have, like many others, is that I haven't been able to correctly activate the device so I can not ma account, get the \$25 line credit, voice mail doesn't work correctly (no notifications), and vzw is r up my account by phone number.")

memarkaz, 2014. <http://www.howardforums.com/showthread.php/1851974-No-Verizon-Mont>  
[Discount-With-non-Verizon-iPhone-6](http://www.howardforums.com/showthread.php/1851974-No-Verizon-Mont) ("However, I did not get my \$25 a month discount for ow  
hardware and being on a 10GB or higher plan (\$15 vs \$40). When I contacted Verizon I was told  
month discount is a feature and that only Verizon hardware supports that feature. I was advised  
phones and buy Verizon hardware as their hardware supports all features including month 2 mo

Norwester, 2015. <http://forum.xda-developers.com/showpost.php?p=60549282&postcount=2>;  
disappeared from my latest bill so I think I'll check out how AT&T treats their byod customers.")

phoneman85, 2015.

[https://www.reddit.com/r/nexus6/comments/349hmv/folks\\_who\\_bought\\_the\\_n6\\_from\\_motorol](https://www.reddit.com/r/nexus6/comments/349hmv/folks_who_bought_the_n6_from_motorol)  
inability to register my device in their database means I can't get any changes made to my accou  
discounts for my line being off contract, get the new cheaper price on data packages, etc.")

rpatterson1085, 2015. <https://community.verizonwireless.com/thread/855548>

Shawn De Cesari, 2015. <http://www.androidpolice.com/2015/03/28/shocker-even-after-launch-6-verizon-still-wont-officially-activate-one-that-wasnt-purchased-from-the-carrier/> ("If you're  
Everything Plan, and you're getting a month-to-month discount for having your own device and  
contract (which would probably be most people bringing their own Nexus 6 to Verizon in the first  
could lose it. That discount cannot be applied if your phone is a "Non-VZW Device." Further, if y  
card into a recognized phone, then call and have a rep add the credit back onto your account, it  
long. As soon as you put your SIM back into your rogue Nexus 6, the discount could fall off your  
anywhere from the following day to the day that your bill cycle resets. I had this issue personally  
definitely not alone. So, if you want the privilege of using a non-Verizon device on its network, y  
stuck paying a full \$40 monthly access fee on top of your data plan, rather than \$15 or \$25 as y  
recognized device.")

TheLonePoster, 2015. <http://forum.xda-developers.com/showpost.php?p=60329269&postcount=1>  
new bill shows up and my 'discount' disappeared. Seriously, why should it even be called a 'disc  
just automatically be there as part of not being on a contract. To have to argue about whether a  
system is flat out ridiculous especially if they say you can use the sim and they recognize it's act  
phone.")

Attachment(s)  
[complaint.pdf](#)  
[IMG\\_20150503\\_024009\\_1.jpg](#)

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## Mike Hennigan

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**From:** Ombudsperson  
**Sent:** Monday, October 31, 2016 1:31 PM  
**To:** (b) (6)  
**Subject:** RE: [FCC Complaints] Re: Network Neutrality

(b) (6)

Thank you talking with me earlier today. Information about the formal complaint process is below. I'm happy to discuss this with you and connect you with the FCC staff that work on formal complaints.

- Unlike informal complaints, formal complaints involve detailed procedural rules and filing requirements. The formal complaint process is similar to federal court litigation, in that it involves a complaint, answer, reply, motions, briefs, and discovery. Unlike federal court litigation, however, complainants in formal section 208 complaints are required to provide detailed facts and proof regarding all claims in the complaint itself, and discovery is usually not as expansive. Consequently, a formal complaint must contain as much factual support as possible at the filing stage. This can be in the form of sworn affidavits, and documentary evidence. Formal complaint proceedings are resolved by a written order issued by the Bureau or the full Commission.
- Before filing a formal complaint, carefully review the applicable procedural rules, which are found at 47 C.F.R. §§ 1.721 - 1.736. Additional information can be found in the FCC's Report and Order adopting these rules, published in the FCC Record at 12 FCC Rcd 22497 (1997) and the Order on Reconsideration in that proceeding, which can be found in the FCC Record at 16 FCC Rcd 5681 (2001).
- 47 C.F.R. §§ 8.12 – 8.17 provide the rules for filing Open Internet-related formal complaints. See text pasted below.
- Note that a filing fee is required for all formal complaints. See 47 C.F.R. § 1.1106. It is important to review the most recent version of the rules pertaining to filing a formal complaint, particularly those relating to the filing fee. For up-to-date information about current filing fees contact the FCC's Helpline at 1-888-225-5322, and for any questions regarding filing procedures, contact MDRD staff at (202) 418-7330. Failure to comply with any of these rules can result in the dismissal of a complaint.
- In most cases, parties to formal complaints should be represented by counsel familiar with FCC procedures. Before filing a formal complaint, please contact MDRD staff to discuss the issues in dispute and explore the possibilities for resolution through pre-complaint mediation supervised by Commission staff.

If you have any questions, feel free to be in touch. Although these procedures may seem complex, individuals file formal complaints on their own and FCC staff can talk you through each step of the process.

Thanks –  
Michael

| FCC Open Internet Ombudsperson | [ombudsperson@fcc.gov](mailto:ombudsperson@fcc.gov) | (202) 418-1155 |

### Open Internet Formal Complaint Rules

#### **47 CFR § 8.12 Formal complaints.**

Any person may file a formal complaint alleging a violation of the rules in this part.

#### **47 CFR § 8.13 General pleading requirements.**

(a) *General pleading requirements.* All written submissions, both substantive and procedural, must conform to the following standards:

(1) A pleading must be clear, concise, and explicit. All matters concerning a claim, defense or requested remedy should be pleaded fully and with specificity.

(2) Pleadings must contain facts that, if true, are sufficient to warrant a grant of the relief requested.

(3) Facts must be supported by relevant documentation or affidavit.

(4) The original of all pleadings and submissions by any party shall be signed by that party, or by the party's attorney. Complaints must be signed by the complainant. The signing party shall state his or her address, telephone number, email address, and the date on which the document was signed. Copies should be conformed to the original. Each submission must contain a written verification that the signatory has read the submission and, to the best of his or her knowledge, information and belief formed after reasonable inquiry, it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification or reversal of existing law; and that it is not interposed for any improper purpose. If any pleading or other submission is signed in violation of this provision, the Commission shall upon motion or upon its own initiative impose appropriate sanctions.

(5) Legal arguments must be supported by appropriate judicial, Commission, or statutory authority. Opposing authorities must be distinguished. Copies must be provided of all non-Commission authorities relied upon which are not routinely available in national reporting systems, such as unpublished decisions or slip opinions of courts or administrative agencies.

(6) Parties are responsible for the continuing accuracy and completeness of all information and supporting authority furnished in a pending complaint proceeding. Information submitted, as well as relevant legal authorities, must be current and updated as necessary and in a timely manner at any time before a decision is rendered on the merits of the complaint.

(7) Parties seeking expedited resolution of their complaint may request acceptance on the Enforcement Bureau's Accelerated Docket pursuant to the procedures at §1.730 of this chapter.

(b) *Initial Complaint: Fee remittance; Service; Copies to be filed.* The complainant shall remit separately the correct fee either by check, wire transfer, or electronically, in accordance with part 1, subpart G (see §1.1106 of this chapter) and:

(1) Shall file an original copy of the complaint, using the Commission's Electronic Comment Filing System, and, on the same day:

(2) Serve the complaint by hand delivery on either the named defendant or one of the named defendant's registered agents for service of process, if available, on the same date that the complaint is filed with the Commission;

(c) *Subsequent Filings: Service; Copies to be filed.* (1) All subsequent submissions shall be filed using the Commission's Electronic Comment Filing System. In addition, all submissions shall be served by the filing party on the attorney of record for each party to the proceeding, or, where a party is not represented by an attorney, each party to the proceeding either by hand delivery, overnight delivery, or by email, together with a proof of such service in accordance with the requirements of §1.47(g) of this chapter.

(2) Service is deemed effective as follows:



(i) Service by hand delivery that is delivered to the office of the recipient by 5:30 p.m., local time of the recipient, on a business day will be deemed served that day. Service by hand delivery that is delivered to the office of the recipient after 5:30 p.m., local time of the recipient, on a business day will be deemed served on the following business day;

(ii) Service by overnight delivery will be deemed served the business day following the day it is accepted for overnight delivery by a reputable overnight delivery service; or

(iii) Service by email that is fully transmitted to the office of the recipient by 5:30 p.m., local time of the recipient, on a business day will be deemed served that day. Service by email that is fully transmitted to the office of the recipient after 5:30 p.m., local time of the recipient, on a business day will be deemed served on the following business day.

(3) Parties shall provide hard copies of all submissions to staff in the Market Disputes Resolution Division of the Enforcement Bureau upon request.

(d) *Prefiling notice required.* Any person intending to file a complaint under this section must first notify the potential defendant in writing that it intends to file a complaint with the Commission based on actions alleged to violate one or more of the provisions contained in this part. The notice must be sufficiently detailed so that its recipient(s) can determine the specific nature of the potential complaint. The potential complainant must allow a minimum of ten (10) days for the potential defendant(s) to respond before filing a complaint with the Commission.

(e) *Frivolous pleadings.* It shall be unlawful for any party to file a frivolous pleading with the Commission. Any violation of this paragraph shall constitute an abuse of process subject to appropriate sanctions.

[76 FR 59232, Sept. 23, 2011, as amended at 80 FR 19848, Apr. 13, 2015]

#### **47 CFR § 8.14 General formal complaint procedures.**

(a) *Complaints.* In addition to the general pleading requirements, complaints must adhere to the following requirements:

(1) *Certificate of service.* Complaints shall be accompanied by a certificate of service on any defendant.

(2) *Statement of relief requested—(i) The complaint shall state the relief requested.* It shall state fully and precisely all pertinent facts and considerations relied on to demonstrate the need for the relief requested and to support a determination that a grant of such relief would serve the public interest.

(ii) The complaint shall set forth all steps taken by the parties to resolve the problem.

(iii) A complaint may, on request of the filing party, be dismissed without prejudice as a matter of right prior to the adoption date of any final action taken by the Commission with respect to the petition or complaint. A request for the return of an initiating document will be regarded as a request for dismissal.

(3) *Failure to prosecute.* Failure to prosecute a complaint, or failure to respond to official correspondence or request for additional information, will be cause for dismissal. Such dismissal will be without prejudice if it occurs prior to the adoption date of any final action taken by the Commission with respect to the initiating pleading.

(b) *Answers to complaints.* Unless otherwise directed by the Commission, any party who is served with a complaint shall file an answer in accordance with the following requirements:

(1) The answer shall be filed within 20 days of service of the complaint.

(2) The answer shall advise the parties and the Commission fully and completely of the nature of any and all defenses, and shall respond specifically to all material allegations of the complaint. Collateral or immaterial issues shall be avoided in answers and every effort should be made to narrow the issues. Any party against whom a complaint is filed failing to file and serve an answer within the time and in the manner prescribed by these rules may be deemed in default and an order may be entered against defendant in accordance with the allegations contained in the complaint.

(3) Facts must be supported by relevant documentation or affidavit.

(4) The answer shall admit or deny the averments on which the adverse party relies. If the defendant is without knowledge or information sufficient to form a belief as to the truth of an averment, the defendant shall so state and this has the effect of a denial. When a defendant intends in good faith to deny only part of an averment, the answer shall specify so much of it as is true and shall deny only the remainder, and state in detail the basis of that denial.

(5) Averments in a complaint are deemed to be admitted when not denied in the answer.

(c) *Reply.* In addition to the general pleading requirements, replies must adhere to the following requirements:

(1) The complainant may file a reply to a responsive pleading that shall be served on the defendant and shall also contain a detailed full showing, supported by affidavit, of any additional facts or considerations relied on. Unless expressly permitted by the Commission, replies shall not contain new matters.

(2) Failure to reply will not be deemed an admission of any allegations contained in the responsive pleading, except with respect to any affirmative defense set forth therein.

(3) Unless otherwise directed by the Commission, replies must be filed within ten (10) days after submission of the responsive pleading.

(d) *Motions.* Except as provided in this section, or upon a showing of extraordinary circumstances, additional motions or pleadings by any party will not be accepted.

(e) *Additional procedures and written submissions.* (1) The Commission may specify other procedures, such as oral argument or evidentiary hearing directed to particular aspects, as it deems appropriate. In the event that an evidentiary hearing is required, the Commission will determine, on the basis of the pleadings and such other procedures as it may specify, whether temporary relief should be afforded any party pending the hearing and the nature of any such temporary relief.

(2) The Commission may require the parties to submit any additional information it deems appropriate for a full, fair, and expeditious resolution of the proceeding, including copies of all contracts and documents reflecting arrangements and understandings alleged to violate the requirements set forth in the Communications Act and in this part, as well as affidavits and exhibits.

(3) The Commission may, in its discretion, require the parties to file briefs summarizing the facts and issues presented in the pleadings and other record evidence.

(i) These briefs shall contain the findings of fact and conclusions of law which that party is urging the Commission to adopt, with specific citations to the record, and supported by relevant authority and analysis.

(ii) The schedule for filing any briefs shall be at the discretion of the Commission. Unless ordered otherwise by the Commission, such briefs shall not exceed fifty (50) pages.

(iii) Reply briefs may be submitted at the discretion of the Commission. Unless ordered otherwise by the Commission, reply briefs shall not exceed thirty (30) pages.

(f) *Discovery.* (1) The Commission may in its discretion order discovery limited to the issues specified by the Commission. Such discovery may include answers to written interrogatories, depositions, document production, or requests for admissions.

(2) The Commission may in its discretion direct the parties to submit discovery proposals, together with a memorandum in support of the discovery requested. Such discovery requests may include answers to written interrogatories, admissions, document production, or depositions. The Commission may hold a status conference with the parties, pursuant to §8.15, to determine the scope of discovery, or direct the parties regarding the scope of discovery. If the Commission determines that extensive discovery is required or that depositions are warranted, the Commission may advise the parties that the proceeding will be referred to an administrative law judge in accordance with paragraph (g) of this section.

(g) *Request for written opinion from outside technical organization.* (1) After reviewing the pleadings, and at any stage of the proceeding thereafter, the Enforcement Bureau may, in its discretion, request a written opinion from an outside technical organization regarding one or more issues in dispute.

(2)(i) Wherever possible, the opinion shall be requested from an outside technical organization whose members do not include any of the parties to the proceeding.

(ii) If no such outside technical organization exists, or if the Enforcement Bureau in its discretion chooses to request an opinion from an organization that includes among its members a party to the proceeding, the Bureau shall instruct the organization that any representative of a party to the proceeding within the organization may not participate in either the organization's consideration of the issue(s) referred or its drafting of the opinion.

(iii) No outside technical organization shall be required to respond to the Bureau's request.

(3)(i) If an opinion from an outside technical organization is requested and the request is accepted, the Enforcement Bureau shall notify the parties to the dispute of the request within ten (10) days and shall provide them copies of the opinion once it is received.

(ii) The outside technical organization shall provide its opinion within thirty (30) days of the Enforcement Bureau's request, unless otherwise specified by the Bureau.

(iii) Parties shall be given the opportunity to file briefs in reply to the opinion.

(h) *Referral to administrative law judge.* (1) After reviewing the pleadings, and at any stage of the proceeding thereafter, the Commission may, in its discretion, designate any proceeding or discrete issues arising out of any proceeding for an adjudicatory hearing before an administrative law judge.

(2) Before designation for hearing, the Commission shall notify, either orally or in writing, the parties to the proceeding of its intent to so designate, and the parties shall be given a period of ten (10) days to elect to resolve the dispute through alternative dispute resolution procedures, or to proceed with an adjudicatory hearing. Such election shall be submitted in writing to the Commission.

(3) Unless otherwise directed by the Commission, or upon motion by the Enforcement Bureau Chief, the Enforcement Bureau Chief shall not be deemed to be a party to a proceeding designated for a hearing before an administrative law judge pursuant to this paragraph (g).

(i) *Commission ruling.* The Commission (or the Enforcement Bureau on delegated authority), after consideration of the pleadings, shall issue an order ruling on the complaint.

[76 FR 59232, Sept. 23, 2011, as amended at 80 FR 19848, Apr. 13, 2015]

#### **47 CFR § 8.15 Status conference.**

(a) In any proceeding subject to the part 8 rules, the Commission may in its discretion direct the attorneys and/or the parties to appear for a conference to consider:

(1) Simplification or narrowing of the issues;

(2) The necessity for or desirability of amendments to the pleadings, additional pleadings, or other evidentiary submissions;

(3) Obtaining admissions of fact or stipulations between the parties as to any or all of the matters in controversy;

(4) Settlement of the matters in controversy by agreement of the parties;

(5) The necessity for and extent of discovery, including objections to interrogatories or requests for written documents;



(6) The need and schedule for filing briefs, and the date for any further conferences; and

(7) Such other matters that may aid in the disposition of the proceeding.

(b) Any party may request that a conference be held at any time after an initiating document has been filed.

(c) Conferences will be scheduled by the Commission at such time and place as it may designate, to be conducted in person or by telephone conference call.

(d) The failure of any attorney or party, following advance notice with an opportunity to be present, to appear at a scheduled conference will be deemed a waiver and will not preclude the Commission from conferring with those parties or counsel present.

(e) During a status conference, the Commission may issue oral rulings pertaining to a variety of matters relevant to the conduct of the proceeding including, inter alia, procedural matters, discovery, and the submission of briefs or other evidentiary materials. These rulings will be promptly memorialized in writing and served on the parties. When such rulings require a party to take affirmative action, such action will be required within ten (10) days from the date of the written memorialization unless otherwise directed by the Commission.

#### **47 CFR § 8.16 Confidentiality of proprietary information.**

(a) Any materials generated in the course of a proceeding under this part may be designated as proprietary by either party to the proceeding or a third party if the party believes in good faith that the materials fall within an exemption to disclosure contained in the Freedom of Information Act (FOIA), 5 U.S.C. 552(b) (1) through (9). Any party asserting confidentiality for such materials must:

(1) Clearly mark each page, or portion thereof, for which a proprietary designation is claimed. If a proprietary designation is challenged, the party claiming confidentiality shall have the burden of demonstrating, by a preponderance of the evidence, that the materials designated as proprietary fall under the standards for nondisclosure enunciated in the FOIA.

(2) File with the Commission, using the Commission's Electronic Comment Filing System, a public version of the materials that redacts any proprietary information and clearly marks each page of the redacted public version with a header stating "Public Version." The redacted document shall be machine-readable whenever technically possible. Where the document to be filed electronically contains metadata that is confidential or protected from disclosure by a legal privilege (including, for example, the attorney-client privilege), the filer may remove such metadata from the document before filing it electronically.

(3) File with the Secretary's Office an unredacted hard copy version of the materials that contain the proprietary information and clearly marks each page of the unredacted confidential version with a header stating "Confidential Version." The unredacted version must be filed on the same day as the redacted version.

(4) Serve one hard copy of the filed unredacted materials and one hard copy of the filed redacted materials on the attorney of record for each party to the proceeding, or where a party is not represented by an attorney, each party to the proceeding either by hand delivery, overnight delivery, or email, together with a proof of such service in accordance with the requirements of §1.47(g) of this chapter and §8.13(c)(1)(a) through (c).

(b) Except as provided in paragraph (c) of this section, materials marked as proprietary may be disclosed solely to the following persons, only for use in the proceeding, and only to the extent necessary to assist in the prosecution or defense of the case:

(1) Counsel of record representing the parties in the complaint action and any support personnel employed by such attorneys;

(2) Officers or employees of the opposing party who are named by the opposing party as being directly involved in the prosecution or defense of the case;

(3) Consultants or expert witnesses retained by the parties;

(4) The Commission and its staff; and

(5) Court reporters and stenographers in accordance with the terms and conditions of this section.

(c) The Commission will entertain, subject to a proper showing under §0.459 of this chapter, a party's request to further restrict access to proprietary information. Pursuant to §0.459 of this chapter, the other parties will have an opportunity to respond to such requests. Requests and responses to requests may not be submitted by means of the Commission's Electronic Comment Filing System but instead must be filed under seal with the Office of the Secretary.

(d) The individuals designated in paragraphs (b)(1) through (3) of this section shall not disclose information designated as proprietary to any person who is not authorized under this section to receive such information, and shall not use the information in any activity or function other than the prosecution or defense in the case before the Commission. Each individual who is provided access to the information shall sign a notarized statement affirmatively stating that the individual has personally reviewed the Commission's rules and understands the limitations they impose on the signing party.

(e) No copies of materials marked proprietary may be made except copies to be used by persons designated in paragraphs (b) and (c) of this section. Each party shall maintain a log recording the number of copies made of all proprietary material and the persons to whom the copies have been provided.

(f) Upon termination of a complaint proceeding, including all appeals and petitions, all originals and reproductions of any proprietary materials, along with the log recording persons who received copies of such materials, shall be provided to the producing party. In addition, upon final termination of the proceeding, any notes or other work product derived in whole or in part from the proprietary materials of an opposing or third party shall be destroyed.

[80 FR 19848, Apr. 13, 2015]

#### **47 CFR § 8.17 Review.**

(a) *Interlocutory review.* (1) Except as provided below, no party may seek review of interlocutory rulings until a decision on the merits has been issued by the Commission's staff, including an administrative law judge.

(2) Rulings listed in this paragraph are reviewable as a matter of right. An application for review of such ruling may not be deferred and raised as an exception to a decision on the merits.

(i) If the staff's ruling denies or terminates the right of any person to participate as a party to the proceeding, such person, as a matter of right, may file an application for review of that ruling.

(ii) If the staff's ruling requires production of documents or other written evidence, over objection based on a claim of privilege, the ruling on the claim of privilege is reviewable as a matter of right.

(iii) If the staff's ruling denies a motion to disqualify a staff person from participating in the proceeding, the ruling is reviewable as a matter of right.

(b) *Petitions for reconsideration.* Petitions for reconsideration of interlocutory actions by the Commission's staff or by an administrative law judge will not be entertained. Petitions for reconsideration of a decision on the merits made by the Commission's staff should be filed in accordance with §§1.104 through 1.106 of this chapter.

(c) *Application for review.* (1) Any party to a part 8 proceeding aggrieved by any decision on the merits issued by the staff pursuant to delegated authority may file an application for review by the Commission in accordance with §1.115 of this chapter.

(2) Any party to a part 8 proceeding aggrieved by any decision on the merits by an administrative law judge may file an appeal of the decision directly with the Commission, in accordance with §§1.276(a) and 1.277(a) through (c) of this chapter.





## Mike Hennigan

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**From:** Robin McCullough  
**Sent:** Friday, August 07, 2015 5:34 PM  
**To:** Parul Desai  
**Cc:** Wendy Chambers; Teresa Flasher; Joseph Jones (CTR)  
**Subject:** RE: Email from (b) (6)

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi Parul.

I had originally forwarded the email information, fo (b) (6), to Gloria Verduzco.

However, Gloria had taken leave this afternoon . Therefore, I asked if we could have one of the Spanish speaking contractors assist us in calling Mr. Guadalupe at the number provided in the email.

After speaking with Joe Jones, (the Supervisor for our phone contractors), Joe offered assistance by having Cindy Hernandez assist me with contacting Mr. Guadalupe.

Cindy read the email and explained, to me, that the complaint involved (b) (6) service for his cell phone and the internet access through the phone. He stated that he had unlimited data and Claro is throttling/slowing the speed to the point that it could not be used.

Cindy used the phone number at the bottom of the phone number to contact him. When she contacted (b) (6), Cindy reached his voicemail. Therefore, she left a voicemail message explaining why she was calling (on behalf of the Ombudsperson's office). Cindy provided the web site address for filing a complaint. Cindy also provided the toll free number so that Mr. Guadalupe could contact the Consumer Center if he requires further assistance.

Thanks so much.

Robin McCullough  
Consumer Advocate & Mediation Specialist  
Consumer Complaints & Inquiries Division  
Consumer & Governmental Affairs Bureau  
Federal Communications Commission

Phone: 717-338-2723

## Mike Hennigan

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**From:** Ombudsperson  
**Sent:** Tuesday, November 17, 2015 12:26 PM  
**To:** (b) (6)  
**Subject:** RE:

(b) (6)

Thank you for contacting the FCC's Open Internet Ombudsperson. Your complaint may relate to an Open Internet issue. If you have not already done so, please file your complaint with our Consumer Help Center.

You can use the below link and select "Open Internet" as the "Internet issue" for which you are filing the complaint:  
[https://consumercomplaints.fcc.gov/hc/en-us/requests/new?ticket\\_form\\_id=38824](https://consumercomplaints.fcc.gov/hc/en-us/requests/new?ticket_form_id=38824)

Or you may contact the Consumer Help Center at 888-225-5322 to file your complaint.

If you file a complaint, we will serve your complaint on Comcast and Comcast will be required to respond to you in writing in 30 days.

Also of interest may be the following consumer guide:  
<https://consumercomplaints.fcc.gov/hc/en-us/articles/204231404-Open-Internet>

| FCC Open Internet Ombudsperson | [ombudsperson@fcc.gov](mailto:ombudsperson@fcc.gov) | (202) 418-1155 |

---

**From:** (b) (6)  
**Sent:** Sunday, November 15, 2015 11:34 AM  
**To:** Ombudsperson  
**Subject:**

Comcast,my internet provider,increased my monthly service cost from \$19.99 to \$29.95.That's a 50% increase,which I find unconscionable.

(b) (6)

## Mike Hennigan

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**From:** Ombudsperson  
**Sent:** Friday, January 15, 2016 4:39 PM  
**To:** (b) (6)  
**Subject:** RE: [AT&T & OVMS Data] FW: Regarding case CM20151223\_109910001

(b) (6) - Thanks for the update and all of the information. Hopefully we will have the formal response next week and can talk again then. Have a great weekend.

---

**From:** (b) (6)  
**Sent:** Thursday, January 14, 2016 11:16 AM  
**To:** Ombudsperson  
**Subject:** [AT&T & OVMS Data] FW: Regarding case CM20151223\_109910001

Michael,

FYI below as to Mr. Robinson's AT&T offer of an H2O SIM card, and my response that I await AT&T's formal response to the FCC.

(b) (6)

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**From:** (b) (6)  
**Sent:** Thursday, January 14, 2016 11:14 AM  
**To:** 'ROBINSON, CANASTA'  
**Subject:** RE: Regarding case CM20151223\_109910001

Dear Mr. Robinson,

Thank you for your messages. I will consider this. I look forward to receiving AT&T's formal response to my FCC complaint which should be due in the next several days.

---

**From:** ROBINSON, CANASTA [mailto:CR1828@att.com]  
**Sent:** Wednesday, January 13, 2016 10:39 AM  
**To:** (b) (6)  
**Subject:** FW: Regarding case CM20151223\_109910001

Of course the sim card would be "free of charge" and you would have to re-established service on your OVMS device.

---

**From:** ROBINSON, CANASTA  
**Sent:** Wednesday, January 13, 2016 9:10 AM  
**To:** (b) (6)  
**Subject:** RE: Regarding case CM20151223\_109910001

Good morning Mr. Garziglia,

I do apologize that I am just now getting back with you but I have been for an illness. After further research I have found that a H2O pay as you go sim card seems to be working with the OVMS devices without changing your \$.10 a minute



plan. With that in mind I can notate your account for you to receive the sim card free of charge at your nearest AT&T Corporate store.

---

**From:** (b) (6) ]  
**Sent:** Thursday, December 24, 2015 3:13 PM  
**To:** ROBINSON, CANASTA  
**Subject:** RE: Regarding case CM20151223\_109910001

Dear Mr. Robinson,

Thank you for your response. I am happy that we are now communicating.

I find, however, that your message below is unresponsive to my complaint.

My complaint is that, as of approximately November 17, 2015 and through today's date, AT&T is blocking certain data content to my device. That certain data content was not blocked between the time I commenced service for the device under your "Go Phone" prepaid plan in January, 2014 until approximately November 17, 2015. As described in my complaint, I am not the only user of your "Go Phone" prepaid plan that is now having certain data content blocked under this plan.

It is irrelevant whether the OVMS module is TESLA provided, or is after-market compatible with my TESLA The devices is, in fact, after-market compatible as proven by my use, and the use of others, in the past several years.

As my wireless provider, the only issue for AT&T is whether the device will receive and transmit data over the AT&T network, which it does. As described in detail in my complaint, the OVMS device is installed and was working until AT&T began blocking its data on approximately November 17, 2015.

As documented in my complaint, other AT&T subscribers with OVMS modules subscribed to AT&T's "Go Phone" prepaid plan identical to mine experienced the same blocking of data on approximately the same date and were informed by AT&T representatives that data transmission to the OVMS module would be unblocked if a different, more expensive, AT&T payment plan was subscribed to. Of note, the OVMS module still functions with AT&T's SMS service which is included in the prepaid "Go Phone" plan to which I am subscribed. It is the data content to and from the OVMS module that is being blocked by AT&T.

There are many wireless devices that Americans use in automobiles that will connect with AT&T wireless, some of which also connect in some way with a feature in their automobile. To my knowledge, none require a compatibility rating from the automobile manufacturer which would entitle AT&T to block certain data content to and from those devices.

If blocking certain data content on my present "Go Phone" plan to force me to a higher priced AT&T plan with far more data than I need is a legitimate network management issue for AT&T, please advise how that

matter has been determined. Otherwise, please immediately restore the data transmission to my prepaid service for my account. I will address any compatibility issues separately with TESLA.

Thank you.

(b) (6)

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**From:** ROBINSON, CANASTA [mailto:CR1828@att.com]  
**Sent:** Thursday, December 24, 2015 1:01 PM  
**To:** (b) (6)  
**Subject:** RE: Regarding case CM20151223\_109910001

Good morning and Happy Holidays to you (b) (6),  
I attempted to contact you this morning before I actually read this email as I had left the office yesterday. Unfortunately I will be unable to assist you with your AT&T blocking data for your Tesla Roadster vehicle. The device you have "OVMS Module" is not compatible for your vehicle. Also I contacted four Tesla dealers; McLena, VA, Richmond, VA, Vienna, VA, and West Palm beach, FL and each of them stated that your Tesla Roadster actually does not come equipped with the feature you are inquiring about. Although the internet stated it is a compatible device it is not confirmed that it will work on the AT&T network as your vehicle does not come equipped with the feature. I apologize for the inconvenience.

---

**From:** (b) (6)  
**Sent:** Wednesday, December 23, 2015 5:01 PM  
**To:** ROBINSON, CANASTA  
**Subject:** RE: Regarding case CM20151223\_109910001

Dear Mr. Robinson,

I tried calling you this morning at approximately 10:00 a.m., failed to reach you, left a voice mail and did not receive a return call.

Please forward your questions regarding this case to me via email and I will respond. Thank you.

All the best,

(b) (6)

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(b) (6)

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"The best way to hire a broadcast station lawyer is to ally with a tenacious, industry-knowledgeable counselor who has a passion for broadcasting" -- JFG



-----Original Message-----

From: [g19522@att.com](mailto:g19522@att.com) [mailto:[g19522@att.com](mailto:g19522@att.com)]

Sent: Wednesday, December 23, 2015 4:37 PM

To: (b) (6)

Subject: Regarding case CM20151223\_109910001

My name is Canasta Robinson and I work within the Office of the President for AT&T. Our job is to resolve issues on behalf of senior leadership for the company. I will be your point of contact on this issue through resolution. To ensure that I have a full understanding of your requested resolution, I will be trying to reach out to you over the next few days. If you prefer, you can call me directly at 2288196317 or email me at [Cr1828@att.com](mailto:Cr1828@att.com).

This message was sent on behalf of Canasta Robinson by the Office of the President intake team. Please do not respond to this email but email the specialist at [Cr1828@att.com](mailto:Cr1828@att.com).

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CONFIDENTIALITY NOTICE: This electronic mail transmission has been sent by a lawyer. It may contain information that is confidential, privileged, proprietary, or otherwise legally exempt from disclosure. If you are not the intended recipient, you are hereby notified that you are not authorized to read, print, retain, copy or disseminate this message, any part of it, or any attachments. If you have received this message in error, please delete this message and any attachments from your system without reading the content and notify the sender immediately of the inadvertent transmission. There is no intent on the part of the sender to waive any privilege, including the attorney-client privilege, that may attach to this communication. Thank you for your cooperation.



## Mike Hennigan

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**From:** (b) (6)  
**Sent:** Wednesday, December 30, 2015 3:28 PM  
**To:** Ombudsperson  
**Subject:** Question regarding the blocking of the tethering capability of a cell phone  
  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed

I recently obtained a cellular service plan for my iPhone which includes data services.

The service provider is Straight Talk, an MVNO. Straight Talk buries the fact that "tethering" is not allowed on their virtual network in the fine print of its "terms & conditions" and they block that specific capability of the iPhone by not provisioning it.

Straight Talk asserts that the "data" may only be used by the phone and not by a device tethered to it.

Straight Talk WILL provide a Hotspot device and service plan at an additional cost.

Is the blocking of the iPhone's native "tethering" capability a violation of the Open Internet regulations? Given the fact that the virtual network supports data services to hotspot devices but Straight Talk requires the purchase of their device and an additional service plan.

Regards,

(b) (6)

## Mike Hennigan

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**From:** (b) (6)  
**Sent:** Sunday, April 17, 2016 4:46 PM  
**To:** Ombudsperson  
**Subject:** Question re: At&t Fw: Updates to Internet usage allowances

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

I have forwarded the email below regarding At&t capping home internet usage. I currently pay 46.00 monthly for home internet for my laptop and have no other devices. The notice shows a \$10 per month overage fee unless an additional \$30 fee for unlimited is purchased. At& t claims in May they are upping all the caps, and they say mine is going up to 250 GB.

I am wondering how this can be legal, as pop ups and ads, as well as the nonsense Windows 10... sends to your computer uses up data? Again, I do not have a television or any other devices, so I do most everything on the internet. I am currently on one of the lowest plans due to budget constraints, but I will be expected to pay 76.00 per month for basic Uverse internet service. This just is not fair, especially for those of us who are not IT people, and are not well versed in "tech language"...

(b) (6)

"The truth is the truth even if nobody believes it, and a lie is still a lie, even if everybody believes it.  
A.B. Fulton Sheen

----- Forwarded Message -----

**From:** AT&T U-verse Team  
**To:** (b) (6)  
**Sent:** Wednesday, April 6, 2016 3:11 PM  
**Subject:** Updates to Internet usage allowances

[View online](#)



## Updates to Internet usage allowances

Dear (b) (6),

Beginning on May 23, 2016 we will be increasing the U-verse® Internet data allowance for many customers. After a grace period, and as our agreement provides, there's a \$10 charge for each 50GB of data you use over the allowance amount. If you choose to bundle your U-verse Internet with DIRECTV® or U-verse TV you will be provided an unlimited Internet data allowance with a \$30 value at no additional charge, as a benefit of bundling. Or if you choose, an unlimited allowance is available for purchase as an optional bolt-on to your Internet service.

After May 23, 2016 log in to your account at [att.com/myatt](http://att.com/myatt) to find helpful tools to view your data usage. Questions? Go to [att.com/internet-usage](http://att.com/internet-usage).

Thank you for being a loyal U-verse customer,

AT&T

Broadband usage questions? [Visit att.com/internet-usage](http://att.com/internet-usage)

Please use the contact information above for questions regarding this message or go to [att.com/contactus](http://att.com/contactus) for more options.  
This is an automated email so replies to the address will not be answered.

[Privacy Policy](#) | [Terms of Service - Internet](#)

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IPUBACFA.v1



## Mike Hennigan

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**From:** Ombudsperson  
**Sent:** Monday, September 19, 2016 11:29 AM  
**To:** (b) (6)  
**Subject:** Provider response - 1145654  
**Attachments:** (b) (6) 1145654(1).pdf

Attached.

| FCC Open Internet Ombudsperson | [ombudsperson@fcc.gov](mailto:ombudsperson@fcc.gov) | (202) 418-1155 |

## Mike Hennigan

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**From:** Ombudsperson  
**Sent:** Friday, April 08, 2016 6:12 PM  
**To:** (b) (6)  
**Subject:** PN on advisory opinions  
**Attachments:** DA-15-692A1\_OI\_Advisory\_Opinions.pdf

(b) (6)

Just left you a voicemail. I'll try to connect with you again on Monday.

Attaching the PN that went out on advisory opinions in case you hadn't seen this yet.

Best –  
Michael

| FCC Open Internet Ombudsperson | [ombudsperson@fcc.gov](mailto:ombudsperson@fcc.gov) | (202) 418-1155 |

## Mike Hennigan

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**From:** Ombudsperson  
**Sent:** Tuesday, May 31, 2016 1:56 PM  
**To:** (b) (6)  
**Subject:** Petition re: TDS internet service

(b) (6) –

I just left you a voicemail message. I am the FCC's Open Internet Ombudsperson and your complaint was referred to me by our Consumer Help Center.

I'd like to talk with you about how the FCC can assist you and your community with these concerns.

Please be in touch. I can be emailed at this address and my direct phone number is below.

Thanks –  
Michael

| FCC Open Internet Ombudsperson | [ombudsperson@fcc.gov](mailto:ombudsperson@fcc.gov) | (202) 418-1155 |



## Mike Hennigan

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**From:** [REDACTED]  
**Sent:** Saturday, January 23, 2016 5:25 PM  
**To:** Ombudsperson  
**Subject:** OVMS Demonstration

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Michael,

If you would like to see how the OVMS device interacts with smartphones and tablets, there are demonstration modules in each of the Android and Apple apps for OVMS which can be downloaded for free. Those apps are available at:

<https://play.google.com/store/apps/details?id=com.openvehicles.OVMS&hl=en> (Android)

or

<https://itunes.apple.com/us/app/open-vehicles/id490098531?mt=8> (iPhone).

Just thought I would mention this as it may not immediately apparent what OVMS does.

All the best,

(b) (6)

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**From:** (b) (6)  
**Sent:** Friday, January 22, 2016 7:42 PM  
**To:** ombudsperson@fcc.gov  
**Subject:** FW: [FCC Complaints] Re: AT&T Blocking Selected Data Content on Low Cost Plans

Michael,

Below is the reply I filed to the January 15, 2016 AT&T Response.

Thank you for your continuing assistance with the FCC consumer complaint process.

I hope all goes well for you on this snowy weekend.

(b) (6)

---

**From:** (b) (6)  
**Sent:** Friday, January 22, 2016 7:37 PM  
**To:** 'FCC'  
**Subject:** RE: [FCC Complaints] Re: AT&T Blocking Selected Data Content on Low Cost Plans  
This replies to the AT&T Mobility ("AT&T") January 15, 2016 "Response to Notice of Informal Complaint" (the "Response").

The AT&T Response is insufficient in responding to the complaint.

The AT&T Response finally admits that AT&T blocked, and continues to block, certain data content to customer stating "AT&T has the right for certain activities and uses of wire data service are permitted and others are prohibited (sic)".

Customer appreciates that the AT&T network is "manage[d] for the benefit of all of its customers" and that certain uses can "negatively impact the use and enjoyment of the network by others".

AT&T fails to state in its Response, however, the negative network impact that caused AT&T to block that certain data content on and after November 17, 2015 on its GoPhone prepaid plan, after AT&T willingly provided that same data content to customer since January, 2014.

AT&T should not be able to simply allege negative impact in its Response without stating what that negative impact is, particularly given that the subject data was carried without any issue for more than 22 months.

Customer seeks a definitive response from AT&T as to how customer's data use was negatively impacting the use and enjoyment of the network by others.

In particular, it is noted that customer's data that is now blocked over the AT&T network was by any standards minuscule in amount, and was being charged by AT&T on a prepaid premium basis. Prior to the data content being blocked by AT&T on November 17, 2015, listed below is the previous three months of customer's data usage over the AT&T network – data transmissions that were evenly spread over every day of the month (see the AT&T customer billing records attached to the original complaint):

August, 2015: Data 1.83 MB AT&T Charge: \$4.12

September, 2015: Data 1.61 MB AT&T Charge: \$3.63

October, 2015: Data 1.86 MB AT&T Charge: \$4.19

AT&T is charging, and customer is paying, approximately \$2.25 per Megabyte or \$2,250.00 per Gigabyte of data. AT&T fails to explain how data transmission in the range of 1.61 to 1.86 Megabytes per month, evenly spread over the month, could negatively impact AT&T's network.

Also not explained by AT&T's Response are the reports from other similarly-situated GoPhone customers who also had their data content blocked by AT&T (see links and quotes in original complaint), but were shifted by AT&T to higher-priced flat-fee plans that required those customers to pay \$1.00 per day, or \$30.00 per month, for the same amount of data usage which was previously charged at AT&T's GoPhone rates in the \$4.00 per month range. Or more simply put, AT&T needs to explain what is the negative impact to AT&T's network when a customer pays \$4.00/month for data but that negative impact magically disappears when a customer is forced over to an AT&T plan that provides far more data at a greater aggregate cost than is ever needed by the customer.

For the FCC and customer to properly evaluate the merits of AT&T's Response, the FCC is respectfully requested to seek from AT&T the following information:

- In the month of November, 2015, was customer the only AT&T GoPhone subscriber with an OVMS or similar device whose data transmission and reception was terminated, or were there other similarly-situated customers, and if so, how many such customers?
- Did AT&T subsequent to the termination of certain data content on its GoPhone plan offer other OVMS or similar device customers continued data content transmission but with a different AT&T plan other than the GoPhone plan and if so, what AT&T plans were offered?
- What technical or network differences are there between the GoPhone plan and other higher-priced AT&T plans which allows for the OVMS and similar devices to transmit and receive data without a negative impact on one plan but with a negative impact on another plan?
- How did customer's specific use of the OVMS device negatively impact AT&T's network under AT&T's GoPhone plan?
- What specific negative impact on AT&T's network led to certain data being blocked to customer in November, 2015 under AT&T's GoPhone plan and what evidence can AT&T show of that negative impact?

The future of the IoT (Internet of Things) will be significantly dependent upon the unfettered availability of data transmission such as uniquely offered by AT&T. AT&T's blocking of certain data content under its prepaid GoPhone plan is antithetical to small businesses, entrepreneurs and consumers who seek to develop, sell and use IoT devices that rely upon small amounts of data transmission.

Customer understands that AT&T may be in December, 2016 shutting down part of its 2G network operations that carries GPRS data. That future cessation of the 2G network, however, does not explain AT&T's blocking of certain data content to customer commencing on November 17, 2015.

AT&T, as an FCC-regulated entity, has the right to protect its network and to offer various data plans such as the GoPhone plan. But, AT&T should not be allowed to discriminate on a customer by customer basis, or a device by device basis, as to which customer or which device may receive certain data content under its plans which offer data such as its GoPhone plan.

I renew my request that AT&T restore the transmission of data content to my account under my GoPhone plan, and to offer an appropriate credit to my account for the intervening months in which that data content was blocked.



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**From:** FCC [mailto:consumercomplaints@fcc.gov]

**Sent:** Wednesday, January 20, 2016 5:44 PM

**To:** (b) (6)

**Subject:** [FCC Complaints] Re: AT&T Blocking Selected Data Content on Low Cost Plans

## - Please type your reply above this line - ##

This ticket (#696841) has been updated.

---

## FCC Consumer Complaints (FCC Complaints)

Jan 20, 5:44 PM

Hello (b) (6)

I have attached a copy of AT&T's most recent response for your review.

Thank you

Attachment(s)

FCC-(b) (6) (Rebuttal) (1).pdf

---

(b) (6)

Jan 4, 6:07 PM

On December 28, 2015, Mr. Canasta Robinson of AT&T sent me the attached email. This email response, and the December 31, 2015 response of AT&T to the FCC that "a company agent attempted unsuccessfully to contact [me]", is highly misleading and continues to be wholly unresponsive to my December 8, 2015 FCC complaint.

(b) (6)

I have spoken with Mike Yelle of the Tesla Motors and he advised me as AT&T does not block data from the Teslas. He also stated that it may be a technical issue and the device you have may need an antennae. It is unfortunate but as I stated before AT&T does not block data content.

First, I take issue with AT&T's repeated statement that attempts to contact me are unsuccessful.

AT&T has left only two voice mail messages for me: An AT&T voice mail was left for me on December 24, 2015 (Christmas Eve) at 12:26 pm Eastern Time. I returned that call at 12:57 pm Eastern Time on December 24th, got Mr. Robinson's voice mail and left a message to either call me or to email me.



The second AT&T voice mail was left for me on December 31st (New Year's Eve) at 11:56 am. I returned that call this morning, January 4, 2016 (the next business day), at 9:59 am Eastern Time, got Mr. Robinson's voice mail, left a message and have not received back a return call. AT&T's statement that "[c]ontact attempts were made on December 9, 11, 21, 24, 28 and 31, 2015, is either an error on AT&T's part, or an attempt by AT&T to deceive the FCC into believing I am unreachable. I am highly reachable and have immediately responded to each contact by AT&T.

AT&T, in its substantive email responses to my complaint, has been wholly unresponsive to the complaint and may be misleading the FCC. AT&T attempts to characterize the issue as one with Tesla automobiles. My complaint states, however, that the OVMS device is an after-market device that has been, for at least a couple of years, successfully used in Tesla Roadsters by a number of owners on AT&T's low-cost prepaid "Go Phone" plan until AT&T, on approximately November 17, 2015, began blocking data content to the OVMS device for those users.

The OVMS device is connected to the vehicle's OBD port. Mr. Robinson is apparently attempting to mislead the FCC by stating that the "OVMS Module is not compatible for your vehicle", that "your Tesla Roadster actually does not come equipped with the feature you are inquiring about", and in his latest email reprinted above that "AT&T does not block data from the Teslas ... that it may be a technical issue and the device you have may need an antennae."

In fact, my OVMS device (and the OVMS device of others as shown below) continues to work fine except that data content to and from the device has been blocked by AT&T since approximately November 17, 2015 even though I and others pre-paid for that data under AT&T's "Go Phone" plan.

In a nutshell, my OVMS after-market device successfully operated on the AT&T "Go Phone" prepaid plan from January, 2014 until November 17, 2015. The AT&T November 17, 2015 cut-off of data to the OVMS device is shown by this portion of my AT&T billing statement showing GPRS data transmission until November 16, 2015:

#### GoPhone Account History

Total Usage - Voice, Text, Data Details for 571-451-4534 From 11/8/2015 to 12/8/2015

UsageContact Date Time Duration Charges

GPRS NA 11/9/2015 09:30:06 AM CST 44.05KB \$0.09

GPRS NA 11/10/2015 06:23:44 AM CST 24.47KB \$0.05

GPRS NA 11/10/2015 06:45:05 PM CST 31.73KB \$0.07

GPRS NA 11/11/2015 08:52:55 AM CST 18.21KB \$0.04

GPRS NA 11/11/2015 08:30:25 PM CST 28.09KB \$0.06

GPRS NA 11/12/2015 08:44:02 AM CST 19.01KB \$0.04

GPRS NA 11/12/2015 08:47:53 PM CST 26.84KB \$0.06

GPRS NA 11/13/2015 11:37:25 AM CST 48.91KB \$0.10

GPRS NA 11/14/2015 10:18:52 AM CST 16.73KB \$0.04

GPRS NA 11/14/2015 07:12:33 PM CST 44.37KB \$0.09

GPRS NA 11/15/2015 04:39:57 PM CST 39.54KB \$0.08

GPRS NA 11/16/2015 11:01:48 AM CST 17.38KB \$0.04

GPRS NA 11/16/2015 07:22:37 PM CST 15.30KB \$0.04

SMS Terminating (b) (6) 11/22/2015 02:00:16 PM CST 0min 0sec \$0.20

SMS Originating (b) (6) 11/22/2015 02:00:29 PM CST 0min 0sec \$0.20

SMS Terminating (b) (6) 11/22/2015 02:01:22 PM CST 0min 0sec \$0.20

SMS Originating (b) (6) 11/22/2015 02:01:36 PM CST 0min 0sec \$0.20

Usage Summary Talk 0hrs 0mins 0sec \$0.00

Data 374.61KB \$0.80

Text 4 \$0.80

Total Charges \$1.60

\*Time is US/Central

This complete billing statement, as well as statements from the previous two months showing unblocked data transmissions, are attached to the original complaint. GPRS data was successfully sent and received by OVMS until November 17, 2015 until AT&T blocked it, at which time, AT&T has continued to carry only SMS messages for the device even though the Go-Phone plan offers data at a 1¢ per 5 KB rate.

Other AT&T users' experiences with AT&T and data blocking on its "Go Phone" plan are described at this link: <http://www.teslamotorsclub.com/showthread.php/57127-OVMS-blocked-on-low-cost-AT-T-plans>. Please

see, in particular, posts #11, #13, #15, #16, #18, #19, #20, #23, #25, #26, #28, #44, #62 and #67 which describe other AT&T subscribers experience with OVMS and AT&T.

AT&T is ONLY blocking OVMS data content on its low-cost "Go Phone" plan which offers data, but is carrying the same data content on its substantially higher priced plans, even though OVMS has no need for more than a minimal amount of data transmission.

These posts below confirm that Mr. Robinson at AT&T is attempting to mislead both me and the FCC:

Post #28 (<http://www.teslamotorsclub.com/showthread.php/57127-OVMS-blocked-on-low-cost-AT-T-plans?p=1248616&viewfull=1#post1248616>) states that:

Well, it's not AT&T "The Network", it's the plan you guys are on. I'm on AT&T (PrePaid, GoPhone), and my OVMS is working fine. However, I'm not on the super-cheap plan. Mine costs me like \$30/month (\$25/month for the "unlimited voice and text" and an additional \$5.00/month for 5GB of data). But, it's working just fine.

Post #44 (<http://www.teslamotorsclub.com/showthread.php/57127-OVMS-blocked-on-low-cost-AT-T-plans?p=1256131&viewfull=1#post1256131>) states:

After chatting with an AT&T rep, I was told I can get my money refunded by visiting an AT&T store with my OVMS in hand. They will exam the device and refund my money as the device is no longer supported! Crazy. I have not tried yet as the nearest store is some 60 miles away but plan to soon.

Post #62 (<http://www.teslamotorsclub.com/showthread.php/57127-OVMS-blocked-on-low-cost-AT-T-plans?p=1283642&viewfull=1#post1283642>) states:

I finally got around to calling AT&T on this, and was able to have them transfer the balance on my GoPhone plan to my regular AT&T cell phone account. They even gave me an extra \$15 for the trouble. It did take a while to explain the problem, so \$15 is hardly worth it, but it felt like a tiny victory.

Post #67 (<http://www.teslamotorsclub.com/showthread.php/57127-OVMS-blocked-on-low-cost-AT-T-plans?p=1296814&viewfull=1#post1296814>) states:

Changed my plan phone to the [AT&T] family share program. More expensive than the Go Phone, but no changes required on OVMS and relatively painless. Cost per month is \$15, but no worries about required annual payments. So in the end, it's close to balancing out to what I paid before. They did transfer the \$168 credit from the Go Phone to my family share plan. This must be done in the store to sign paperwork and required about 15 minutes.

As shown by these posts, AT&T is now blocking OVMS data based upon the content of that data in that it is coming from the OVMS device. This has nothing to do with the OVMS compatibility with Tesla Roadster automobiles or the lack of an antenna (as Mr. Robinson would like the FCC to believe).



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AT&T's blocking of data to and from certain devices on its low-cost prepaid "Go Phone" plan is not only detrimental to consumers such as me and the other individuals who have posted their experiences above, but also to small businesses and entrepreneurs who may wish to design devices for the "Internet of Things" that transmit and receive small amounts of data for which a small monthly charge is justified, but a \$30/month charge (the plan that AT&T is forcing OVMS users into in order to not have data blocked) is wholly unreasonable.

It is shown from my and other users' experiences with OVMS, and from the original complaint containing links to the low-cost prepaid AT&T "Go Phone" plan, that AT&T did provide data content to the OVMS device. It is also shown from the posts above that the only difference in whether AT&T has blocked data content to OVMS commencing on November 17, 2015 is based upon the cost of the plan, not the cost of the data, and by blocking data content to OVMS has, for several users, forced those users to higher-priced AT&T plans with far more data that OVMS will ever use.

On January 22, 2016, my prepaid renewal amount of \$100 that I paid to AT&T for phone, SMS and data service on its "Go-Phone" plan will expire. AT&T will require that on January 22, 2016, despite having a balance today of \$76.53 in my "Go Phone" plan account, that I prepay another \$30 for three months, or \$100 for one year, in order to continue my "Go Phone" plan.

I request that the FCC act prior to January 22, 2016 to require AT&T to cease blocking the data content to and from my OVMS device so that I may renew my "Go Phone" plan account knowing that AT&T will be providing the data content to OVMS that it continues to offer to the public, but now blocks to the OVMS device. Thank you.

From: FCC [mailto:[consumercomplaints@fcc.gov](mailto:consumercomplaints@fcc.gov)]

Sent: Thursday, December 31, 2015 12:20 PM

To: (b) (6)

Subject: [FCC Complaints] Re: AT&T Blocking Selected Data Content on Low Cost Plans

Attachment(s)

[12-28-2015 Email from Canasta Robinson AT&T.pdf](#)

[12-24-2015 Email from Canasta Robinson AT&T.pdf](#)

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## FCC Consumer Complaints (FCC Complaints)

December 31, 2015, 12:20 PM

Hi (b) (6)

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In its response to your complaint, the carrier stated that a company agent attempted unsuccessfully to contact you. The FCC requests that you attempt to contact the carrier within five days. Please respond back to this email within seven days and let us know the outcome of your conversation with your carrier.

The following is information received from AT&T:

An AT&T Office of the President Specialist attempted to contact Mr. Garziglia by phone without success. Contact attempts were made on December 9, 11, 21, 24, 28 and 31, 2015. In order to address Mr. Garziglia's concerns it would be beneficial to speak with him directly. He may contact Canasta Robinson at 228-819-6317 and reference case number CM20151223\_109910001 for additional assistance.

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(b) (6)

December 24, 2015, 4:18 PM

Below is the response of AT&T which was unresponsive to the complaint, and above the AT&T response is my reply email to AT&T describing why it is unresponsive. Thank you for your continuing assistance.

---

Dear (b) (6)

Thank you for your response. I am happy that we are now communicating.

I find, however, that your message below is unresponsive to my complaint.

My complaint is that, as of approximately November 17, 2015 and through today's date, AT&T is blocking certain data content to my device. That certain data content was not blocked between the time I commenced service for the device under your "Go Phone" prepaid plan in January, 2014 until approximately November 17, 2015. As described in my complaint, I am not the only user of your "Go Phone" prepaid plan that is now having certain data content blocked under this plan.

It is irrelevant whether the OVMS module is TESLA provided, or is after-market compatible with my TESLA The devices is, in fact, after-market compatible as proven by my use, and the use of others, in the past several years.

As my wireless provider, the only issue for AT&T is whether the device will receive and transmit data over the AT&T network, which it does. As described in detail in my complaint, the OVMS device is installed and was working until AT&T began blocking its data on approximately November 17, 2015.

As documented in my complaint, other AT&T subscribers with OVMS modules subscribed to AT&T's "Go Phone" prepaid plan identical to mine experienced the same blocking of data on approximately the same date



and were informed by AT&T representatives that data transmission to the OVMS module would be unblocked if a different, more expensive, AT&T payment plan was subscribed to. Of note, the OVMS module still functions with AT&T's SMS service which is included in the prepaid "Go Phone" plan to which I am subscribed. It is the data content to and from the OVMS module that is being blocked by AT&T.

There are many wireless devices that Americans use in automobiles that will connect with AT&T wireless, some of which also connect in some way with a feature in their automobile. To my knowledge, none require a compatibility rating from the automobile manufacturer which would entitle AT&T to block certain data content to and from those devices.

If blocking certain data content on my present "Go Phone" plan to force me to a higher priced AT&T plan with far more data than I need is a legitimate network management issue for AT&T, please advise how that matter has been determined. Otherwise, please immediately restore the data transmission to my prepaid service for my account. I will address any compatibility issues separately with TESLA.

Thank you.

(b) (6)

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From: ROBINSON, CANASTA [mailto:CR1828@att.com]

Sent: Thursday, December 24, 2015 1:01 PM

To: (b) (6)

Subject: RE: Regarding case CM20151223\_109910001

Good morning and Happy Holidays to you (b) (6),

I attempted to contact you this morning before I actually read this email as I had left the office yesterday. Unfortunately I will be unable to assist you with your AT&T blocking data for your Tesla Roadster vehicle. The device you have "OVMS Module" is not compatible for your vehicle. Also I contacted four Tesla dealers; McLena, VA, Richmond, VA, Vienna, VA, and West Palm beach, FL and each of them stated that your Tesla Roadster actually does not come equipped with the feature you are inquiring about. Although the internet stated it is a compatible device it is not confirmed that it will work on the AT&T network as your vehicle does not come equipped with the feature. I apologize for the inconvenience.

---

From: (b) (6)

Sent: Wednesday, December 23, 2015 5:01 PM

To: ROBINSON, CANASTA

Subject: RE: Regarding case CM20151223\_109910001

Dear Mr. Robinson,



I tried calling you this morning at approximately 10:00 a.m., failed to reach you, left a voice mail and did not receive a return call.

Please forward your questions regarding this case to me via email and I will respond. Thank you.

All the best,

(b) (6)

(b) (6)

"The best way to hire a broadcast station lawyer is to ally with a tenacious, industry-knowledgeable counselor who has a passion for broadcasting" -- JFG

-----Original Message-----

From: [g19522@att.com](mailto:g19522@att.com) <<mailto:g19522@att.com>> [<mailto:g19522@att.com>]

Sent: Wednesday, December 23, 2015 4:37 PM

To: (b) (6)

Subject: Regarding case CM20151223\_109910001

My name is Canasta Robinson and I work within the Office of the President for AT&T. Our job is to resolve issues on behalf of senior leadership for the company. I will be your point of contact on this issue through resolution. To ensure that I have a full understanding of your requested resolution, I will be trying to reach out to you over the next few days. If you prefer, you can call me directly at 2288196317 or email me at [Cr1828@att.com](mailto:Cr1828@att.com) <<mailto:Cr1828@att.com>>.

This message was sent on behalf of Canasta Robinson by the Office of the President intake team. Please do not respond to this email but email the specialist at [Cr1828@att.com](mailto:Cr1828@att.com) <<mailto:Cr1828@att.com>>.

From: FCC [<mailto:consumercomplaints@fcc.gov>]

Sent: Wednesday, December 23, 2015 2:06 PM

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To: Garziglia, John

Subject: Request updated: AT&T Blocking Selected Data Content on Low Cost Plans

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## FCC Consumer Complaints (FCC Complaints)

December 22, 2015, 12:10 PM

Hi (b) (6),

Your Ticket No. 696841 was served on your carrier for its review and response.

Your carrier has provided the FCC with a response to your complaint. You should receive a copy of the response from the carrier within 7-10 days via postal mail. As such, no further action is required. Your complaint is closed.

We appreciate your submission and help in furthering the FCC's mission on behalf of consumers.

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(b) (6)

December 8, 2015, 11:32 AM

This complaint concerns AT&T blocking certain data content on its prepaid "GoPhone" plan which offers voice service for 10¢/minute, Nationwide Messaging for 20¢/text message, and Data at a Pay Per Use rate of 1¢/5 KB.

My AT&T account number is (b) (6). I signed up for this AT&T plan with a prepaid amount of \$100 in January, 2014 and prepaid another \$100 in January, 2015.

Between January, 2014 and approximately November 16, 2015, AT&T provided the contracted-for services. Commencing as of approximately November 17, 2015, however, AT&T is blocking certain data content.

My AT&T plan is used in an automobile monitoring system device for my 2011 Tesla Roadster called OVMS (see attached description titled "OVMS Module for 2.x Tesla Roadsters" from <https://www.openvehicles.com/node/32>). OVMS uses a GSM SIM card with SMS messaging and a GPRS data plan.

The AT&T service is a GSM service with a GPRS data plan (see the attached web page "AT&T Our Mobile Broadband and GSM Technology" from <http://www.wireless.att.com/learn/why/technology/mobile-broadband-and-gsm.jsp>).

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From January, 2014 until November 17, 2015, AT&T provided data service to my account. Attached are the last three months of usage showing daily transfers of data until November 16, 2015 with amounts of data and cost of the data (see files with names "571-451-4534\_Total Usage - Voice, Text, Data [dates]").

As of November 17, 2015, AT&T blocked data content from the OVMS device. I have not received data from that device through today's date (December 8, 2015). My AT&T account is prepaid, current and up to date (see attached account web page titled "Go Phone" showing the balance on my account of \$78.93).

I am not the only OVMS user against whom AT&T has blocked certain data content. A forum of Tesla Roadster owners who likewise have OVMS have a number of AT&T customers who have similar complaints (see the thread "OVMS blocked on low-cost AT&T plans" at <http://www.teslamotorsclub.com/showthread.php/57127-OVMS-blocked-on-low-cost-AT-T-plans>). The data blocking appears to be based upon AT&T's attempt to force OVMS users to more expensive plans that offer far more data than an OVMS user would ever use.

One OVMS user reports that: "[b]ottom line is that AT&T isn't allowing anything other than WAP (old bare-bones mobile web) data on these low-cost accounts. The best [AT&T] could do for me is move me to an account at \$2.00/day (only charged on days when voice or SMS text messages are used), with a \$1.00/day data package (with an allowance of roughly 6,000 times what is needed for OVMS), and she kicked in a \$45.00 credit so we could test it." (see <http://www.teslamotorsclub.com/showthread.php/57127-OVMS-blocked-on-low-cost-AT-T-plans?p=1248062&viewfull=1#post1248062>).

I do not wish to be forced by AT&T to pay for a more expensive plan than is needed for OVMS. I am seeking to continue to use the AT&T plan that I paid for in advance, and that AT&T continues to offer to the public, for use with the Tesla Roadster OVMS device.

AT&T is selling data transmission. I am paying for that data transmission. AT&T should not be allowed to block that data transmission based upon the content of that data.

Attachment(s)

[OVMS Module for 2.x Tesla Roadsters.pdf](#)

[AT&T Our Mobile Broadband and GSM Technology.pdf](#)

[571-451-4534\\_Total Usage - Voice, Text, Data\\_11\\_8\\_2015\\_12\\_8\\_2015.pdf](#)

[571-451-4534\\_Total Usage - Voice, Text, Data\\_10\\_9\\_2015\\_11\\_7\\_2015.pdf](#)

[571-451-4534\\_Total Usage - Voice, Text, Data\\_9\\_8\\_2015\\_10\\_8\\_2015.pdf](#)

[571-451-4534\\_Total Usage - Voice, Text, Data\\_8\\_8\\_2015\\_9\\_7\\_2015.pdf](#)

[Go Phone.pdf](#)



CONFIDENTIALITY NOTICE: This electronic mail transmission has been sent by a lawyer. It may contain information that is confidential, privileged, proprietary, or otherwise legally exempt from disclosure. If you are not the intended recipient, you are hereby notified that you are not authorized to read, print, retain, copy or disseminate this message, any part of it, or any attachments. If you have received this message in error, please delete this message and any attachments from your system without reading the content and notify the sender immediately of the inadvertent transmission. There is no intent on the part of the sender to waive any privilege, including the attorney-client privilege, that may attach to this communication. Thank you for your cooperation.

## Mike Hennigan

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**From:** (b) (6)  
**Sent:** Tuesday, August 23, 2016 1:10 PM  
**To:** Ombudsperson  
**Subject:** Open Internet

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

I have submitted several complaints to the FCC regarding failure of ISP's to comply with with Open Internet Rules and Regulations to no avail.... If you do not enforce these the FCC cannot be effective...!!!

(b) (6)

[Redacted]

## Mike Hennigan

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**From:** Ombudsperson  
**Sent:** Friday, July 24, 2015 11:24 AM  
**To:** (b) (6)  
**Subject:** RE: Throttling of Service to Bait and Switch Services with Metro PCS/T-Mobile

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hello, (b) (6)

Thank you for your email. If you have not already done so, please file your complaint online. Your complaint will be sent to Metro PCS/T-Mobile for investigation and response.

You can use the below link and select "Open Internet" as the " Internet issue" for which you are filing the complaint:  
[https://consumercomplaints.fcc.gov/hc/en-us/requests/new?ticket\\_form\\_id=38824](https://consumercomplaints.fcc.gov/hc/en-us/requests/new?ticket_form_id=38824)

Also of interest may be the following consumer guide:  
<https://consumercomplaints.fcc.gov/hc/en-us/articles/204231404-Open-Internet>

Thanks again.

**From:** (b) (6)  
**Sent:** Wednesday, July 22, 2015 5:02 PM  
**To:** Ombudsperson  
**Subject:** Throttling of Service to Bait and Switch Services with Metro PCS/T-Mobile

For the past two months, since T-Mobile required an upgrade of our phones and we increased our service plan, half way through the month, T-Mobile has contacted us informing us that we had run out of 4G service and reduced our speed. Simultaneously, they text and offer to increase our service for additional cost and/or suggest we upgrade our service to sustain our 4G access. Last month, when I received the message we only had 10% of our 4G service left, I deleted the only two down loads I had made, Words With Friends and Dice With Buddies. Nevertheless, we still allegedly ran out in about the same period of time this month. I would like to also state, that every time I close a website, I delete it from continuing to run on my smart phone.

Unhappy Camper

(b) (6)





## Mike Hennigan

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**From:** Ombudsperson  
**Sent:** Tuesday, July 19, 2016 5:13 PM  
**To:** (b) (6)  
**Subject:** RE: Thank you

(b) (6)

Thank you for bringing this issue to our attention and providing this additional information. This type of information is helpful to us as we implement our Open Internet rules.

| FCC Open Internet Ombudsperson | ombudsperson@fcc.gov | (202) 418-1155 |

-----Original Message-----

**From:** (b) (6)  
**Sent:** Friday, July 15, 2016 1:23 PM  
**To:** Ombudsperson <Ombudsperson@fcc.gov>  
**Cc:** ornovscot@optonline.net  
**Subject:** Thank you

Ombudsperson  
FCC

To Whom It May Concern:

I would like to take this occasion to thank you for receiving and considering my thoughts about net neutrality as well as those of my experiences as an internet broadcaster.

At about 12:20 AM (Pacific-Oregon time), Charter's internet service became unavailable. This outage lasted until about 1:35 AM (Pacific-Oregon time).

When I called Charter I was told that because there are more customers than the system could cope with, Charter had to engage in this outage.

In my opinion, this is an example of a company that has not invested enough in infrastructure and that has made what I regard as false claims in a number of advertisements.

Yet, some time ago Charter petitioned the FCC to be allowed to purchase AOL-Time Warner. This was so even though about a year ago Charter had a debt to capital ratio of about 1,500%, according to Investors Business Daily and even though it had to take on more debt in order to complete the purchase of AOL-Time Warner.

And, as I mentioned in previous correspondence, Charter refused to install an all fiber optics connection to my building, even though I communicated to Charter on many occasions that I was willing to pay extra for such a connection and that I was willing to sign a two-year contract.

Only after I had contacted the FCC, after waiting many months for an answer, did Charter finally convey to me that Charter would not install such a connection to my building, even though it is quite close to a business district..

For your reference, I am enclosing a copy of a Ping Plotter graph that shows what happened to Charter's service early this morning.

In closing, given Charter's high level of debt and, in my opinion, its poor level of service, I am sorry that the FCC granted this company permission to buy and to take on the responsibility of owing AOL-Time Warner.

Thank you for your consideration.

Respectfully,

(b) (6)



## Mike Hennigan

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**From:** Claude Aiken  
**Sent:** Friday, September 18, 2015 8:57 PM  
**To:** Stephanie Weiner; Madeleine Findley; Parul Desai; Ombudsperson  
**Subject:** RE: Texas Law 54.201 Questions

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

(b) (5)

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**From:** Stephanie Weiner  
**Sent:** Friday, September 18, 2015 6:34:58 PM  
**To:** Madeleine Findley; Parul Desai; Ombudsperson; Claude Aiken  
**Subject:** Re: Texas Law 54.201 Questions

(b) (5)

-Stephanie (b) (6)

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**From:** Madeleine Findley  
**Sent:** Friday, September 18, 2015 5:10 PM  
**To:** Parul Desai; Ombudsperson; Claude Aiken  
**Cc:** Stephanie Weiner  
**Subject:** RE: Texas Law 54.201 Questions

(b) (5), (b) (6)

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**From:** Parul Desai  
**Sent:** Friday, September 18, 2015 5:04 PM  
**To:** Ombudsperson ; Claude Aiken ; Madeleine Findley  
**Cc:** Stephanie Weiner  
**Subject:** RE: Texas Law 54.201 Questions

I meant to cc Stephanie and somehow I inadvertently sent it to (b) (6) (b) (5)

(b) (5)

Sincerely,  
Parul

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**From:** Ombudsperson  
**Sent:** Friday, September 18, 2015 5:00 PM  
**To:** Claude Aiken <Claude.Aiken@fcc.gov>; Madeleine Findley <Madeleine.Findley@fcc.gov>  
**Cc:** (b) (6); Parul Desai <Parul.Desai@fcc.gov>  
**Subject:** FW: Texas Law 54.201 Questions

(b) (5)

Thanks!  
Sincerely,  
Parul

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**From:** Robert Turner [mailto:rturner@texas-city-tx.org]  
**Sent:** Friday, September 18, 2015 1:39 PM

**To:** Ombudsperson <[Ombudsperson@fcc.gov](mailto:Ombudsperson@fcc.gov)>

**Subject:** Re: Texas Law 54.201 Questions

Well my curiosity begs the question of what would it take for the FCC to do the same for Texas?

Sent from my iPhone

On Sep 18, 2015, at 12:21 PM, Ombudsperson <[Ombudsperson@fcc.gov](mailto:Ombudsperson@fcc.gov)> wrote:

Hi Mr. Turner:

The Open Internet rules do not address state regulations on the deployment of municipal networks. The FCC's recent decision regarding NC and TN only preempt the state laws in NC and TN, and therefore does not apply to TX.

---

**From:** Robert Turner [<mailto:rturner@texas-city-tx.org>]

**Sent:** Friday, September 11, 2015 1:39 PM

**To:** Ombudsperson <[Ombudsperson@fcc.gov](mailto:Ombudsperson@fcc.gov)>

**Subject:** Fwd: Texas Law 54.201 Questions

Good afternoon, I have been directed to you and hope you could point me in the right direction.

Thanks,

Robert Turner

Sent from my iPhone

Begin forwarded message:

**From:** FCCINFO <[fccinfo@fcc.gov](mailto:fccinfo@fcc.gov)>

**Date:** September 11, 2015 at 12:36:29 PM CDT

**To:** Robert Turner <[rturner@texas-city-tx.org](mailto:rturner@texas-city-tx.org)>

**Subject:** FW: Texas Law 54.201 Questions

Dear Mr. Turner,

Thank you for your e-mail to Chairman Tom Wheeler regarding Open Internet.

Parul P. Desai is to serve as the Open Internet ombudsperson, the public's primary point of contact within the agency for formal and informal questions and complaints related to the Open Internet rules.

The Open Internet rules, adopted by the Commission on February 26, 2015 and effective as of June 12, 2015, established "an ombudsperson to assist consumers, businesses, and organizations with open Internet complaints and questions by ensuring these parties have effective access to the Commission's processes that protect their interests," and specified that the ombudsperson will be housed in CGB, which is the agency's primary initial informal complaint intake point.

The Ombudsperson can be reached at: [ombudsperson@fcc.gov](mailto:ombudsperson@fcc.gov) or 202-418-1155. To file a complaint online, go to [www.fcc.gov/complaints](http://www.fcc.gov/complaints), click "File a Complaint" in the Internet icon, and select "Open Internet" as the issue area.

Thank You

---

**From:** Robert Turner [<mailto:rturner@texas-city-tx.org>]

**Sent:** Thursday, September 10, 2015 5:11 PM

**To:** Tom Wheeler <[Tom.Wheeler@fcc.gov](mailto:Tom.Wheeler@fcc.gov)>

**Subject:** Texas Law 54.201 Questions

Hey sir,

My name is Robert Turner I work with the City of Texas City IT Dept. Recently we have explored the idea of deploying city wide fiber networks and looked at the possibility of extending this to our residents as they can only choose between AT&T and Comcast as

of this moment. I have done some research and noticed Texas prohibits this kind of action. (See Texas 54.201 (<http://law.justia.com/codes/texas/2005/ut/002.00.000054.00.html>)) With the recent rulings on open internet issues and preempting N.C. and TN laws effectively doing the same thing, I wanted to see if Texas was in this lineup also or if it is an entirely different matter.



## Mike Hennigan

---

**From:** Ombudsperson  
**Sent:** Monday, June 20, 2016 5:35 PM  
**To:** (b) (6)  
**Subject:** RE: Telecommunications act of 1996  
**Attachments:** FCC-15-24A1\_Open\_Internet\_Order.pdf; FCC-15-25A1\_Municipal\_Broadband.pdf

Thank you for contacting the FCC's Open Internet Ombudsperson.

The FCC's Open Internet Order (attached) includes rules prohibiting blocking, throttling, and paid prioritization by ISPs. We also require providers to be transparent about their offerings so that consumers can make informed choices when purchasing broadband. Our Open Internet rules, however, do not mandate deployment of broadband in particular areas. The FCC promotes competitive choices at the local level by subsidizing deployment in underserved areas with universal service funds (USF) and recently the FCC preempted two state laws that prevented municipalities from deploying their own broadband networks. See the attached order preempting state laws in Tennessee and North Carolina.

If the wireline broadband options in your area of North Dallas are not be sufficient for your needs in terms of speed, satellite-based and wireless-based broadband may offer higher speeds, albeit likely with a data usage limits.

If you have any additional questions, you are welcome to contact our Consumer Help Center at [consumercomplaints.fcc.gov](http://consumercomplaints.fcc.gov) and/or review the following website about the Open Internet:

<https://www.fcc.gov/consumers/guides/open-internet>

<https://www.fcc.gov/general/open-internet>

Thank you.

| FCC Open Internet Ombudsperson | [ombudsperson@fcc.gov](mailto:ombudsperson@fcc.gov) | (202) 418-1155 |

---

**From:** (b) (6)  
**Sent:** Saturday, June 18, 2016 11:34 PM  
**To:** Ombudsperson  
**Subject:** Telecommunications act of 1996

Forgive my manners, I am not good with introductions

I am just a little confused in regards to this "Telecommunications Act of 1996".

I am currently reside in North Dallas in Texas. I am currently moving to another part of the city. I pay an average of \$44 for 6MB download speed ( high speed internet). The area or part of town I am moving to. The area has many companies that offer different internet speeds at reasonable prices. But of all the companies I have contacted over the phone or by use of a online chat window. As soon as I give any one of these companies my new street address. I get the same response.

*"Sorry, we can not provide these services".*

And they instantly give me a referral to a company that can provide those services. Unfortunately it's the same telecommunications company I use now. Wait a second, I thought this "Telecommunications act of 1996" was to prevent local companies from holding monopolies in their local market. Which would allow a more competitive market to be available to the public.

Anyway, to make a long story short. The only speed available for the area that I am relocating to, Is 768Kbps. And that is with the same internet provider I have now. Even if I find another company that offers faster speeds. I can not choose that company and what they have to offer, because the company I currently use. Controls the market in the area. That just doesn't seem right.

## Mike Hennigan

---

**From:** Ombudsperson  
**Sent:** Tuesday, October 11, 2016 11:40 AM  
**To:** (b) (6)  
**Subject:** RE: Tds throttling internet  
**Attachments:** FCC-15-24A1\_Open\_Internet\_Order.pdf; Open-Internet-Transparency-Rule.pdf

(b) (6) –

Thank you for contacting the Federal Communications Commission's Open Internet Ombudsperson.

As I understand it, you are concerned about speed of the Internet service that TDS is offering to you and whether TDS is throttling your internet access.

Initially, let me say that the FCC is committed to promoting broadband deployment, competition, and consumer choice. We have a number of proceedings that advance these goals and we provide financial support to encourage increased deployment of broadband in underserved areas. That being said, broadband deployment at particular speeds is not required under our Open Internet rules.

Our Open Internet rules, however, require broadband providers to disclose accurate information about the services they offer consumers so that consumers can make informed choices about the broadband services that they purchase. Here is the text of our transparency rule:

### 47 Code of Federal Regulations § 8.3 – Transparency

- *A person engaged in the provision of broadband Internet access service shall publicly disclose accurate information regarding the network management practices, performance, and commercial terms of its broadband Internet access services sufficient for consumers to make informed choices regarding use of such services and for content, application, service, and device providers to develop, market, and maintain Internet offerings.*

For your reference on the transparency rule, I have attached two pdfs to this email: (1) an FCC consumer guide on the transparency rule, and (2) the Open Internet Order, which the Commission adopted in February 2015. See, specifically, paragraphs 23-24, and 154-185 of the Order for discussions of the transparency rule.

Under our rules, an ISP may not throttle your Internet access. Here is the text of our rule against throttling:

- *A person engaged in the provision of broadband Internet access service, insofar as such person is so engaged, shall not impair or degrade lawful Internet traffic on the basis of Internet content, application, or service, or use of a non-harmful device, subject to reasonable network management.*

If you are concerned about the level of service you are receiving from TDS and/or that TDS is violating our rules, you are welcome file a complaint with the FCC's Consumer Help Center. If you file a complaint, we will serve the complaint on TDS and TDS will be legally required to respond to you and us in writing within 30 days.

If you would like to file a complaint, you can use the below link and select "Open Internet" as the "Internet issue" for which you are filing the complaint: [https://consumercomplaints.fcc.gov/hc/en-us/requests/new?ticket\\_form\\_id=38824](https://consumercomplaints.fcc.gov/hc/en-us/requests/new?ticket_form_id=38824)

When filing a complaint, you should specifically describe your concerns, clearly reference the rule that you think may have been violated, and precisely explain why you think a violation of that rule may have occurred with quotation of the rule as appropriate. You are welcome to upload supporting documentation and screen shots of speed tests.



Thank you again for contacting me and if you have any questions, feel free to be in touch.

| FCC Open Internet Ombudsperson | [ombudsperson@fcc.gov](mailto:ombudsperson@fcc.gov) | (202) 418-1155 |

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**From:** (b) (6)

**Sent:** Tuesday, October 04, 2016 6:39 PM

**To:** Ombudsperson

**Subject:** Tds throttleing internet

I have a 1mb connection and im only geting 800kb

Get [Outlook for Android](#)

## Mike Hennigan

---

**From:** Ombudsperson  
**Sent:** Sunday, March 06, 2016 1:39 PM  
**To:** (b) (6)  
**Subject:** RE: Streamlining regulations.

(b) (6)

Thank you for contacting the FCC's Open Internet Ombudsperson. The concerns that you raise below, involving (1) changes to your provider's data usage policies and (2) your provider's metering of your data, relate to the Open Internet. As such, I encourage you to file a complaint with our Consumer Help Center.

If you would like to file a complaint, you can use the below link and select "Open Internet" as the "Internet issue" for which you are filing the complaint: [https://consumercomplaints.fcc.gov/hc/en-us/requests/new?ticket\\_form\\_id=38824](https://consumercomplaints.fcc.gov/hc/en-us/requests/new?ticket_form_id=38824)

If you file a complaint, we will serve your complaint on your provider and our provider will be legally required to respond to you in writing within 30 days. If you file a complaint and you are not satisfied with your provider's response, we can discuss it further.

With regard to the questions you asked, the 2015 Open Internet Order (attached) included a set of requirements regarding enhanced transparency so that consumers are able to know what services they are purchasing. Pasted below is the transparency rule in our 2010 Order (which is still in effect):

- "A person engaged in the provision of broadband Internet access service shall publicly disclose accurate information regarding the network management practices, performance, and commercial terms of its broadband Internet access services sufficient for consumers to make informed choices regarding use of such services and for content, application, service, and device providers to develop, market, and maintain Internet offerings."

Thank you again for your inquiry.

| FCC Open Internet Ombudsperson | [ombudsperson@fcc.gov](mailto:ombudsperson@fcc.gov) | (202) 418-1155 |



FCC-15-24A1\_O...

-----Original Message-----

**From:** (b) (6)  
**Sent:** Friday, March 04, 2016 9:58 AM  
**To:** Ombudsperson <[Ombudsperson@fcc.gov](mailto:Ombudsperson@fcc.gov)>  
**Subject:** Streamlining regulations.

I've recently been made aware that my internet provider has changed the way it sells Internet without any notice. I don't like the fact that I wasn't made aware of this in advance so I could make an informed decision. Instead, I was hit

with a notice that said I was already over my allocated usage and would be penalized. While trying to determine what to do, I had 3 different people from the same company tell me different stories. Is there not a law about giving consumers advance warning about a change in practice?

Also....I question their "metering" of my usage as it seems outrageous. I have an electric meter that I can see running if I leave my lights on, the water company has a meter, the gas company has a meter.....yet this company has no way of verifying what they claim is my usage? Aren't there any rules pertaining to this?

I've had this service for years and never had a usage cap. Now they want to charge me TWICE as much for the same exact service I've had for years.

If there were other options, I'd switch. Unfortunately this company knows this area is hit with poor options so it has targeted us for a cap that MOST parts of the country have never had just because they can and there is no notice until I'm over their cap that I didn't even know existed?!?

In His grace.....



## Mike Hennigan

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**From:** Ombudsperson  
**Sent:** Tuesday, October 11, 2016 10:25 AM  
**To:** (b) (6)  
**Subject:** RE: shared internet  
**Attachments:** FCC-15-24A1\_Open\_Internet\_Order.pdf

(b) (6)

Thank you for contacting the FCC's Open Internet Ombudsperson. Below you raise a concern about the legality of a property owner allowing you to use their internet service.

In February 2015, the FCC adopted the Open Internet Order (attached), which established bright line rules for providers of broadband internet access service (BIAS). The rules also included a premises operator exception for property owners that offer internet access to customers. See paragraph 191 of the Order. This text is pasted below. As such, the Open Internet rules do not apply to premises operators who share their internet access service with patrons.

Thank you.

- "We again decline to apply the open Internet rules to premises operators —such as coffee shops, bookstores, airlines, private end-user networks (e.g. libraries and universities), and other businesses that acquire broadband Internet access service from a broadband provider to enable patrons to access the Internet from their respective establishments—to the extent they may be offering broadband Internet access service as we define it today. We find, as we did in 2010, that a premises operator that purchases BIAS is an end user and that these services "are typically offered by the premise operator as an ancillary benefit to patrons." Further, applying the open Internet rules to the provision of broadband service by premises operators would have a dampening effect on these entities' ability and incentive to offer these services. As such, we do not apply the open Internet rules adopted today to premises operators. The record evinces no significant disagreement with this analysis."

| FCC Open Internet Ombudsperson | [ombudsperson@fcc.gov](mailto:ombudsperson@fcc.gov) | (202) 418-1155 |

---

**From:** (b) (6)  
**Sent:** Wednesday, September 28, 2016 5:35 PM  
**To:** Ombudsperson  
**Subject:** shared internet

Hi

I work in a shared office space. I rent a cubicle from a company. The company allows me to use their broadband internet as part of the services included in my lease. Is this illegal?

Thank you

(b) (6)

## Mike Hennigan

---

**From:** (b) (6)  
**Sent:** Friday, October 23, 2015 1:16 PM  
**To:** Ombudsperson  
**Subject:** Re: Satellite broadband regulations

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Thanks!

On Fri, Oct 23, 2015 at 8:54 AM, Ombudsperson <[Ombudsperson@fcc.gov](mailto:Ombudsperson@fcc.gov)> wrote:

The FCC does not limit the amount of bandwidth that a broadband carrier can provide to its customers. The amount of available bandwidth is determined by that carrier according to the limitations of their network/equipment.

Thank you.

**From:** (b) (6)  
**Sent:** Wednesday, October 21, 2015 6:40 PM  
**To:** Ombudsperson <[Ombudsperson@fcc.gov](mailto:Ombudsperson@fcc.gov)>  
**Subject:** Re: Satellite broadband regulations

I don't want to file a complaint if the FCC is imposing the limits. I do if Dish is just lying about it. Can you point me to the FCC limits or tell me it's a lie?

On Wed, Oct 21, 2015 at 3:24 PM, Ombudsperson <[Ombudsperson@fcc.gov](mailto:Ombudsperson@fcc.gov)> wrote:

Thank you for contacting the FCC's Ombudsperson's Office for Open Internet issues.

If you have not already done so, please file your complaint online.

You can use the below link and select "Open Internet" as the "Internet issue" for which you are filing the complaint:

[https://consumercomplaints.fcc.gov/hc/en-us/requests/new?ticket\\_form\\_id=38824](https://consumercomplaints.fcc.gov/hc/en-us/requests/new?ticket_form_id=38824)

Also of interest may be the following consumer guide:

<https://consumercomplaints.fcc.gov/hc/en-us/articles/204231404-Open-Internet>

Thanks again.

**From:** (b) (6)  
**Sent:** Wednesday, October 21, 2015 5:13 PM  
**To:** Ombudsperson <[Ombudsperson@fcc.gov](mailto:Ombudsperson@fcc.gov)>  
**Subject:** Satellite broadband regulations



Hi, I hope you can help me.

Can you please tell me what the FCC regulations/limits are for satellite broadband internet?

I have Dish satellite internet, and they maintain that their limits are imposed by the FCC and they are working to increase them so they can offer a higher GB limit. After over 5 years of hearing this, I decided to check to see if there actually is an FCC limit. If it is true, who can I talk to to work on changing the rules?

Dish also has no tools where we can monitor our actual usage or check that their numbers are valid. We basically have to trust that their tools and business practices are accurate and honest.

More details:

I have satellite broadband internet service through Dish. I have their highest plan at 15 GB anytime and 15 GB 2am-8am. I work from home and we have a home business, and being as careful as we can while still doing business, we frequently go over our 15 GB limit and have to purchase more. Our monthly bill is \$90 for those first 15 GB, and we pay \$10 per GB over the cap, frequently doubling our monthly bill.

It doesn't appear to be a capacity issue, since when we started with Dish, they "accidentally" weren't metering our usage. We were watching Netflix frequently and watching videos and had only occasional slow-down problems. Once they imposed the limits, we watch no videos, no Netflix, no on-line gaming, limit big downloads to 2am-8am, turned off app updating on our phones, etc. and really limit even going to picture-heavy sites, and we still go over every month.

I feel like this is more a scarcity play that gets Dish more money, so I want to check with you to see what the FCC rules are to see what my options are for improving my service.

Thanks - (b) (6)

--

**Some awesome for your day:**

**There are seven days in the week, and someday isn't one of them. - Unknown**

*Find your awesome at the CopperMoon Advanced Retreat Center*

--

**Some awesome for your day:**

**There are seven days in the week, and someday isn't one of them. - Unknown**

*Find your awesome at the CopperMoon Advanced Retreat Center*



--

Some awesome for your day:

There are seven days in the week, and someday isn't one of them. - Unknown

*Find your awesome* at the CopperMoon Advanced Retreat Center

## Mike Hennigan

---

**From:** Ombudsperson  
**Sent:** Tuesday, November 10, 2015 1:20 PM  
**To:** (b) (6)  
**Subject:** RE: Same Service - Different Cost

(b) (6)

Thank you for your email to the FCC's Open Internet Ombudsperson.

You raised a question about the Open Internet's prohibition on paid prioritization and I left you a message at the number you provided. If you would like to discuss this, please give me a call back at the number below.

| FCC Open Internet Ombudsperson | [ombudsperson@fcc.gov](mailto:ombudsperson@fcc.gov) | (202) 418-1155 |

---

**From:** (b) (6)  
**Sent:** Thursday, November 05, 2015 3:02 PM  
**To:** Ombudsperson  
**Subject:** Same Service - Different Cost

BoostMobile offers LTE internet service at different costs based on the device used.

Smartphone data is at one price and hotspot data is another.

<http://www.boostmobile.com/shop/plans/>

Smartphone Plan:

**Only Boost® grows your data plan.**  
Unlimited talk & text included.

[Learn More](#)

Get up to 3GB of extra high-speed data after 18 on-line payments.

Need a Daily plan? We've got you covered.  
[Shop Daily Plans >](#)

<b>\$30</b> /mo	2GB GROWS TO	<b>5GB</b>
<b>\$35</b> /mo	2GB GROWS TO	<b>5GB</b>
<b>\$45</b> /mo	5GB GROWS TO	<b>8GB</b>
<b>\$60</b> /mo	<b>UNLIMITED</b> 4G LTE HIGH-SPEED DATA	

Hotspot Plan:

## Wi-Fi Hotspot Plans

Wi-Fi at home, Wi-Fi on the go.

Share 10GB of 4G LTE speed.

**\$50** | **10GB**  
month | 3G/4G Data



[Learn More](#)

If you are using a smartphone, and assuming growth to the maximum rate, the per month rates:

\$30 5GB

\$45 8GB

\$60 Unlimited 4G LTE High-Speed Data

Hotspot:

\$25 1.5GB

\$50 10GB

\$55 15GB - Promotional rate to Clear Customers

\$100 30GB - Promotional rate to Clear Customers



Available Monthly Plans

<b>\$25</b> month	<b>1.5GB</b>	<b>\$55</b> month*	<b>15GB</b>
<b>\$50</b> month	<b>10GB</b>	<b>\$100</b> month*	<b>30GB</b>

\*You must call customer care at 1-866-281-0099 to get these plans.

Offer code for \$9.99 Netgear Fuse expires 12/31/2015. \$9.99 price excludes taxes and fees. Device required (sold separately), operates only on the Sprint 4G LTE network. Data access ends when monthly data allowance reached. Prices & offers subject to change without notice & may not be available in all markets/retail locations or for all devices. State & local sales taxes/fees may apply when adding funds to accounts. Coverage not available everywhere. Sprint 4G LTE network reaches over 270 million people. Boost reserves the right to modify, extend or cancel offer at any time. Offer, network use rules & other restrictions apply. See [boostmobile.com](http://boostmobile.com) or in-store materials for details. Screen images simulated. Appearance of device may vary. BOOST, the logo, and other trademarks are trademarks of Boost and may not be used without permission. NETGEAR and the NETGEAR logo are trademarks of NETGEAR, Inc. LTE is a trademark of ETSI. All other marks are the property of their respective owners.

My question:

Is it permissible to charge \$60 for unlimited data to a smartphone and \$100 for 30GB if it is going to a hotspot?

Is this a violation of:

"Paid prioritization: Broadband providers may not favor some Internet traffic in exchange for consideration of any kind"

Can these activities be viewed as paid prioritization for smartphones compared to hotspots? A phone can also be used as a hotspot for an additional fee.

If my interpretation is correct, then I would expect \$60 for unlimited on the hotspot too.

If I am not understanding this, then please help me.

Thank you.

(b) (6)

## Mike Hennigan

---

**From:** (b) (6) >  
**Sent:** Tuesday, April 19, 2016 12:11 PM  
**To:** Ombudsperson  
**Subject:** RE: Request received: Violation of Open Internet 2010 Transparency - Deceptive Trade Practice

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Done, thanks for your help and encouragement, fighting back is hard sometimes.

---

**From:** Ombudsperson [mailto:Ombudsperson@fcc.gov]  
**Sent:** Tuesday, April 19, 2016 10:37 AM  
**To:** (b) (6)  
**Subject:** RE: Request received: Violation of Open Internet 2010 Transparency - Deceptive Trade Practice

(b) (6), add it to the existing complaint. I just checked and internally your ticket is "on-hold," so it should accept your submission. If you have any problems, let me know.

---

**From:** (b) (6)  
**Sent:** Tuesday, April 19, 2016 11:34 AM  
**To:** Ombudsperson <Ombudsperson@fcc.gov>  
**Subject:** RE: Request received: Violation of Open Internet 2010 Transparency - Deceptive Trade Practice

Hey there Michael,

I have logged back in to the web site to respond to the Rise Broadband response, however the status of the complaint reads as closed. Should I add to this closed complaint or file a new one?

Best,

(b) (6)

---

**From:** Ombudsperson [mailto:Ombudsperson@fcc.gov]  
**Sent:** Monday, April 11, 2016 5:12 PM  
**To:** (b) (6)  
**Subject:** RE: Request received: Violation of Open Internet 2010 Transparency - Deceptive Trade Practice

(b) (6) - See attached PN re: broadband disclosure label.

---

**From:** (b) (6)  
**Sent:** Tuesday, April 05, 2016 6:56 PM  
**To:** Ombudsperson <Ombudsperson@fcc.gov>  
**Subject:** RE: Request received: Violation of Open Internet 2010 Transparency - Deceptive Trade Practice

Thanks Michael,

Catch you on Friday.

Best,

(b) (6)

---

**From:** Ombudsperson [mailto:[Ombudsperson@fcc.gov](mailto:Ombudsperson@fcc.gov)]

**Sent:** Tuesday, April 05, 2016 5:53 PM

**To:** (b) (6)

**Subject:** RE: Request received: Violation of Open Internet 2010 Transparency - Deceptive Trade Practice

(b) (6)

Your provider has responded to your complaint - See attached.

Perhaps we can have a call about it on Friday after we've both had a chance to review?

Best –

Michael

| FCC Open Internet Ombudsperson | [ombudsperson@fcc.gov](mailto:ombudsperson@fcc.gov) | (202) 418-1155 |

---

**From:** (b) (6)

**Sent:** Tuesday, March 29, 2016 6:15 PM

**To:** Ombudsperson <[Ombudsperson@fcc.gov](mailto:Ombudsperson@fcc.gov)>

**Subject:** FW: Request received: Violation of Open Internet 2010 Transparency - Deceptive Trade Practice

Hey there Michael,

Complaint has been filed, see below.

Thank you for your assistance.

Best,

(b) (6)

(b) (6)

(b) (6)



---

**From:** FCC [<mailto:consumercomplaints@fcc.gov>]

**Sent:** Tuesday, March 29, 2016 5:14 PM

(b) (6)

**Subject:** Request received: Violation of Open Internet 2010 Transparency - Deceptive Trade Practice

##- Please type your reply above this line -##

(b) (6)

Thank you for your submission. Your request has been received and assigned Ticket No. 883941. Throughout the complaint process, you will receive periodic emails updating you about the status of your complaint.

If you have information to add to your complaint or questions about your complaint, please respond directly to this email.

You can view your complaint by logging in to the FCC's Consumer Help Center using the email you provided in the complaint. To do so, go to: <https://consumercomplaints.fcc.gov/access>.

You can get a password by clicking on the "Get a password" link at: <https://consumercomplaints.fcc.gov/access>.

You can view a list of frequently asked questions at: <https://consumercomplaints.fcc.gov/hc/en-us/articles/205082880>.

Your submission provides the FCC with important information we can use to develop policies to protect consumers, remedy violations of the Communications Act, and encourage future compliance with the law.

Thank you for your help in furthering the FCC's mission on behalf of consumers.

This email is a service from FCC Complaints. Delivered by [Zendesk](#)

## Mike Hennigan

---

**From:** (b) (6)  
**To:** Ombudsperson  
**Subject:** RE: Request received: Violation of Open Internet 2010 Transparency - Deceptive Trade Practice

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Thanks, will do.

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**From:** Ombudsperson [mailto:Ombudsperson@fcc.gov]  
**Sent:** Tuesday, April 19, 2016 10:37 AM  
(b) (6)  
**Subject:** RE: Request received: Violation of Open Internet 2010 Transparency - Deceptive Trade Practice

(b) (6) - Yes, add it to the existing complaint. I just checked and internally your ticket is "on-hold," so it should accept your submission. If you have any problems, let me know.

---

(b) (6)  
**Sent:** Tuesday, April 19, 2016 11:34 AM  
**To:** Ombudsperson <Ombudsperson@fcc.gov>  
**Subject:** RE: Request received: Violation of Open Internet 2010 Transparency - Deceptive Trade Practice

Hey there Michael,

I have logged back in to the web site to respond to the Rise Broadband response, however the status of the complaint reads as closed. Should I add to this closed complaint or file a new one?

Best,

(b) (6)

---

**From:** Ombudsperson [mailto:Ombudsperson@fcc.gov]  
**Sent:** Monday, April 11, 2016 5:12 PM  
(b) (6)  
**Subject:** RE: Request received: Violation of Open Internet 2010 Transparency - Deceptive Trade Practice

(b) (6) See attached PN re: broadband disclosure label.

---

(b) (6)  
**Sent:** Tuesday, April 05, 2016 6:56 PM  
**To:** Ombudsperson <Ombudsperson@fcc.gov>  
**Subject:** RE: Request received: Violation of Open Internet 2010 Transparency - Deceptive Trade Practice

Thanks Michael,

Catch you on Friday.

Best,

(b) (6)

---

**From:** Ombudsperson [<mailto:Ombudsperson@fcc.gov>]

**Sent:** Tuesday, April 05, 2016 5:53 PM

(b) (6)

**Subject:** RE: Request received: Violation of Open Internet 2010 Transparency - Deceptive Trade Practice

Mr. Giblin –

Your provider has responded to your complaint - See attached.

Perhaps we can have a call about it on Friday after we've both had a chance to review?

Best –  
Michael

| FCC Open Internet Ombudsperson | [ombudsperson@fcc.gov](mailto:ombudsperson@fcc.gov) | (202) 418-1155 |

---

**From:** (b) (6)

**Sent:** Tuesday, March 29, 2016 6:15 PM

**To:** Ombudsperson <[Ombudsperson@fcc.gov](mailto:Ombudsperson@fcc.gov)>

**Subject:** FW: Request received: Violation of Open Internet 2010 Transparency - Deceptive Trade Practice

Hey there Michael,

Complaint has been filed, see below.

Thank you for your assistance.

Best,

(b) (6)



(b) (6)



---

**From:** FCC [mailto:consumercomplaints@fcc.gov]

**Sent:** Tuesday, March 29, 2016 5:14 PM

**To:** (b) (6)

**Subject:** Request received: Violation of Open Internet 2010 Transparency - Deceptive Trade Practice

##- Please type your reply above this line -##

Hi R(b) (6)

Thank you for your submission. Your request has been received and assigned Ticket No. 883941. Throughout the complaint process, you will receive periodic emails updating you about the status of your complaint.

If you have information to add to your complaint or questions about your complaint, please respond directly to this email.

You can view your complaint by logging in to the FCC's Consumer Help Center using the email you provided in the complaint. To do so, go to: <https://consumercomplaints.fcc.gov/access>.

You can get a password by clicking on the "Get a password" link at: <https://consumercomplaints.fcc.gov/access>.

You can view a list of frequently asked questions at: <https://consumercomplaints.fcc.gov/hc/en-us/articles/205082880>.

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Thank you for your help in furthering the FCC's mission on behalf of consumers.

This email is a service from FCC Complaints. Delivered by [Zendesk](#)

## Mike Hennigan

---

**From:** Ombudsperson  
**Sent:** Thursday, October 13, 2016 10:04 AM  
**To:** (b) (6)  
**Subject:** RE: Request received: Slow speeds and intermittent outages

(b) (6) – How about today at 2:00 pm eastern / 1:00 pm central?

---

**From:** (b) (6)  
**Sent:** Wednesday, October 12, 2016 5:12 PM  
**To:** Ombudsperson  
**Subject:** RE: Request received: Slow speeds and intermittent outages

Mr. Janson,

Thank you for your reply. Tuesdays and Wednesdays tend to eat my lunch. I am available the rest of the day and all day tomorrow and Friday with the exception of 11-12 AM CT tomorrow.

Regards,

(b) (6)

---

**From:** [ombudsperson@fcc.gov](mailto:ombudsperson@fcc.gov)  
**To:** (b) (6)  
**Subject:** RE: Request received: Slow speeds and intermittent outages  
**Date:** Tue, 11 Oct 2016 15:29:46 +0000

(b) (6) –

Thank you for contacting the FCC's Open Internet Ombudsperson. I understand that you are frustrated about the level of broadband deployment and investment in your community. And I understand that you feel that our informal complaint process has not adequately addressed your concerns.

Would you be available to have a phone call to discuss this with me? If so, what are some days and times that would work for you?

Thank you.

Michael Janson

| FCC Open Internet Ombudsperson | [ombudsperson@fcc.gov](mailto:ombudsperson@fcc.gov) | (202) 418-1155 |

From: (b) (6)  
Sent: Monday, October 03, 2016 12:40 PM  
To: Ombudsperson <Ombudsperson@fcc.gov>  
Subject: FW: Request received: Slow speeds and intermitent outages

I was provided this email by my congressional representative. I am hoping you can help me, as well as my neighbors, out. Below is my third complaint against Verizon/Frontier in the last 6 months. Verizon made no investments in the last 7 years (maybe longer but this is how long I have been living in Caddo Mills) to improve their network. With Verizon at least the service was consistent. Since Frontier took over the speeds are inconsistent and goes out intermittently. Caddo Mills is considered rural by most definitions but is a growing area and my particular property is located less than a 1/2 mile from Interstate 30. This is not some report region of the country that is impossible to reach. Frontier has the access they just refuse to invest and provide us with broadband. Don't they collect money from customers for the purpose of doing providing broadband to rural areas?

The previous two complaints have been closed with no input from me and even if the problem is solved it has been temporary. I really hope you can help push Frontier to do the right thing for its customers.

Regards,

(b) (6)

---

Date: Sat, 24 Sep 2016 18:29:11 +0000  
From: [consumercomplaints@fcc.gov](mailto:consumercomplaints@fcc.gov)  
To: (b) (6)  
Subject: Request received: Slow speeds and intermitent outages

✉ - Please type your reply above this line - ✉

Hi (b) (6)

Thank you for your submission. Your request has been received and assigned Ticket No. 1217634. Throughout the complaint process, you will receive periodic emails updating you about the status of your complaint. If you have information to add to your complaint or questions about your complaint, please respond directly to this email.

You can view your complaint by logging in to the FCC's Consumer Help Center using the email you provided in the complaint. To do so, go to: <https://consumercomplaints.fcc.gov/access>.

You can get a password by clicking on the "Get a password" link at: <https://consumercomplaints.fcc.gov/access>.

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Thank you for your help in furthering the FCC's mission on behalf of consumers.

This email is a service from FCC Complaints. Delivered by [Zendesk](#)



## Mike Hennigan

---

**From:** Ombudsperson  
**Sent:** Tuesday, October 11, 2016 11:30 AM  
**To:** (b) (6)  
**Subject:** RE: Request received: Slow speeds and intermittent outages

(b) (6) -

Thank you for contacting the FCC's Open Internet Ombudsperson. I understand that you are frustrated about the level of broadband deployment and investment in your community. And I understand that you feel that our informal complaint process has not adequately addressed your concerns.

Would you be available to have a phone call to discuss this with me? If so, what are some days and times that would work for you?

Thank you.

Michael Janson

| FCC Open Internet Ombudsperson | [ombudsperson@fcc.gov](mailto:ombudsperson@fcc.gov) | (202) 418-1155 |

---

**From:** (b) (6)  
**Sent:** Monday, October 03, 2016 12:40 PM  
**To:** Ombudsperson  
**Subject:** FW: Request received: Slow speeds and intermittent outages

I was provided this email by my congressional representative. I am hoping you can help me, as well as my neighbors, out. Below is my third complaint against Verizon/Frontier in the last 6 months. Verizon made no investments in the last 7 years (maybe longer but this is how long I have been living in Caddo Mills) to improve their network. With Verizon at least the service was consistent. Since Frontier took over the speeds are inconsistent and goes out intermittently. Caddo Mills is considered rural by most definitions but is a growing area and my particular property is located less than a 1/2 mile from Interstate 30. This is not some report region of the country that is impossible to reach. Frontier has the access they just refuse to invest and provide us with broadband. Don't they collect money from customers for the purpose of doing providing broadband to rural areas?

The previous two complaints have been closed with no input from me and even if the problem is solved it has been temporary. I really hope you can help push Frontier to do the right thing for its customers.

Regards,

(b) (6)

Date: Sat, 24 Sep 2016 18:29:11 +0000

From: [consumercomplaints@fcc.gov](mailto:consumercomplaints@fcc.gov)

To: (b) (6)

Subject: Request received: Slow speeds and intermitent outages

##- Please type your reply above this line ->#

Hi (b) (6),

Thank you for your submission. Your request has been received and assigned Ticket No. 1217634. Throughout the complaint process, you will receive periodic emails updating you about the status of your complaint.

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This email is a service from FCC Complaints. Delivered by [Zendesk](#)

## Mike Hennigan

---

**From:** Ombudsperson  
**Sent:** Thursday, October 13, 2016 11:22 AM  
**To:** ja (b) (6)  
**Subject:** RE: Request received: Slow speeds and intermittent outages

Ok – I'll call you at (b) (6) today at 2:00 pm eastern / 1:00 pm central.

---

**From:** (b) (6)  
**Sent:** Thursday, October 13, 2016 11:01 AM  
**To:** Ombudsperson  
**Subject:** RE: Request received: Slow speeds and intermittent outages

Sounds good. You can reach me at (b) (6).

---

**From:** [Ombudsperson@fcc.gov](mailto:Ombudsperson@fcc.gov)  
**To:** (b) (6)  
**Subject:** RE: Request received: Slow speeds and intermittent outages  
**Date:** Thu, 13 Oct 2016 14:04:08 +0000

(b) (6) – How about today at 2:00 pm eastern / 1:00 pm central?

---

**From:** (b) (6)  
**Sent:** Wednesday, October 12, 2016 5:12 PM  
**To:** Ombudsperson <[Ombudsperson@fcc.gov](mailto:Ombudsperson@fcc.gov)>  
**Subject:** RE: Request received: Slow speeds and intermittent outages

Mr. Janson,

Thank you for your reply. Tuesdays and Wednesdays tend to eat my lunch. I am available the rest of the day and all day tomorrow and Friday with the exception of 11-12 AM CT tomorrow.

Regards,

(b) (6)

---

**From:** [Ombudsperson@fcc.gov](mailto:Ombudsperson@fcc.gov)  
**To:** (b) (6)  
**Subject:** RE: Request received: Slow speeds and intermittent outages  
**Date:** Tue, 11 Oct 2016 15:29:46 +0000

(b) (6) –

Thank you for contacting the FCC's Open Internet Ombudsperson. I understand that you are frustrated about the level of broadband deployment and investment in your community. And I understand that you feel that our informal complaint process has not adequately addressed your concerns.



Would you be available to have a phone call to discuss this with me? If so, what are some days and times that would work for you?

Thank you.

Michael Janson

| FCC Open Internet Ombudsperson | [ombudsperson@fcc.gov](mailto:ombudsperson@fcc.gov) | (202) 418-1155 |

---

**From:** (b) (6)  
**Sent:** Monday, October 03, 2016 12:40 PM  
**To:** Ombudsperson <[Ombudsperson@fcc.gov](mailto:Ombudsperson@fcc.gov)>  
**Subject:** FW: Request received: Slow speeds and intermitent outages

I was provided this email by my congressional representative. I am hoping you can help me, as well as my neighbors, out. Below is my third complaint against Verizon/Frontier in the last 6 months. Verizon made no investments in the last 7 years (maybe longer but this is how long I have been living in Caddo Mills) to improve their network. With Verizon at least the service was consistent. Since Frontier took over the speeds are inconsistent and goes out intermittently. Caddo Mills is considered rural by most definitions but is a growing area and my particular property is located less than a 1/2 mile from Interstate 30. This is not some report region of the country that is impossible to reach. Frontier has the access they just refuse to invest and provide us with broadband. Don't they collect money from customers for the purpose of doing providing broadband to rural areas?

The previous two complaints have been closed with no input from me and even if the problem is solved it has been temporary. I really hope you can help push Frontier to do the right thing for its customers.

Regards,

(b) (6)

---

**Date:** Sat, 24 Sep 2016 18:29:11 +0000  
**From:** [consumercomplaints@fcc.gov](mailto:consumercomplaints@fcc.gov)  
**To:** (b) (6)  
**Subject:** Request received: Slow speeds and intermitent outages

\*\*\* Please type your reply above this line -# #

Hi (b) (6)

Thank you for your submission. Your request has been received and assigned Ticket No. 1217634. Throughout the complaint process, you will receive periodic emails updating you about the status of your complaint.

If you have information to add to your complaint or questions about your complaint, please respond directly to this email.

You can view your complaint by logging in to the FCC's Consumer Help Center using the email you provided in the complaint. To do so, go to: <https://consumercomplaints.fcc.gov/access>.

You can get a password by clicking on the "Get a password" link at: <https://consumercomplaints.fcc.gov/access>.

You can view a list of frequently asked questions at: <https://consumercomplaints.fcc.gov/hc/en->

[us/articles/205082880](https://www.fcc.gov/ur/communications/205082880).

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Thank you for your help in furthering the FCC's mission on behalf of consumers.

---

This email is a service from FCC Complaints. Delivered by [Zendesk](#)

## Mike Hennigan

---

**From:** Ombudsperson  
**Sent:** Friday, July 22, 2016 3:10 PM  
**To:** (b) (6)  
**Subject:** RE: Request received: Internet Access for all New Residences in 71407  
**Attachments:** 478636\_FCC\_Response\_Maxey\_2015\_09\_02\_13173\_ID2016353.pdf; 1042377 - (b) (6) FCC Response.pdf; Open-Internet-Transparency-Rule.pdf; FCC-15-24A1\_Open\_Internet\_Order.pdf

(b) (6) –

You can log into the system where you filed your complaint and indicate that you are submitting a “rebuttal” to your provider’s response. The Consumer Help Center will evaluate your response and may serve your rebuttal on your provider. If so, your provider will have 14 days to respond to your rebuttal in writing.

Although I understand that you see inaccuracies in their response (as in did they contact you on the 28th), in addition to mentioning these concerns, I would encourage you to be specific in your rebuttal about how you think your provider’s policies violate our rules, how you see your provider has not responding to the concerns that you raised in this complaint and the one you filed last year (#478636), and how you think AT&T should address your concerns, specifically. With regard to the complaint you filed last year (pdf of response attached), it looks like part of the response was cut and pasted into the response to your most recent complaint (also attached). It is unclear to me what the response means with regard to “two prior cases” as I only see one prior complaint in our system. It may be helpful to your provider and us if you clarified this and explained, specifically, how your concerns have not be addressed if these responses.

As I may have mentioned before, the FCC is committed to promoting broadband deployment, competition, and consumer choice. We have a number of proceedings that advance these goals and we provide financial support to encourage increased deployment of broadband in underserved areas. That being said, broadband deployment at particular speeds or with particular technologies is not required under our Open Internet rules.

Our Open Internet rules, however, require broadband providers to disclose accurate information about the services they offer consumers so that consumers can make informed choices about the broadband services that they purchase. Here is the text of our transparency rule:

### 47 Code of Federal Regulations § 8.3 – Transparency

- “A person engaged in the provision of broadband Internet access service shall publicly disclose accurate information regarding the network management practices, performance, and commercial terms of its broadband Internet access services sufficient for consumers to make informed choices regarding use of such services and for content, application, service, and device providers to develop, market, and maintain Internet offerings.”

For your reference on the transparency rule, I have attached two pdfs to this email: (1) an FCC consumer guide on the transparency rule, and (2) the Open Internet Order, which the Commission adopted in February 2015. See, specifically, paragraphs 23-24, and 154-185 of the Order for discussions of the transparency rule. If you feel as though your provider is violating our transparency rule by not accurately disclosing the speeds that you are receiving, you should state why with specificity and with reference to our transparency rule.

Best –  
Michael

---

**From:** (b) (6)  
**Sent:** Friday, July 22, 2016 2:07 PM  
**To:** Ombudsperson  
**Subject:** Re: Request received: Internet Access for all New Residences in 71407

Michael,

Thanks for sending me the response. I also received the letter in the mail. However, the AT&T response was not accurate on multiple levels.

1) I was not contacted on 6/28/16.



2) No voicemail was received from them.

3) My "issues" have not been addressed.

4) No contact information was provided.

Therefore, AT&T has misled the FCC in this response letter. What are the next steps?

Thanks.

(b)

---

**From:** Ombudsperson <[Ombudsperson@fcc.gov](mailto:Ombudsperson@fcc.gov)>

**Sent:** Thursday, July 21, 2016 4:08 PM

**To:** (b) (6)

**Subject:** RE: Request received: Internet Access for all New Residences in 71407

(b) –

Your provider responded to your complaint today and the response is attached to this email.

If you have any questions, let me know.

Best –

Michael

---

**From:** (b) (6)

**Sent:** Tuesday, July 19, 2016 12:04 PM

**To:** Ombudsperson <[Ombudsperson@fcc.gov](mailto:Ombudsperson@fcc.gov)>

**Subject:** Re: Request received: Internet Access for all New Residences in 71407

Hi Michael,

It's been over 30 days now, and I haven't heard anything. Have you?

Thanks.

(b)

On Jun 17, 2016, at 1:47 PM, Ombudsperson <[Ombudsperson@fcc.gov](mailto:Ombudsperson@fcc.gov)> wrote:

(b) –

Thank you for letting me know.

I've been in touch with our Consumer Help Center and your complaint was served on AT&T today. We should receive a written response within 30 days and we can talk again once the provider responds.

Thanks –

Michael

| FCC Open Internet Ombudsperson | [ombudsperson@fcc.gov](mailto:ombudsperson@fcc.gov) | (202) 418-1155 |

---

**From:** (b) (6)

**Sent:** Friday, June 17, 2016 2:23 PM

**To:** Ombudsperson <[Ombudsperson@fcc.gov](mailto:Ombudsperson@fcc.gov)>

**Subject:** Fwd: Request received: Internet Access for all New Residences in 71407

Please see attached per our discussion earlier.

Begin forwarded message:

**From:** FCC <[consumercomplaints@fcc.gov](mailto:consumercomplaints@fcc.gov)>

**Date:** June 17, 2016 at 1:17:49 PM CDT

**To:** (b) (6)

**Subject:** Request received: Internet Access for all New Residences in 71407

**Reply-To:** FCC <[consumercomplaints@fcc.gov](mailto:consumercomplaints@fcc.gov)>

# # # Please type your reply above this line ~# #

Hi (b)

Thank you for your submission. Your request has been received and assigned Ticket No. 1042377. Throughout the complaint process, you will receive periodic emails updating you about the status of your complaint.

If you have information to add to your complaint or questions about your complaint, please respond directly to this email.

You can view your complaint by logging in to the FCC's Consumer Help Center using the email you provided in the complaint. To do so, go to:

<https://consumercomplaints.fcc.gov/access>.

You can get a password by clicking on the "Get a password" link at:

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<https://consumercomplaints.fcc.gov/hc/en-us/articles/205082880>.

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This email is a service from FCC Complaints. Delivered by [Zendesk](#)

## Mike Hennigan

---

**From:** (b) [REDACTED]  
**Sent:** Friday, October 21, 2016 5:01 PM  
**To:** Ombudsperson  
**Subject:** Re: Request received: Blocked Access to Webmail.roadrunner.com thru AT&T Uverse

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Michael,

Our event will not be published because it basically is by invitation only. The date is Saturday, Dec 3rd, our first event day. We start that morning and our schedule is to break for lunch at noon.

I have just been very busy which is why I have not followed up on the problem and because I have a temporary solution.

When I have some time I do plan on following up.

On Friday, October 21, 2016, Ombudsperson <[Ombudsperson@fcc.gov](mailto:Ombudsperson@fcc.gov)> wrote:

(b) (6)

Thank you very much for the invitation! One clarification – did you mean December 4<sup>th</sup> (Sunday) or 5<sup>th</sup> (Monday)? I don't see event listings for December 3<sup>rd</sup> on the online schedule. Or would this be at a pre-conference event on the 3<sup>rd</sup>?

Regarding your ongoing issues with AT&T – I am sorry to hear about this. I have looked at your complaint ticket and the response from AT&T. It does not appear as though AT&T explained why you can't access your TWC email. Did the technician explain why? If not, you can file a rebuttal in the system on that basis and we can ask AT&T to respond to you in writing on that specific point within 14 days.

Thanks –

Michael

**From:** (b) (6) [REDACTED]  
**Sent:** Friday, October 21, 2016 11:39 AM  
**To:** Ombudsperson <[Ombudsperson@fcc.gov](mailto:Ombudsperson@fcc.gov)>  
**Cc:** (b) (6) [REDACTED]  
**Subject:** Request received: Blocked Access to [Webmail.roadrunner.com](http://Webmail.roadrunner.com) thru AT&T Uverse

Michael,

A couple of comments:

You are hereby invited to speak at our IEEE meeting at lunch on Dec 3rd at the Washington DC Hilton Hotel just blocks from the DuPont Circle. Please be there at 12 noon and enjoy lunch with us and then say a little to



the group about your function at the FCC and the Open Internet Policy. Exact room location will be provided as I get that information.

Next, my AT&T problem still persists at my home. To provide a temporary fix, I installed Time Warner Wifi in my house, thus giving me two separate wifi sources. Of course no problem in accessing the needed webmail sites thru the Time Warner wifi. I was telling one of my IEEE associates yesterday and he said he had the identical U-verse setup in his home, located about 5 miles away from my home and that he would test it there. Well, guess what, it worked fine at his home. So the problem is closer to my area. AT&T's last words to me is that they would stay working on this until it was fixed!!!!!!!

Any thoughts?

On Thursday, October 6, 2016, (b) (6) wrote:

(b)

(6)

Please use: (b) (6) for sending me emails.

My previous email address (b) (6) is no longer active.

Begin forwarded message:

**From:** Ombudsperson <[Ombudsperson@fcc.gov](mailto:Ombudsperson@fcc.gov)>

**Date:** October 5, 2016 at 8:57:54 AM CDT

**To:** (b) (6)

**Subject:** RE: Request received: Blocked Access to [Webmail.roadrunner.com](http://Webmail.roadrunner.com) thru AT&T Uverse

(b) (6) -

If you find AT&T's response inadequate, you can file a rebuttal in our system and AT&T will have to respond to that in 14 days. If you would like additional information about this process, let me know and we'll set up a time to talk. There's also some other steps that you can take if you want to discuss those.

**From:** (b) (6)

**Sent:** Tuesday, October 04, 2016 10:00 PM

**To:** Ombudsperson <[Ombudsperson@fcc.gov](mailto:Ombudsperson@fcc.gov)>

**Cc:** (b) (6)

**Subject:** Re: Request received: Blocked Access to [Webmail.roadrunner.com](http://Webmail.roadrunner.com) thru AT&T Uverse

As of 8:54 pm, Oct 4th, the problem persists. I was amazed to receive a request for the name of my email addresses so that a possible "work around" could be explored, but I did not even respond as that process is "no way to run a company" or fix a known problem. I am also surprised that apparently nothing has been done since last Wednesday. .

I am looking at having to drop AT&T due to the non-resolution to this complaint. They are putting me at quite a disadvantage in my being able to easily and effectively conducting my activities.

(b) [REDACTED]

On Tue, Oct 4, 2016 at 3:45 PM, Ombudsperson <[Ombudsperson@fcc.gov](mailto:Ombudsperson@fcc.gov)> wrote:

(b) [REDACTED] -

AT&T responded to your complaint. See attached. If you would like to discuss further, please be in touch.

Michael

---

**From:** Ombudsperson

**Sent:** Tuesday, September 27, 2016 6:39 PM

**To:** "T [REDACTED]"

**Subject:** RE: Request received: Blocked Access to [Webmail.roadrunner.com](http://Webmail.roadrunner.com) thru AT&T Uverse

(b) [REDACTED] -

Your complaint was served on AT&T today and AT&T is required to respond in writing to you and the FCC within 30 days.

Thanks -

Michael

**From:** (b) (6) [REDACTED]

**Sent:** Monday, September 26, 2016 4:40 PM

**To:** Ombudsperson <[Ombudsperson@fcc.gov](mailto:Ombudsperson@fcc.gov)>

**Subject:** Fwd: Request received: Blocked Access to [Webmail.roadrunner.com](http://Webmail.roadrunner.com) thru AT&T Uverse

Hope that this explains the situation.

(b) [REDACTED]

----- Forwarded message -----

**From:** FCC <[consumercomplaints@fcc.gov](mailto:consumercomplaints@fcc.gov)>

**Date:** Mon, Sep 26, 2016 at 3:36 PM

**Subject:** Request received: Blocked Access to [Webmail.roadrunner.com](http://Webmail.roadrunner.com) thru AT&T Uverse

**To:** (b) (6) [REDACTED]

##- Please type your reply above this line -##

Hi (b) (6),

Thank you for your submission. Your request has been received and assigned Ticket No. 1220340. Throughout the complaint process, you will receive periodic emails updating you about the status of your complaint.

If you have information to add to your complaint or questions about your complaint, please respond directly to this email.

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Thank you for your help in furthering the FCC's mission on behalf of consumers.

This email is a service from FCC Complaints. Delivered by [Zendesk](#)

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(b)

(6)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



(b)  
(6)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(b)  
(6)

[REDACTED]

[REDACTED]

[REDACTED]

(b)  
(6)

[REDACTED]

[REDACTED]

[REDACTED]

## Mike Hennigan

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**From:** Ombudsperson  
**Sent:** Friday, October 21, 2016 1:33 PM  
**To:** (b) [REDACTED]  
**Subject:** RE: Request received: Blocked Access to Webmail.roadrunner.com thru AT&T Uverse

(b) [REDACTED] -

Thank you very much for the invitation! One clarification – did you mean December 4<sup>th</sup> (Sunday) or 5<sup>th</sup> (Monday)? I don't see event listings for December 3<sup>rd</sup> on the online schedule. Or would this be at a pre-conference event on the 3<sup>rd</sup>?

Regarding your ongoing issues with AT&T – I am sorry to hear about this. I have looked at your complaint ticket and the response from AT&T. It does not appear as though AT&T explained why you can't access your TWC email. Did the technician explain why? If not, you can file a rebuttal in the system on that basis and we can ask AT&T to respond to you in writing on that specific point within 14 days.

Thanks –  
Michael

**From:** (b) (6) [REDACTED]  
**Sent:** Friday, October 21, 2016 11:39 AM  
**To:** Ombudsperson  
**Cc:** (b) [REDACTED]  
**Subject:** Request received: Blocked Access to Webmail.roadrunner.com thru AT&T Uverse

Michael,

A couple of comments:

You are hereby invited to speak at our IEEE meeting at lunch on Dec 3rd at the Washington DC Hilton Hotel just blocks from the DuPont Circle. Please be there at 12 noon and enjoy lunch with us and then say a little to the group about your function at the FCC and the Open Internet Policy. Exact room location will be provided as I get that information.

Next, my AT&T problem still persists at my home. To provide a temporary fix, I installed Time Warner Wifi in my house, thus giving me two separate wifi sources. Of course no problem in accessing the needed webmail sites thru the Time Warner wifi. I was telling one of my IEEE associates yesterday and he said he had the identical U-verse setup in his home, located about 5 miles away from my home and that he would test it there. Well, guess what, it worked fine at his home. So the problem is closer to my area. AT&T's last words to me is that they would stay working on this until it was fixed!!!!!!!

Any thoughts?

On Thursday, October 6, 2016, (b) (6) [REDACTED] wrote:

(b)  
(6)  
(b) (6)

Please use: (b) (6) for sending me emails.

My previous email address (b) (6) is no longer active.

Begin forwarded message:

**From:** Ombudsperson <[Ombudsperson@fcc.gov](mailto:Ombudsperson@fcc.gov)>  
**Date:** October 5, 2016 at 8:57:54 AM CDT  
**To:** (b) (6)  
**Subject:** RE: Request received: Blocked Access to [Webmail.roadrunner.com](http://Webmail.roadrunner.com) thru AT&T Uverse

(b) (6)

If you find AT&T's response inadequate, you can file a rebuttal in our system and AT&T will have to respond to that in 14 days. If you would like additional information about this process, let me know and we'll set up a time to talk. There's also some other steps that you can take if you want to discuss those.

**From:** (b) (6)  
**Sent:** Tuesday, October 04, 2016 10:00 PM  
**To:** Ombudsperson <[Ombudsperson@fcc.gov](mailto:Ombudsperson@fcc.gov)>  
**Cc:** (b) (6)  
**Subject:** Re: Request received: Blocked Access to [Webmail.roadrunner.com](http://Webmail.roadrunner.com) thru AT&T Uverse

As of 8:54 pm, Oct 4th, the problem persists. I was amazed to receive a request for the name of my email addresses so that a possible "work around" could be explored, but I did not even respond as that process is "no way to run a company" or fix a known problem. I am also surprised that apparently nothing has been done since last Wednesday. .



I am looking at having to drop AT&T due to the non-resolution to this complaint. They are putting me at quite a disadvantage in my being able to easily and effectively conducting my activities.

(b)

On Tue, Oct 4, 2016 at 3:45 PM, Ombudsperson <[Ombudsperson@fcc.gov](mailto:Ombudsperson@fcc.gov)> wrote:

(b) –

AT&T responded to your complaint. See attached. If you would like to discuss further, please be in touch.

Michael

---

**From:** Ombudsperson

**Sent:** Tuesday, September 27, 2016 6:39 PM

**To:** (b) (6)

**Subject:** RE: Request received: Blocked Access to [Webmail.roadrunner.com](http://Webmail.roadrunner.com) thru AT&T Uverse

(b) (6) –

Your complaint was served on AT&T today and AT&T is required to respond in writing to you and the FCC within 30 days.

Thanks –

Michael

**From:** (b) [REDACTED]  
**Sent:** Monday, September 26, 2016 4:40 PM  
**To:** Ombudsperson <[Ombudsperson@fcc.gov](mailto:Ombudsperson@fcc.gov)>  
**Subject:** Fwd: Request received: Blocked Access to [Webmail.roadrunner.com](http://Webmail.roadrunner.com) thru AT&T Uverse

Hope that this explains the situation.

(b) [REDACTED]

----- Forwarded message -----

**From:** FCC <[consumercomplaints@fcc.gov](mailto:consumercomplaints@fcc.gov)>  
**Date:** Mon, Sep 26, 2016 at 3:36 PM  
**Subject:** Request received: Blocked Access to [Webmail.roadrunner.com](http://Webmail.roadrunner.com) thru AT&T Uverse  
**To:** S Atkinson (b) (6) [REDACTED]

== Please type your reply above this line ==

Hi (b) (6) [REDACTED]

Thank you for your submission. Your request has been received and assigned Ticket No. 1220340. Throughout the complaint process, you will receive periodic emails updating you about the status of your complaint.

If you have information to add to your complaint or questions about your complaint, please respond directly to this email.

You can view your complaint by logging in to the FCC's Consumer Help Center using the email you provided in the complaint. To do so, go to: <https://consumercomplaints.fcc.gov/access>.

You can get a password by clicking on the "Get a password" link at:  
<https://consumercomplaints.fcc.gov/access>.

You can view a list of frequently asked questions at: <https://consumercomplaints.fcc.gov/hc/en-us/articles/205082880>.

Your submission provides the FCC with important information we can use to develop policies to protect consumers, remedy violations of the Communications Act, and encourage future compliance with the law.

Thank you for your help in furthering the FCC's mission on behalf of consumers.

This email is a service from FCC Complaints. Delivered by [Zendesk](#)

--

(b)  
(6)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

--

(b)

(b) (6)

[REDACTED]

[REDACTED]

[REDACTED]

(b)



(b) (6) [REDACTED]

[REDACTED]

[REDACTED]

## Mike Hennigan

---

**From:** Ombudsperson  
**Sent:** Tuesday, June 16, 2015 1:28 PM  
**To:** Michaels, Charles  
**Cc:** Petersen, Doug  
**Subject:** RE: Request for resolution: Comcast slowing FTP traffic; denies doing so.

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi Mr. Michaels,

Thank you for your email. If you have not already done so, please file your complaint online.

You can use the below link and select "Open Internet" as the "Internet issue" for which you are filing the complaint:  
[https://consumercomplaints.fcc.gov/hc/en-us/requests/new?ticket\\_form\\_id=38824](https://consumercomplaints.fcc.gov/hc/en-us/requests/new?ticket_form_id=38824)

-----Original Message-----

**From:** Michaels, Charles [mailto:CMichaels@wlrn.org]  
**Sent:** Tuesday, June 16, 2015 9:44 AM  
**To:** Ombudsperson  
**Cc:** Petersen, Doug  
**Subject:** Request for resolution: Comcast slowing FTP traffic; denies doing so.

Dear Parul Desai or responsible parties;

For about 4 months, WLRN Public Radio and Television has been in actively complaining and asking Comcast to please stop purposely slowing down FTP (File Transfer Protocol) transfers on their circuits branded "Business Class High Speed Internet." They have sent several technicians that always try to sell you "the faster plan" when in fact we do not need it. They always claim they do not limit bandwidth even when faced with the facts to their faces on a laptop! They have stopped taking our phone calls and are currently avoiding us.

They are in essence traffic shaping so that even though Web/email/Netflix is optimised for the bandwidth we pay for, what we really need gets throttled back to 12% of allowed bandwidth. We are in the radio and TV business and it takes us 26 HOURS to upload one programme for closed captioning!! We have resorted to shipping drives out to our captioning service because it is FASTER than Comcast!

This is very unethical and a great example of an vicious monopoly at work. We have contracts with Comcast that they are not honouring and we have no recourse left other than legal, which considering Comcast legal muscle, is a slim option. We appeal to the FCC for resolution and hope you can help us with these unethical tactics employed by not only Comcast, but AT&T as well. They are doing the exact same thing on our WiFi circuit, we discovered it upon weeks of testing, which we can produce upon request.

We look forward to your reply.

Thank you for your time.

Charles D. Michaels, BSEE

IT Administration Director  
WLRN PUBLIC RADIO & TV  
172 NE 15TH ST  
MIAMI, FL 33132  
<http://www.wlrn.org/>

Sent from my iOS Mobile



## Mike Hennigan

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**From:** (b) [REDACTED]  
**Sent:** Friday, September 25, 2015 9:36 PM  
**To:** Ombudsperson  
**Cc:** (b) (6) [REDACTED]  
**Subject:** Re: Request for FCC assistance in the matter of Oceanic Time Warner Cable (ASN 20001 and 6534) overselling broadband capacity

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

I have filed several FCC complaints and they are (in turn) served on OTWC. But the OTWC response is entirely non-responsive other than to assert they are providing a "Best Effort" service.

How is it that several millions of network measurements by dedicated network health measurement probes — in 6 different OTWC subscriber houses — cannot garner a technical response from OTWC nor the FCC to investigate further? What Federal Agency should I contact — such that they have the technical staffing to review the public network measurements from [atlas.ripe.net](http://atlas.ripe.net) and [SamKnows.com](http://SamKnows.com) — and then to compel OTWC to either acknowledge the oversold capacity and make proper investments to meet broadband subscriber needs, or to compel OTWC to give up their exclusive franchise and use of public infrastructure for the purposes of overselling their broadband service.

Please advise,

.. (b) [REDACTED]

On Sep 25, 2015, at 16:59, Ombudsperson <[Ombudsperson@fcc.gov](mailto:Ombudsperson@fcc.gov)> wrote:

Thank you for contacting the Ombudsperson for Open Internet issues.

If you have not already done so, please file your complaint online.

You may access the FCC's Consumer Help Center, for filing complaints, at the following URL/web site:

<https://consumercomplaints.fcc.gov>

Also of interest may be the following consumer guide:

<https://consumercomplaints.fcc.gov/hc/en-us/articles/204231404-Open-Internet>

Thanks again.

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**From:** (b) (6) [REDACTED]  
**Sent:** Monday, September 21, 2015 5:47 PM  
**To:** Ombudsperson <[Ombudsperson@fcc.gov](mailto:Ombudsperson@fcc.gov)>  
**Cc:** (b) (6) [REDACTED]  
**Subject:** Request for FCC assistance in the matter of Oceanic Time Warner Cable (ASN 20001 and 6534) overselling broadband capacity

## # SUMMARY:

OTWC is overselling broadband capacity to approximately 600 broadband subscribers in Hana, Hawaii – whose estimated annual gross return to OTWC is \$252,000. OTWC maximizes their annual net return by restricting on-site service technicians to once-a-week service calls and under-investing in plant maintenance and networking infrastructure such that the broadband service to Hana, HI is (1) frequently unavailable at multiple times throughout the day, (2) suffers significant packet drop or delay and (3) on the occasions where there is a physical plant issue, it is not uncommon for individuals to be without service for one week or more.

The result is that businesses cannot rely upon the broadband service, Hana schools lost a Bill and Melinda Gates grant due to inadequate broadband capacity & reliability, and OTWC's service provisioning ensures there is no reliable broadband alternative to the exclusive CableTV franchise services.

NOTE: I have filed FCC complaints – complete with network measurements and analysis. OTWC's responses to date are non-technical generalities that are dismissive of the complaint, because OTWC is providing "best effort" service.

## # REQUEST TO FCC:

- 1) Will the FCC assign a qualified technical staff member to evaluate public broadband network measurements – by dedicated network measurement hardware from [atlas.ripe.net](http://atlas.ripe.net) and SamKnows devices – to confirm whether or not OTWC broadband service to Hana, HI is under-provisioned relative to demand?;
- 2) Will the FCC provide a broadband network demand model, and then use that model to conduct a top to bottom broadband delivery systems review of OTWC broadband service to Hana to determine whether or not there is a significant capital barrier that stops OTWC from addressing under-provisioned service to subscribers in Hana, HI – both in terms of current demand and future demand in 2 years time?;
- 3) Will the FCC compel OTWC to provide equal broadband service – such as e911 & VOIP and business-level broadband services – to residents in Hana, HI – as OTWC provides to its subscribers in other service areas of Hawaii?; and
- 4) OTWC declares they are providing "best effort" service whereas a OTWC service manager employee told me that OTWC is fully aware – for years – of signaling and other problems that degrade broadband delivery specifically to the residents in Hana, HI. To reconcile OTWC's public assertion with internal quality of service facts, will the FCC compel OTWC to publish the broadband Quality of Service metrics since 2012 :
  - OSI level 1 and 2 metrics of service to reach OTWC central plant (e.g., are there significant signal ingress on cable lines – as noted at the CMTS at the Hana airport ... or not?);
  - OSI level 3 metrics (UDP/TCP IP) such as 1 minute average packet drop, packet delay, download/upload speed per Hana subscriber - for essential paths to reach OTWC central switching at their facility in Oahu?
  - Since 2012, both forced and planned service outage history of all equipment that is required to deliver broadband service to Hana, HI



# # BACKGROUND:

I am a resident in Hana, on the island of Maui, HI. Since 2010 or so, I have subscribed to Oceanic Time Warner Cable's (OTWC) broadband internet service. OTWC is granted an exclusive franchise for CableTV by the State of Hawaii and they also provide broadband to residents in Hana.

Since well before 2012, my monthly broadband service by OTWC has been and continues to be unpredictably inconsistent — even though I pay the same monthly service fee as OTWC broadband subscribers in other areas of Hawaii.

In 2012, I deployed 2 dedicated network measurement probes from [atlas.ripe.net](http://atlas.ripe.net) and then in 2013, 2014 and 2015, I deployed another 3 dedicated [atlas.ripe.net](http://atlas.ripe.net) probes and three FCC approved [SamKnows.com](http://SamKnows.com) devices at OTWC broadband subscriber houses in Hana, HI and other locations on Maui. And, unlike the [SamKnows.com](http://SamKnows.com) devices, I do have access to another 9 [atlas.ripe.net](http://atlas.ripe.net) probes deployed in other OTWC broadband service areas in Hawaii so as to run comparative measurements that make clear the OTWC service to Hana, HI is well below the quality of service OTWC provides to other service areas. (NOTE: [atlas.ripe.net](http://atlas.ripe.net) and [SamKnows.com](http://SamKnows.com) collect an overlap of fundamental network measurements, such as RTT delay and packet drop, but understand the [atlas.ripe.net](http://atlas.ripe.net) probes conduct 44 or so tests for each measurement type per hour, whereas the [SamKnows.com](http://SamKnows.com) devices conduct two measurements. That means the [atlas.ripe.net](http://atlas.ripe.net) network probes are more “aware” of packet drop rates and packet delay than [SamKnows.com](http://SamKnows.com) measurements)

# # PUBLIC DATA MEASUREMENTS:

## # OTWC

- ASN : 20001 and 6534
- Microwave backhaul from Hana, HI to fiber tie-in. See FCC callsigns WQQS791, WQQW415

## # SamKnows probes in Hana, HI

- [SamKnows.com](http://SamKnows.com) units : 28854, 557590, 557588

## # [atlas.ripe.net](http://atlas.ripe.net) network measurement probes in Hana

- [atlas.ripe.net](http://atlas.ripe.net) probes : 1165, 1178, 16065



NOTE: SamKnows RTT samples look to be 2 samples an hour. [Atlas.ripe.net](https://atlas.ripe.net) measurements are 3 tests averaged every 240 seconds. To learn more, see <https://atlas.ripe.net/docs>

## # Video highlighting packet drop and excessive RTT delay

`https://vimeo.com/138534309`

password : `'(b) (6)'`

NOTE: Source data for the RTT measures displayed in the video :

`"2015_09_16_atlas.ripe.net__2ndHop.txt"`

## # Public documents provided to State of Hawaii DCCA

- 2014-07-14 Network analysis
- 2015-09-15 Network analysis

## Mike Hennigan

---

**From:** Ombudsperson  
**Sent:** Wednesday, July 15, 2015 3:25 PM  
**To:** (b) (6)  
**Subject:** RE: REQUEST #374923

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi (b) (6)

Since you have already filed a complaint, please contact 1-888-225-5322 to get a status regarding your informal complaint filing.

Additionally, you may inquire about filing a rebuttal, to the original complaint that was filed. You may file the rebuttal if you find that the response, provided by the carrier, was unsatisfactory/was not received by you/unclear.

Thank you.

---

**From:** (b) (6)  
**Sent:** Wednesday, July 15, 2015 3:46 AM  
**To:** Ombudsperson; Consumer Complaints; Tom Wheeler; Mike ORIelly; Ajit Pai; Jessica Rosenworcel  
**Subject:** Re: REQUEST #374923

Evening,

I have already done what you have said. I am beginning to believe no one actually reads these emails or complaints. It seems as though it is only forwarded to the ISP and you let them handle it. Where is the oversight on to what the ISP does to fix the issue? I have made the complaints and all I have received was a phone call for over 2 months, just 1 call. Nothing has changed nor have I received any indication or even reasons to when the issue will be fixed and why it is like this. Please read my emails and complaints thoroughly so all these issues can be addressed.

Thanks,

(b) (6)

On Tuesday, July 14, 2015 10:14 AM, Ombudsperson <[Ombudsperson@fcc.gov](mailto:Ombudsperson@fcc.gov)> wrote:

Thank you for your email (b) (6),

If you have a specific complaint regarding the Open Internet, you may file your complaint online.

You can use the below link and select "Open Internet" as the " Internet issue" for which you are filing the complaint:

[https://consumercomplaints.fcc.gov/hc/en-us/requests/new?ticket\\_form\\_id=38824](https://consumercomplaints.fcc.gov/hc/en-us/requests/new?ticket_form_id=38824)

Thanks again.



**From:** (b) (6)

**Sent:** Thursday, July 09, 2015 3:32 AM

**To:** Ombudsperson

**Cc:** Tom Wheeler; Mike Orielly; Ajit Pai; Jessica Rosenworcel; Jessica Rosenworcel

**Subject:** REQUEST #374923

Good evening,

As per the Open Internet Bill, The order also includes provisions to protect consumer privacy and to ensure that Internet service is available to people with disabilities and in remote areas. So please tell me why we are being left out? As I said in my latest reply on the FCC website, I have talked to the President of TelAlaska and I received no information which would give me understanding of why we must live with such unrealistic internet services. There must be a solution to our situation! If Telalaska on their own cannot provide this then it is up to the FCC under it's new rules to help provide assistance to this service as we are in a remote area. To quote a man that has been the face of the Open internet and has put the ISP's in their place and says that the internet is "too important to let broadband providers be the ones making the rules." Tom Wheeler. Like for instance in Section 254- promotes the deployment and availability of communications networks to all Americans, including rural and low-income Americans—furthering our goals of more and better broadband.

So I ask you again, if the FCC are the ones making the rules and the rules say that ISP's cannot throttle our internet because it can basically block out their competitors for content, such as Amazon.com for watching movies, Netflix or HBO online. Wouldn't this also apply to broadband speeds and or data caps that are unreasonably low? If the speed or bandwidth "data cap" is limited then we are forced to order PPV or order services such as the HBO channel or Cinemax. I hope that we can move towards a solution because on top of high price we pay for our only entertainment here we are facing high rental for living and basically high price of everything. Most importantly, we want what everyone else has. We want better internet so we can feel apart of the rest of the US and not feel as if we are left far behind.

My suggestions, would be to provide some type of Federal grant for Fiber optic connection. Either by running Fiber line up to the Kenai Fiber line or the line that is supposed to come from Japan and up through the Arctic. I know it is a long shot but at least I can say I tried to make things better.

Thank you again for you time and attention,

(b) (6)



## Mike Hennigan

---

**From:** Ombudsperson  
**Sent:** Tuesday, March 29, 2016 5:46 PM  
**To:** (b) (6) Ombudsperson  
**Subject:** RE: Reply and thank you

**Importance:** High

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

(b) (6)

I am not certain if you received the phone number, from Michael.....

(b) (6) has filed 7 complaints in the CHC.

His phone number is listed as: (b) (6)

Thanks,

Robin

-----Original Message-----

**From:** (b) (6)  
**Sent:** Friday, March 25, 2016 2:18 PM  
**To:** Ombudsperson <Ombudsperson@fcc.gov>  
**Subject:** RE: Reply and thank you

Gladly will, I do not see a number in his correspondence. Do you have one by chance?

-----Original Message-----

**From:** Ombudsperson  
**Sent:** Friday, March 25, 2016 12:22 PM  
**To:** (b) (6)  
**Subject:** FW: Reply and thank you

(b) (6) - Could you follow up with (b) (6)? This also seems like an interesting case. I would think your broadcast background would be useful with this one. Thanks.

-----Original Message-----

**From:** (b) (6)  
**Sent:** Monday, March 21, 2016 1:54 PM  
**To:** Ombudsperson <Ombudsperson@fcc.gov>  
**Cc:** (b) (6)  
**Subject:** Reply and thank you

Hello.

Thank you much for your response below.

I would be available to talk about matters mentioned, at your convenience.

The topics I mentioned are of a general nature and do not immediately and directly affect me, although indirectly they do affect me in the sense that when ISP's allow customers unlimited usage or no data caps in respect of their customers' using services like Pandora, IHeart or Spotify, they discriminate against small media that broadcast over the internet, as data caps are imposed on ISP customers that use smaller internet music services like mine.

Thus, it is understandable that small media become invisible and enjoy little or no exposure, given such circumstances.

In essence, therefore, they have almost no chance to compete or for their broadcasts to be heard by more than a few listeners.

This process not only violates the letter and the spirit of an Open Internet, in my opinion, but it tends to accelerate the process of the concentration of the media into fewer hands.

For reference, I broadcast digital music, news and commentary.

In addition, please note that I pay royalties for the broadcasting of copyright-protected material. The royalty collecting entities to which I make payments are: ASCAP, BMI, SESAC and SoundExchange.

With regard to audio news feeds, I pay a subscription fee to rebroadcast those feeds.

I operate under the terms of the compulsory statutory license for non-subscription, non-interactive services, pursuant to the DMCA.

In addition, I have enclosed in this email a copy of an email I just sent to the Commissioners of the FCC regarding the Charter-Time Warner application to merge.

I include this, as I think the growing concentration of ownership of media and of internet service providers affects or intersects with the issue of Net Neutrality.

In my opinion, all of these issues are interrelated and should be addressed as part of a whole.

Thank you again for your reply and for your consideration.

Respectfully,

(b) (6)

On Mon, Mar 14, 2016 at 10:56 AM, Ombudsperson wrote:

> [REDACTED]

>

> Thank you for contacting the FCC's Open Internet Ombudsperson. Below  
> you raise concerns about sponsored data (a.k.a. "zero-rating") and the  
> potential effects of sponsored data on small media providers, like  
> yourself.

> I very much appreciate you bringing your concern to my attention. If  
> you have not already filed a complaint with our Consumer Help Center,

> I encourage you to do so: If you would like to file a complaint, you  
> can use the below link and select "Open Internet" as the "Internet  
> issue" for which you are filing the complaint:  
> [https://consumercomplaints.fcc.gov/hc/en-us/requests/new?ticket\\_form\\_id=38824](https://consumercomplaints.fcc.gov/hc/en-us/requests/new?ticket_form_id=38824) Consumer complaints create a record for the FCC of consumer  
> concerns and may be utilized to inform decision making.  
> Additionally, we would be interested in having a phone call with you  
> to get a better sense of your specific concerns, as a small content  
> provider, with the sponsored data programs that you mentioned below.  
> Would you be available for a phone call this week?  
> Thank you.

>  
> | FCC Open Internet Ombudsperson | [ombudsperson@fcc.gov](mailto:ombudsperson@fcc.gov) | (202)  
> 418-1155 |

> -----Original Message-----

> From: (b) (6) Sent: Friday,  
> March 11, 2016 4:57 PM  
> To: Ombudsperson Cc: (b) (6)  
> Subject: Re: Reported violations of Net Neutrality

>  
> Mr. Michael Janson  
> Open Internet Ombudsperson  
> FCC

> Dear Mr. Janson

>  
> I would like to take this opportunity to express my concern about what  
> are being described as various instances of violations of Net  
> Neutrality by a number of telecoms.

>  
> Recently I received emailed messages that relay information about  
> various companies in the context of those rules.

>  
> According to the email, Comcast has been engaging in methods that  
> "favor its own content over competing streaming video apps by imposing  
> data caps in select markets and exempting its own video app Stream TV  
> from those caps."

>  
> In addition, according to Comcast's internal customer service  
> guidelines, these caps are not about network congestion but about what  
> that company refers to as "fairness".

>  
> Where Verizon and AT&T are concerned, discrimination takes the form of  
> allowing their customers unlimited caps with regard to favored content  
> providers, while imposing data transfer caps on their customers who  
> use content providers that are not favored.

>  
> For example, when a telecom allows its customers unlimited caps for  
> using Pandora or Spotify, in practical terms, it discriminates against



> small to medium-sized internet music services and internet-only radio  
> stations.  
>  
> For the customer of the ISP the choice already has been made: If the  
> customer wants to avoid expensive overage fees, then she or he would  
> have incentive to use Pandora or Spotify compared to smaller services.  
>  
> Small or medium content providers must pay exorbitant fees in order to  
> overcome this disparity. For many this is an impossible obstacle.  
>  
> T-Mobile's "Binge On" program allows the customer unlimited access to  
> favored streaming companies like Netflix, Hulu and Amazon.  
>  
> While other entities are eligible to apply for inclusion in Binge On,  
> the hurdles for qualifying are substantial.  
>  
> These aspects are important to me, as for the past ten years I have  
> operated a small internet-only service.  
>  
> It is difficult enough for my service to get included in directories  
> like iTunes and Windows Media Guide, and there is some reason to  
> believe that these directories will be ceasing their operations.  
>  
> Given the obstacles mentioned above, it is nearly impossible for new,  
> small media to compete or to have a fair chance to succeed.  
>  
> For these reasons and because I think the internet is much too  
> important to be left to the discretion of the telecoms, I urge you to  
> investigate these violations and to ensure that Net Neutrality rules  
> are observed and enforced.  
>  
> Thank you for your consideration.  
>  
> Respectfully,  
>  
> (b) (6)  
>  
>  
>  
>  
>

## Mike Hennigan

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**From:** (b) (6)  
**Sent:** Tuesday, May 03, 2016 5:27 PM  
**To:** Ombudsperson  
**Subject:** Re: Regarding Your Inquiry About Filing A Formal Complaint Against TMobile: 14-C00462919 & 14-C00566066

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Can the FCC show that in any way this long journey have done anything but further marginalize me as a customer and undermine the decency and fairness that all users deserve. How can it be shown that any assistance has been provided? Why is it that I do not have mobile service that is as described and as my original terms indicated and that was advertised to me, how do I end up worse off by communicating in this medium with the supposed regulatory body? A large corporation can deliberately, inaccurately and wrongfully damage my credit, fraudulently advertise and then sway regulators? What are you guys doing to our country? Put yourself in our shoes.

Respectfully,

(b) (6)

On 03/11/2016 04:05 PM, Ombudsperson wrote:

(b) (6)  
The goal of the FCC's informal complaint process is to make it easy for consumers to file complaints about telecommunications services and for service providers to address those complaints. This process also helps to ensure that, even when a service provider's actions do not violate any applicable Commission rule, the provider knows how its customers feel about practices and policies that consumers believe are harmful to them.

In this instance, you have had the opportunity to discuss your concerns with FCC staff and your provider has responded to you in writing. I have personally discussed your individual concerns with other FCC staff and it appears as though the credit report issue, which you and I discussed in November 2015, has been resolved. According to your provider's letter dated February 10, 2016, your provider requested that all negative information related to them be deleted from your credit file and your provider has confirmed that the information was in fact deleted from your file. If the negative information is still on your credit report, you may need to contact the three credit reporting bureaus mentioned in your provider's letter.

We regret that you were not satisfied with your provider's most recent responses and the attempts by FCC staff to facilitate a more satisfactory resolution for you. I understand that you may remain frustrated with your provider. You will, however, receive no further status updates on your informal complaint from FCC staff. You may wish to pursue your desired remedy through the court system or other appropriate legal action.

Below you asked us to forward your complaint to the FTC. You are welcome to file a complaint with the FTC here: <https://www.ftccomplaintassistant.gov/>

I want to thank you again for bringing your concerns to us.

| FCC Open Internet Ombudsperson | [ombudsperson@fcc.gov](mailto:ombudsperson@fcc.gov) | (202) 418-1155 |

**From:** (b) (6)

**Sent:** Monday, March 07, 2016 7:07 PM

**To:** Ombudsperson



**Subject:** Re: Regarding Your Inquiry About Filing A Formal Complaint Against TMobile: 14-C00462919 & 14-C00566066

Thank you for your response and you are correct it LOOKS like the issue is resolved, however the credit report issue is simple a distraction from the core issue that initiated the problem which is the fraudulent, false marketing of "unlimited" and "truly unlimited" data service. T-Mobile created the issue of the credit report, which is perverse enough by itself that a large corporation can damage an individual's credit with impunity as a misdirection technique and essentially have not repercussions for such an act. The issue I have raised and continue to raise is that I was once a "unlimited loyalty" customer with unlimited service and subsequently the service was limited, throttled or otherwise adulterated or changed such that I was told I needed a "truly unlimited" plan which upon testing was in actuality not unlimited. I have been without stable mobility services since this issue, which has persisted for some time. This issue is remarkable similar if not exactly the same as the issue which has been litigated between the FTC and AT&T regarding unlimited data. I have suggested reasonable resolutions and none has been provided, please request the payment history or my account and what plan type was provisioned. I am asking for a remedy from an agency who represents me as a consumer and citizen and I have waited an appropriate period for a resolution to a legitimate grievance. Please execute a reasonable solution to this problem. Additionally I have taken the letter to multiple corporate and non-corporate retail stores and no employee knows what to make of it based on the language that is there. If necessary I can send the email correspondence from one of those employees to their managers.

Respectfully,

(b) (6)

On 03/01/2016 11:36 PM, Ombudsperson wrote:

(b) (6)

Reading the recent letter that you forwarded, it looks as though the account balance issue was resolved and the credit report issue should likewise have been resolved. From your email below, it sounds as though you are still having difficulties.

Could you be more specific on what the current issue is now, in light of the letter from February 10? And what further specifically would be needed to resolve your concerns?

With regard to the FTC, you can file a complaint with the FTC here:

<https://www.ftccomplaintassistant.gov/>

Thank you.

| FCC Open Internet Ombudsperson| [ombudsperson@fcc.gov](mailto:ombudsperson@fcc.gov) | (202) 418-1155 |

**From:** (b) (6)

**Sent:** Tuesday, March 01, 2016 12:28 PM

**To:** Ombudsperson

**Subject:** Re: Regarding Your Inquiry About Filing A Formal Complaint Against TMobile: 14-C00462919 & 14-C00566066

I have tried my best for a resolution to this issue. I have received the attached from T-Mobile and I have taken it by several retail (corporate) store and one non-corporate store and am unable to access the account number, have staff determine what to do or achieve any resolution. I have been without stable mobile service for a very long time, it's perverse to have to fight this battle with a large corporate giant as an individual who is shut out of participating in any normal mobility or solutions in this space. How is it acceptable for an entity to proceed in this manner when I have asked for respectful and reasonable resolutions. Can you please



forward my complaint to the FTC that at least from a citizen or layperson's perspective is doing something meaningful to help individuals like myself? Please help!

Respectfully,

(b) (6)

On 11/17/2015 12:32 PM, (b) (6) wrote:

Certainly, and I am very appreciative of your time. Yes, I confirm for 4:30 today if that works for your schedule.

On 11/17/2015 12:19 PM, Ombudsperson wrote:

(b) (6) –

Would you have time to discuss this today or tomorrow at 4:30 pm? If neither time will work for you, please propose some times that will.

| FCC Open Internet Ombudsperson|  
[ombudsperson@fcc.gov](mailto:ombudsperson@fcc.gov) | (202) 418-1155 |

**From:** (b) (6)

[mailto:(b) (6)]

**Sent:** Friday, November 13, 2015 10:44 AM

**To:** Ombudsperson

**Subject:** Re: Regarding Your Inquiry About Filing  
A Formal Complaint Against T-Mobile: 14-  
C00462919 & 14-C00566066

Thank you for your response. I wanted to give Ms. Bridgham time to resolve the problem once again but to date the issue and problems are still outstanding. In short the crux of the issue was that T-Mobile did not uphold its obligations and also fraudulently marketed the service as "unlimited" and also a later plan as "truly unlimited" when the former plan was lacking, when in fact neither can be shown to be unlimited in any way once tested in actuality. Despite my timely payment history over a 10 year period to T-Mobile (over a decade) because of this contractual and advertising dispute and complaint which has been outlined in detail (including lawfully collected voice recordings, images, and written correspondence that I can make available) T-Mobile decided to misdirect attention from the "unlimited" issue with false invoicing and false credit reporting which they wrote would be remedied but which has not been despite the email I will forward shortly. I have proposed a resolution and would like to seek the very reasonable resolution or continue with a formal complaint. Thank you again for your time and consideration. If you would like to schedule a call at your convenience I would be glad to speak with you any

time.

Respectfully,

(b) (6)

On 11/03/2015 03:17 PM, Ombudsperson wrote:

(b) (6) —

Thank you for contacting the FCC's Open Internet Ombudsperson.

I have spoken with Ms. Bridgham about your billing and credit report concerns and I expect her to reach out to shortly. Hopefully this issue can be resolved soon. If not, please be in touch.

With regard to your concerns about your provider's unlimited contracts mentioned in your email on 10/29, I am uncertain as to your specific concern. Have you filed an informal complaint about this particular issue? And are you available to discuss it further on the phone with me?

| FCC Open Internet Ombudsperson|  
[ombudsperson@fcc.gov](mailto:ombudsperson@fcc.gov) | (202) 418-1155 |

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**From:** (b) (6)

**Sent:** Thursday, October 29, 2015 4:52 PM

**To:** Ombudsperson

**Subject:** Fwd: Re: Regarding Your Inquiry About Filing A Formal Complaint Against T-Mobile: 14-C00462919 & 14-C00566066

Dear Ombudsperson,

I have a circumstance where T-Mobile has marketed their unlimited serviced and even their "truly unlimited service" which I paid for and did not receive. The details of the matter and factual substantiation of my claims are in the complaint numbers provided. Further T-Mobile erroneously billed, falsely reported to credit reporting agencies, and wrote that they subsequently resolved (removed the error in reporting) but as I found

subsequently when I applied for my first mortgage that they are the only negative item on my credit report and that contrary to what they have relayed to myself and the FCC, it (the erroneous reporting to credit agencies) still remains on the report and they indeed erroneously reported it. I have suggested all along that this was done to obfuscate the real issue of their own contractual violations and fraudulent marketing practices. I would like to file a formal complaint if there is no resolution to this. I was a normal, happy, timely paying customer for over a decade until T-Mobile decided to sell "unlimited" contracts that are not actually "unlimited". I have expressed the sentiment in detail to FCC officials and to T-Mobile and some of the evidence is provided but I would like to submit the lawfully collected recordings and other evidence of my claims. My long standing efforts have fallen on deaf ears and I have been shown little quarter in terms of a fitting resolution and have been repeatedly lied to by this carrier. Further enforcement officials have not produced a resolution. Thank you for your time and consideration.

Respectfully,

(b) (6)

----- Forwarded Message -----

**Subject:**Re: Regarding Your Inquiry About Filing A Formal Complaint Against  
14-C00566066

**Date:**Thu, 29 Oct 2015 15:49:57 -0400

**From:**(b) (6)

**To:**Tracy Bridgham

Ms. Bridgham, I respect your work on this and I know you respect the time I have put into this as well. Where do I stand on this? It is not too much as this point to expect a resolution. Please advise.



Sincerely,

(b) (6)

On 10/28/2015 05:06 PM, (b) (6)

(b) (6) wrote:

Is there a remedy for this? Can we get together with T-Mobile and see if there is a resolution? Otherwise I feel the need to seek counsel and continue with the formal complaint process immediately.

Thanks for your help.

Respectfully,

(b) (6)

On 10/22/2015 10:17

PM, (b) (6)

wrote:

Thank  
you for  
the  
email  
and for  
all  
your  
assista  
nce.

Respec  
tfully,

(b) (6)

On  
10/22/  
2015  
09:23  
PM,  
Tracy  
Bridgh  
am  
wrote:

T  
h

## Mike Hennigan

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**From:** Ombudsperson  
**Sent:** Friday, April 29, 2016 9:46 AM  
**To:** (b) (6)  
**Subject:** RE: Rebuttal response

(b) (6)

Yes, I endeavored to email you the information yesterday but unfortunately got caught up in a few meetings. I'll should be able to send the information to you this morning.

And yes – I'm looking forward to talking again next Monday at 3:00 pm central time. I'll be in touch soon.

Best –  
Michael

---

**From:** (b) (6)  
**Sent:** Thursday, April 28, 2016 8:54 PM  
**To:** Ombudsperson  
**Subject:** Re: Rebuttal response

Michael:

I want to confirm my understanding that you are going to email to me the information I have been requesting, identifying the applicable law, including statutes, regulations or procedures. You indicated you wanted to call me again next Monday, at 3pm CDST.

Respectfully,

(b) (6)

**From:** Ombudsperson  
**Sent:** Thursday, April 28, 2016 11:00 AM  
**To:** (b) (6)  
**Subject:** Rebuttal response

(b) (6) – Your provider's response to your rebuttal is attached.

## Mike Hennigan

---

**From:** (b) (6)  
**Sent:** Thursday, April 28, 2016 8:54 PM  
**To:** Ombudsperson  
**Subject:** Re: Rebuttal response

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Michael:

I want to confirm my understanding that you are going to email to me the information I have been requesting, identifying the applicable law, including statutes, regulations or procedures. You indicated you wanted to call me again next Monday, at 3pm CDST.

Respectfully,

(b) (6)

**From:** Ombudsperson

**Sent:** Thursday, April 28, 2016 11:00 AM

**To:** (b) (6)

**Subject:** Rebuttal response

(b) (6) – Your provider's response to your rebuttal is attached.

| FCC Open Internet Ombudsperson | [ombudsperson@fcc.gov](mailto:ombudsperson@fcc.gov) | (202) 418-1155 |



## Mike Hennigan

---

**From:** Ombudsperson  
**Sent:** Friday, October 21, 2016 8:20 AM  
**To:** Thomas C Knudson  
**Subject:** RE: real issues with our local telco

Mr. Knudson –

We have announced enforcement actions involving Open Internet related issues, with one such announcement occurring earlier this week: <https://www.fcc.gov/document/fcc-reaches-48m-settlement-t-mobile-over-%C2%91unlimited-data-plans>

You are welcome to avail yourself of our process for addressing Open Internet-related concerns, and if you have specific questions about the process, I can answer those questions. We streamlined the formal complaint process for Open Internet-related issues and we have, as explained below, a staff-assisted mediation process available.

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**From:** Thomas C Knudson [mailto:tck@tksinc.us]  
**Sent:** Thursday, October 20, 2016 6:46 PM  
**To:** Ombudsperson  
**Subject:** RE: real issues with our local telco

I mainly am asking if you are serious about the rules you are implementing, and if you plan on / or have any ability of enforcing them? As I quoted you rule to them, they acknowledged knowing it better than, and the responded that they were going to charge me 3 and 1/2 as much as fair. Further they stated in writing, after that that I was forbidden from reselling their services, which they stated was 3 1/2 times the going rate as it was for resale.

Sent via the Samsung Galaxy Note® 4, an AT&T 4G LTE smartphone

----- Original message -----

**From:** Ombudsperson <[Ombudsperson@fcc.gov](mailto:Ombudsperson@fcc.gov)>  
**Date:** 10/20/16 11:09 (GMT-10:00)  
**To:** [tck@tksinc.us](mailto:tck@tksinc.us)  
**Subject:** RE: real issues with our local telco

Talking in early November is fine. In the meanwhile, the information I sent below is self-explanatory and if you want to avail yourself of our staff-assisted mediation, you can get that process started before we talk on the phone.

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**From:** [tck@tksinc.us](mailto:tck@tksinc.us) [<mailto:tck@tksinc.us>]  
**Sent:** Thursday, October 20, 2016 4:58 PM  
**To:** Ombudsperson <[Ombudsperson@fcc.gov](mailto:Ombudsperson@fcc.gov)>  
**Subject:** RE: real issues with our local telco

I am in Hawaii until the 28<sup>th</sup>, and then I would be in a position to talk to you and give details,

Can we make contact about 10/29/2016?

Sent from Mail for Windows 10

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**From:** Ombudsperson  
**Sent:** Thursday, October 20, 2016 2:32 PM  
**To:** Thomas Knudson  
**Subject:** RE: real issues with our local telco

Mr. Knudson –

I just tried to call you at your number below. If you would like to talk on the phone, let me know and we can arrange for a time to talk.

The FCC's informal complaint process may not lead to further progress in addressing your concerns and staff-assisted mediation of your complaint may be a productive avenue, particularly as this appears to be a business-to-business issue. I have seen FCC staff-assisted mediations successfully resolve a number of business-to-business disputes in the telecommunications marketplace. Here is the information on how to request a staff-assisted mediation with our Market Disputes and Resolutions Division (MDRD):

- To request FCC staff-assisted mediation, the complaining party can submit a letter to the Chief of the Market Disputes Resolution Division, Christopher Killion, FCC, 445 12th Street SW, Washington, DC 20554, describing the alleged violation of our rules. There is no fee associated with submitting a mediation request. The letter should include the name of the provider, a statement of relevant facts, an explanation of why you think our rules have been broken, and the relief that you are seeking.

- The mediation request will likely be shared with your provider, so it should be a formal letter that makes clear how you think our rules have been violated, *with citation to the relevant rules and quotation of our rules as appropriate*, and what would be an appropriate resolution of this issue in your view. You are welcome to submit supporting evidence.

You can email your mediation request directly to Christopher Killion, the Division Chief of MDRD, at [Christopher.Killion@fcc.gov](mailto:Christopher.Killion@fcc.gov). After you have emailed your request to MDRD, please forward me a copy of the email so that I can make sure that it is handled properly.

If you have any additional questions now or after you've been in touch with MDRD about mediation, feel free to be in touch with me.

Best –

Michael

| FCC Open Internet Ombudsperson | [ombudsperson@fcc.gov](mailto:ombudsperson@fcc.gov) | (202) 418-1155 |

---

**From:** Thomas Knudson [<mailto:tck@tksinc.us>]  
**Sent:** Wednesday, October 12, 2016 7:22 AM  
**To:** Ombudsperson <[Ombudsperson@fcc.gov](mailto:Ombudsperson@fcc.gov)>  
**Subject:** real issues with our local telco

<https://www.fcc.gov/general/open-internet>

states a lot of protections for ISP's from the local telco's

We are continually being harassed and threatened by our local Telco,

And now we are told we are going to be totally shut off on Jan 31st, 2017



We are in an area where we have no other options,

We have invested \$3,000,000.00 and now it will all be destroyed if we cannot get protection from our local telco,

We put in a complaint to the fcc on prior date and now they are retaliating.

Where do we go for help or protection?

We are a small family owned business and cannot afford big lawyers etc, and if we do not get help immediately we will be out of business.

Telco's we offered huge financial support from the government that we were not. We were promised that they would extend those benefits derived from them to us, they have not.

I look forward to any advice or help you can give me,

Thomas Knudson

TKS Internet Service

Hi-Speed.us LLC

PO Box 3311

Colorado City, Arizona 86021-3311

Historical

Mr. Knudson,

Thanks for the Open Internet rule. I am very aware of the FCC rules.

Please recall the fact pattern...you requested a quote, we gave you a quote, you refused the quote.

I will be out of the office for the remainder of the day.

*Michael R. East*

*President and Chief Executive Officer*

*South Central Communications*

*435-644-0110*

**From:** Thomas Knudson [<mailto:tck@tksinc.us>]

**Sent:** Monday, November 02, 2015 7:58 AM

**To:** Michael East; [luke@socen.com](mailto:luke@socen.com); Coy Wadsworth; [todd@socen.com](mailto:todd@socen.com)

**Subject:** Red lettered portion of this email is in direct violation off FCC ruling of Feb 26,2015

FYI

<https://www.fcc.gov/openinternet>

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**(b) Obligations of all local exchange carriers**

Each local exchange carrier has the following duties:

**(1) Resale**

The duty not to prohibit, and not to impose unreasonable or discriminatory conditions or limitations on telecommunications services.

**(2) Number portability**

**From:** Michael East [<mailto:michaele@socen.com>]  
**Sent:** Wednesday, October 28, 2015 11:06 AM  
**To:** Thomas Knudson <[tck@tksinc.us](mailto:tck@tksinc.us)>  
**Cc:** Luke Geddes <[LukeG@socen.com](mailto:LukeG@socen.com)>  
**Subject:** RE: Quote for Service

Mr. Knudson:

Are you requesting a proposal for an additional 1 gig pipe from Tonaquint data center to Centennial Park? If that is the case, yes Luke can provide you a proposal. Would you like an additional 1 gig of bandwidth with that as well, or just the 1 gig pipe?

If however, you are asking for a proposal for a 1 gig pipe from Tonaquint data center to Centennial Park as a replacement for the current circuits that you have under an agreement, then I do not know if I am willing to do that as that was not 1 of the 3 options I provided. Please let me know so we can respond accordingly.

Regarding the pricing, I am going to extremely honest with you. South Central Communications is not generally a wholesale provider of services. As you know, we provide Internet connectivity and enterprise services to end user customers. We have a very vast and robust network that we utilize to provide those services. In this case, we are being asked to provide services to someone who is going to be a direct competitor to us. As such, we include all network and facility costs that go into providing those services and therefore charge a premium for that wholesale service. In this case that premium is 3.5 times as you pointed out.

*Michael R. East*

*President and Chief Executive Officer*

*South Central Communications*

*435-644-0110*

**From:** Thomas Knudson [<mailto:tck@tksinc.us>]  
**Sent:** Wednesday, October 28, 2015 9:47 AM  
**To:** Michael East  
**Cc:** [luke@socen.com](mailto:luke@socen.com)  
**Subject:** FW: Quote for Service



To add a single port to the metrolink, (which we were supposed to have in our original agreement),

You are proposing to add \$2250.00 per month, Our quote with South Central was for approximately 650.00 per month per port,

Why is current proposal at 3.5 times that?

Can you get me a proposal for a 1 gig pipe from Tonaquint data center to Centennial park?

**From:** Luke Geddes [<mailto:LukeG@socen.com>]

**Sent:** Tuesday, October 27, 2015 4:44 PM

**To:** Thomas Knudson <[tek@tksinc.us](mailto:tek@tksinc.us)>

**Cc:** Michael East <[michaele@socen.com](mailto:michaele@socen.com)>

**Subject:** Quote for Service

Mr. Knudson,

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Best Regards,

*Luke Geddes*

*Director of Operations Non-Regulated*

*South Central Communications*

*(435) 263-0750*



Thomas Knudson

TKS Internet Service

Hi-Speed.us, LLC

10450 South Eastern Avenue

Henderson Nevada 89052

435-467-8467

## Mike Hennigan

---

**From:** Ombudsperson  
**Sent:** Thursday, October 20, 2016 4:33 PM  
**To:** Thomas Knudson  
**Subject:** RE: real issues with our local telco

Mr. Knudson –

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If you have any additional questions now or after you've been in touch with MDRD about mediation, feel free to be in touch with me.

Best –  
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| FCC Open Internet Ombudsperson | [ombudsperson@fcc.gov](mailto:ombudsperson@fcc.gov) | (202) 418-1155 |

---

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**To:** Ombudsperson  
**Subject:** real issues with our local telco

<https://www.fcc.gov/general/open-internet>



states a lot of protections for ISP's from the local telco's  
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Hi-Speed.us LLC  
PO Box 3311  
Colorado City, Arizona 86021-3311

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*South Central Communications*  
*435-644-0110*

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**Subject:** Red lettered portion of this email is in direct violation off FCC ruling of Feb 26,2015

FYI

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**Cc:** Luke Geddes <[LukeG@socen.com](mailto:LukeG@socen.com)>

**Subject:** RE: Quote for Service

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*Michael R. East*

*President and Chief Executive Officer*

*South Central Communications*

*435-644-0110*

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**To:** Michael East

**Cc:** [luke@socen.com](mailto:luke@socen.com)

**Subject:** FW: Quote for Service

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**To:** Thomas Knudson <[tck@tksinc.us](mailto:tck@tksinc.us)>

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**Subject:** Quote for Service

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Best Regards,

*Luke Geddes*

*Director of Operations Non-Regulated*

*South Central Communications*

*(435) 263-0750*



Thomas Knudson  
TKS Internet Service  
Hi-Speed.us, LLC  
10450 South Eastern Avenue  
Henderson Nevada 89052  
435-467-8467



## Mike Hennigan

---

**From:** tck@tksinc.us  
**Sent:** Thursday, October 20, 2016 4:58 PM  
**To:** Ombudsperson  
**Subject:** RE: real issues with our local telco  
**Attachments:** image001.png; image002.jpg

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

I am in Hawaii until the 28<sup>th</sup>, and then I would be in a position to talk to you and give details, Can we make contact about 10/29/2016?

Sent from [Mail](#) for Windows 10

---

**From:** [Ombudsperson](#)  
**Sent:** Thursday, October 20, 2016 2:32 PM  
**To:** [Thomas Knudson](#)  
**Subject:** RE: real issues with our local telco

Mr. Knudson –

I just tried to call you at your number below. If you would like to talk on the phone, let me know and we can arrange for a time to talk.

The FCC's informal complaint process may not lead to further progress in addressing your concerns and staff-assisted mediation of your complaint may be a productive avenue, particularly as this appears to be a business-to-business issue. I have seen FCC staff-assisted mediations successfully resolve a number of business-to-business disputes in the telecommunications marketplace. Here is the information on how to request a staff-assisted mediation with our Market Disputes and Resolutions Division (MDRD):

- To request FCC staff-assisted mediation, the complaining party can submit a letter to the Chief of the Market Disputes Resolution Division, Christopher Killion, FCC, 445 12th Street SW, Washington, DC 20554, describing the alleged violation of our rules. There is no fee associated with submitting a mediation request. The letter should include the name of the provider, a statement of relevant facts, an explanation of why you think our rules have been broken, and the relief that you are seeking.
- The mediation request will likely be shared with your provider, so it should be a formal letter that makes clear how you think our rules have been violated, *with citation to the relevant rules and quotation of our rules as appropriate*, and what would be an appropriate resolution of this issue in your view. You are welcome to submit supporting evidence.

You can email your mediation request directly to Christopher Killion, the Division Chief of MDRD, at [Christopher.Killion@fcc.gov](mailto:Christopher.Killion@fcc.gov). After you have emailed your request to MDRD, please forward me a copy of the email so that I can make sure that it is handled properly.

If you have any additional questions now or after you've been in touch with MDRD about mediation, feel free to be in touch with me.

Best –  
Michael

| FCC Open Internet Ombudsperson | [ombudsperson@fcc.gov](mailto:ombudsperson@fcc.gov) | (202) 418-1155 |

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**From:** Thomas Knudson [mailto:tck@tksinc.us]  
**Sent:** Wednesday, October 12, 2016 7:22 AM  
**To:** Ombudsperson  
**Subject:** real issues with our local telco

<https://www.fcc.gov/general/open-internet>

states a lot of protections for ISP's from the local telco's  
We are continually being harassed and threatened by our local Telco,  
And now we are told we are going to be totally shut off on Jan 31st, 2017  
We are in an area where we have no other options,  
We have invested \$3,000,000.00 and now it will all be destroyed if we cannot get protection from our local telco,  
We put in a complaint to the fcc on prior date and now they are retaliating.

Where do we go for help or protection?  
We are a small family owned business and cannot afford big lawyers etc, and if we do not get help immediately we will be out of business.  
Telco's we offered huge financial support from the government that we were not. We were promised that they would extend those benefits derived from them to us, they have not.  
I look forward to any advice or help you can give me,

Thomas Knudson  
TKS Internet Service  
Hi-Speed.us LLC  
PO Box 3311  
Colorado City, Arizona 86021-3311

Historical

Mr. Knudson,

Thanks for the Open Internet rule. I am very aware of the FCC rules.

Please recall the fact pattern...you requested a quote, we gave you a quote, you refused the quote.

I will be out of the office for the remainder of the day.

Michael R. East  
President and Chief Executive Officer

South Central Communications  
435-644-0110

**From:** Thomas Knudson [mailto:tck@tksinc.us]  
**Sent:** Monday, November 02, 2015 7:58 AM  
**To:** Michael East; luke@socen.com; Coy Wadsworth; todd@socen.com  
**Subject:** Red lettered portion of this email is in direct violation off FCC ruling of Feb 26,2015

FYI

<https://www.fcc.gov/openinternet>

### **(b) Obligations of all local exchange carriers**

Each local exchange carrier has the following duties:

#### **(1) Resale**

The duty not to prohibit, and not to impose unreasonable or discriminatory conditions or limitations on telecommunications services.

#### **(2) Number portability**

**From:** Michael East [mailto:michaele@socen.com]  
**Sent:** Wednesday, October 28, 2015 11:06 AM  
**To:** Thomas Knudson <tck@tksinc.us>  
**Cc:** Luke Geddes <LukeG@socen.com>  
**Subject:** RE: Quote for Service

Mr. Knudson:

Are you requesting a proposal for an additional 1 gig pipe from Tonaquint data center to Centennial Park? If that is the case, yes Luke can provide you a proposal. Would you like an additional 1 gig of bandwidth with that as well, or just the 1 gig pipe?

If however, you are asking for a proposal for a 1 gig pipe from Tonaquint data center to Centennial Park as a replacement for the current circuits that you have under an agreement, then I do not know if I am willing to do that as that was not 1 of the 3 options I provided. Please let me know so we can respond accordingly.

Regarding the pricing, I am going to extremely honest with you. South Central Communications is not generally a wholesale provider of services. As you know, we provide Internet connectivity and enterprise services to end user customers. We have a very vast and robust network that we utilize to provide those services. In this case, we are being asked to provide services to someone who is going to be a direct competitor to us. As such, we include all network and facility costs that go into providing those services and therefore charge a premium for that wholesale service. In this case that premium is 3.5 times as you pointed out.

Michael R. East  
President and Chief Executive Officer  
South Central Communications  
435-644-0110



**From:** Thomas Knudson [<mailto:tck@tksinc.us>]  
**Sent:** Wednesday, October 28, 2015 9:47 AM  
**To:** Michael East  
**Cc:** [luke@socen.com](mailto:luke@socen.com)  
**Subject:** FW: Quote for Service

To add a single port to the metrolink, (which we were supposed to have in our original agreement),

You are proposing to add \$2250.00 per month, Our quote with South Central was for approximately 650.00 per month per port,

Why is current proposal at 3.5 times that?

Can you get me a proposal for a 1 gig pipe from Tonaquint data center to Centennial park?

**From:** Luke Geddes [<mailto:LukeG@socen.com>]  
**Sent:** Tuesday, October 27, 2015 4:44 PM  
**To:** Thomas Knudson <[tck@tksinc.us](mailto:tck@tksinc.us)>  
**Cc:** Michael East <[michaele@socen.com](mailto:michaele@socen.com)>  
**Subject:** Quote for Service

Mr. Knudson,

Attached you will find the requested quote for service. Please review the documentation to confirm this quote includes your desired connections. This quote is good for a period of 30 days from today. If you have any questions regarding this please let me know. This quote refers to option number two as Michael outlined for you in a previous email. Again, the first option is that you can stay within the current agreement as it is typed out (not hand written terms). The third option is that I will allow you to cancel the current agreement and we both go our separate ways. This third option is not our preference and cannot be indefinite and will expire on November 23, 2015.

Best Regards,

*Luke Geddes*  
*Director of Operations Non-Regulated*  
*South Central Communications*  
*(435) 263-0750*



Thomas Knudson  
TKS Internet Service  
Hi-Speed.us, LLC  
10450 South Eastern Avenue  
Henderson Nevada 89052  
435-467-8467

**Mike Hennigan**

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**From:** Kerri Mullen (CTR)  
**Sent:** Monday, June 15, 2015 2:29 PM  
**To:** Parul Desai  
**Subject:** (b) (5)  
**Attachments:** (b) (5)

Parul,

(b) (5)

Kerri



(b) (5)



(b) (5)



(b) (5)





(b) (5)



(b) (5)



(b) (5)



(b) (5)





(b) (5)



(b) (5)



(b) (5)



(b) (5)





(b) (5)



(b) (5)



(b) (5)



(b) (5)





## Mike Hennigan

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**From:** Josh Zeldis  
**Sent:** Wednesday, August 26, 2015 11:10 AM  
**To:** Parul Desai  
**Cc:** Michael Carowitz  
**Subject:** RE: Ombudsperson blog  
**Attachments:** OI Complaint - Playstation Blocking082615.csv; OI Complaint - Port Blocking082615.csv; OI Complaints - Tethering Blocking.csv

No problem. (b) (5)

(b) (5)

---

**From:** Parul Desai  
**Sent:** Wednesday, August 26, 2015 9:40 AM  
**To:** Josh Zeldis <Josh.Zeldis@fcc.gov>  
**Cc:** Michael Carowitz <Michael.Carowitz@fcc.gov>  
**Subject:** FW: Ombudsperson blog

Josh,

Can you help with the request below. (b) (5)

Sincerely,  
Parul

---

**From:** Paula Blizzard  
**Sent:** Wednesday, August 26, 2015 9:37 AM  
**To:** Parul Desai <Parul.Desai@fcc.gov>; Michael Carowitz <Michael.Carowitz@fcc.gov>  
**Cc:** Alison Kutler <Alison.Kutler@fcc.gov>; Aaron Garza <Aaron.Garza@fcc.gov>  
**Subject:** RE: Ombudsperson blog

Hi Parul, thanks for the draft. (b) (5)

(b) (5)

Paula

---

**From:** Parul Desai  
**Sent:** Monday, August 24, 2015 2:31 PM  
**To:** Michael Carowitz <Michael.Carowitz@fcc.gov>; Madeleine Findley <Madeleine.Findley@fcc.gov>; Paula Blizzard <Paula.Blizzard@fcc.gov>  
**Cc:** Alison Kutler <Alison.Kutler@fcc.gov>; Aaron Garza <Aaron.Garza@fcc.gov>  
**Subject:** Ombudsperson blog

All,

Attached is a draft of the Ombuddy blog. (b) (5)  
(b) (5)

Thanks so much!

Sincerely,  
Parul

## Mike Hennigan

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**From:** Madeleine Findley  
**Sent:** Wednesday, August 26, 2015 3:06 PM  
**To:** Parul Desai  
**Subject:** RE: Ombudsperson blog  
**Attachments:** OI Ombuds Blog 8 24 15(mvf).docx

Hi Parul,

(b) (5)

A large black rectangular redaction box covering several lines of text.

Thanks for the chance to review,  
Madeleine

---

**From:** Parul Desai  
**Sent:** Monday, August 24, 2015 2:31 PM  
**To:** Michael Carowitz <Michael.Carowitz@fcc.gov>; Madeleine Findley <Madeleine.Findley@fcc.gov>; Paula Blizzard <Paula.Blizzard@fcc.gov>  
**Cc:** Alison Kutler <Alison.Kutler@fcc.gov>; Aaron Garza <Aaron.Garza@fcc.gov>  
**Subject:** Ombudsperson blog

All,

Attached is a draft of the Ombuddy blog. (b) (5)

(b) (5)

A large black rectangular redaction box covering several lines of text.

Thanks so much!

Sincerely,  
Parul

## Mike Hennigan

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**From:** Martha Heller  
**Sent:** Wednesday, August 26, 2015 1:11 PM  
**To:** Parul Desai  
**Cc:** Paula Blizzard; Christopher Killion; Rosemary McEnery  
**Subject:** RE: Ombudsperson blog  
**Attachments:** OI Ombuds Blog 8 26 15.docx

Hi Parul,

(b) (5)

—Martha

Martha E. Heller  
Assistant Chief, Enforcement Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street SW, Room 3-C222  
Washington, DC 20554  
(t) 202.418.0426  
Martha.Heller@fcc.gov

---

**From:** Parul Desai  
**Sent:** Monday, August 24, 2015 2:31 PM  
**To:** Michael Carowitz <[Michael.Carowitz@fcc.gov](mailto:Michael.Carowitz@fcc.gov)>; Madeleine Findley <[Madeleine.Findley@fcc.gov](mailto:Madeleine.Findley@fcc.gov)>; Paula Blizzard <[Paula.Blizzard@fcc.gov](mailto:Paula.Blizzard@fcc.gov)>  
**Cc:** Alison Kutler <[Alison.Kutler@fcc.gov](mailto:Alison.Kutler@fcc.gov)>; Aaron Garza <[Aaron.Garza@fcc.gov](mailto:Aaron.Garza@fcc.gov)>  
**Subject:** Ombudsperson blog

All,

Attached is a draft of the Ombuddy blog. (b) (5)

(b) (5)

Thanks so much!

Sincerely,  
Parul



## Mike Hennigan

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**From:** Sharon Bowers  
**Sent:** Wednesday, July 15, 2015 10:24 AM  
**To:** Wendy Chambers  
**Cc:** Michael Carowitz; Teresa Flasher; Parul Desai  
**Subject:** OI Rebuttal Responses

Hi Wendy,

As the Supervisor who oversees the Rebuttal Process would you please keep Parul in the loop on the OI complaints that have entered the "rebuttal" process. She would like to know if there are any carrier responses that either do not respond to the actual complaint or otherwise do not satisfy the consumer's inquiry.

Please feel free to work out with her directly how she would like to be notified.

It might make sense for a special view for just these complaints and responses.

Please give me a call if you have any questions.

Thank you Wendy!!

Sharon Bowers  
Division Chief  
Consumer & Governmental Affairs Bureau  
Consumer Inquiries & Complaints Division  
717-338-2533 Office  
202-528-4562 Blackberry  
[Sharon.bowers@fcc.gov](mailto:Sharon.bowers@fcc.gov)

\*\*\* Non-Public: For Internal Use Only \*\*\*

## Mike Hennigan

---

**From:** Robin McCullough  
**Sent:** Monday, July 27, 2015 7:21 PM  
**To:** Parul Desai  
**Subject:** OI Complaints for Last Week

Parul,

As per our conversation, a majority of the complaints, processed or for which I received responses involve throttling or newly imposed data caps.

Availability is still an issue and consumers that now receive lower speeds/limited bandwidth are under the belief that the carriers must provide at least 25 mbps (at some point) or upgrade from DSL to a faster service, etc.

I have listed some of the common concerns listed below by carrier. Also, I wanted to mention that there are still consumers that are filing complaints involving the lack of transparency with regard to their data usage (This involves mostly AT&T Wireless and Verizon Wireless in that consumers do NOT believe that they are being billed for the correct amount of data – they want proof that they have reached the cap/used as much as the carrier has stated that they used).

### Comcast

1. Data Capped Service (The prior terms changed or the consumer was never notified about the data cap. I have also had people indicate that they reside in a “test” market)
2. PS3/PS4 issue where there is not a compatible app/acceptable verification process, for HBO Go for this device
3. Port(s) that have been blocked by Comcast – I have received some responses indicating that they worked with the subscriber to unblock the port and allow use
4. Data Cap for Pottstown, PA of 250 GB was suspended for this area (The information was provided in the form of a response after the issue had been filed by the consumer)

### Sprint:

1. Sprint had indicated that they would put a data cap in place while using video services – however they rescinded that earlier decision after consumers began filing complaints

### AT&T

1. Throttling services for consumers that are on unlimited data plans/grandfathered into an unlimited data plan.
  2. Refusing to allow unlimited data users to tether their phones to other computing devices
  3. We have received a few complaints about not being able to use legal applications (one in particular – PDAnet+).
- The consumer stated that this is an alternative use app rather than tethering

### Cox Communications

1. Data cap (appears to be possible change in policy)

### SuddenLink

1. Suddenlink is also now imposing data caps

### **CenturyLink**

1. Centurylink appears to have multiple complaints involving possible transparency issue with regard to the quality of service. Many consumers complaining about their speeds and the fact that they offer even higher speeds but cannot provide consistent speeds at the top speed to which the consumer is already subscribed.

### **Antietam Cable**

1. Also imposing data caps – consumer stated that they have been notified that, “they will now be charged for streaming”

### **Excede/Wild Blue**

1. Carrier imposing data caps – consumer throttled until the consumer purchases more data

### **Claro**

1. Unlimited data throttled

### **Boost Mobile** (Prepaid Service)

1. Throttling unlimited data and demands

### **Verizon Wireless**

1. Grandfathered/unlimited data plan throttled
2. Also will not allow unlimited data users to tether phone to other computing device
3. Consumers have also complained about some apps not being available – however, the carrier responded stating that the manufacturer had not made this an option. Therefore, there was nothing that VZW could do about the app not being available/used

### **Verizon Wireline**

1. Allegations of throttling

### **T-Mobile**

1. Throttling unlimited data

Thanks,

Robin

## Mike Hennigan

---

**From:** Robin McCullough  
**Sent:** Thursday, August 13, 2015 8:27 PM  
**To:** Parul Desai  
**Cc:** Josh Zeldis; James Brown  
**Subject:** RE: OI Recap 08/13/2015

Hi Parul. Here is this week's recap:

### Top 5 concerns

1. Data Caps
2. Throttling
3. Service/Speed Issues/Transparency
4. Blocking (Ports/devices/various apps or services)
5. Paid Prioritization

During Retransmission Consent negotiations, between mvpd's and broadcasters, the Consumer Center receives complaints about internet access, to the same channels that are carried on TV, being blocked.

**Reported Issue, by consumers, involving Media Outlet and Internet access :** Cable One and Suddenlink have opted to drop Viacom programming because the two parties could not agree on the amount to be paid. Responses being received, from Cable One and Suddenlink, specifically state that Viacom is **blocking** ALL IP addresses, assigned to their services, so that consumers cannot access Viacom content via the internet. Consumers view this as blocking legal internet content rather than a retransmission consent issue.

### Summary of OI Complaints:

Comcast and AT&T continue to drive the numbers of complaints being filed with regard to Data Caps (Comcast) and Throttling (AT&T).

Although, imposition of data caps has been an established practice of Wireless carriers, consumers find this practice unacceptable with regard to wireline/fixed services. Consumers believe that this is just one more way of extracting more money from consumers as they add more devices to existing home internet and connect more of their daily applications.....including security systems, etc.

Service quality continues to be an issue. Especially, with regard to speed.

### OI Rebuttal Complaints

As of today's date, (08/13/2015), there are **52** OI complaints that have been escalated for the Rebuttal process.

The below mentioned carriers represent a sampling of complaints processed, this week, under the complaint categories as identified :

### Blocking

Charter



Comcast  
Cable One  
Suddenlink  
Viacom Media

**Data Caps**

Comcast  
Suddenlink  
Cable One

**Paid Prioritization**

Comcast

**Service Issues/Speeds/Transparency**

Brighthouse Networks  
CenturyLink  
Net10  
Windstream

**Throttling**

AT&T Wireless  
Boost Mobile  
Brighthouse  
Comcast  
TWC

Thanks,

Robin

Robin McCullough  
Consumer Advocate & Mediation Specialist  
Consumer Complaints & Inquiries Division  
Consumer & Governmental Affairs Bureau  
Federal Communications Commission

Phone: 717-338-2723

## Mike Hennigan

---

**From:** Robin McCullough  
**Sent:** Thursday, August 20, 2015 10:50 PM  
**To:** Parul Desai  
**Cc:** Josh Zeldis; James Brown  
**Subject:** RE: OI Recap 08/20/2015

Parul,

Here is this week's Recap for OI complaints:

### Top 5 concerns

1. Data Caps
2. Throttling
3. Service/Speed Issues/Transparency
4. Blocking (Ports/devices/various apps or services)
5. Paid Prioritization

### Summary of OI Complaints:

Comcast and AT&T filings have again resulted in the largest numbers of complaints filed. Comcast- (Data Caps/General Conduct) AT&T – Throttling of services, most of which involve wireless services where consumers have unlimited/grandfathered data plans.

Consumers continue to file availability of service complaints with regard to providers that service their locality. They have stated that carriers cannot provide service, to the consumer, due to bandwidth exhaustion/inability to add more users to the existing service.

### OI Rebuttal Complaints

As of today's date, (08/20/2015), there are **55** OI complaints that are pending Review/the Rebuttal process. Again, the largest number of these complaints are attributed to Comcast and AT&T.

The below mentioned carriers represent a sampling of complaints processed, this week, under the complaint categories as identified :

### Blocking

AT&T  
Cox Communications  
Mediacom  
Sprint  
T-Mobile  
Verizon Wireless

### Data Caps

Armstrong Cable  
AT&T  
Comcast  
C-Spire  
Cox Communications  
Hughes Net  
Inter Mountain Cable  
Suddenlink

**Paid Prioritization**

AT&T Wireless  
Comcast  
Suddenlink

**Service Issues/Speeds/Transparency**

Broadstar  
Frontier  
Mediacom  
RCN  
Spotify  
TVS Cable/Thacker Grigsby  
Windstream  
Zito Media

**Throttling**

AT&T Wireless  
DIRECTV  
Exede/WildBlue  
Sprint  
T-Mobile  
Time Warner  
Verizon Wireless  
Zito Media

Thanks,

Robin

Robin McCullough  
Consumer Advocate & Mediation Specialist  
Consumer Complaints & Inquiries Division

Consumer & Governmental Affairs Bureau  
Federal Communications Commission

Phone: 717-338-2723



## Mike Hennigan

---

**From:** Robin McCullough  
**Sent:** Thursday, August 6, 2015 12:58 PM  
**To:** Parul Desai  
**Cc:** James Brown; Josh Zeldis  
**Subject:** OI Complaints 08/06/2015

### Top 5 concerns

1. Throttling
2. Data Caps
3. Paid Prioritization
4. Blocking (Ports/devices/various apps)
5. Service/Speed Issues/Transparency

Data Caps and Throttling are still the most common types of complaints. These complaints mostly involve AT&T Wireless' unlimited data subscribers and Comcast customers with an imposed data cap.

It appears that most service providers are now announcing and introducing data caps/multiple service tiers ...thereby increasing broadband subscription costs for consumers.

Consumers have also expressed concerns involving paid prioritization because data caps can sometimes be eliminated through forced subscriptions to multiple services, also provided by the present broadband provider. Additional service(s) can mean elimination of data caps, reduced costs/ both ....(i.e. Services bundled with TV service results in reduced prices and no data caps). Consumers report that some providers will still not provide broadband service alone/without a subscription to telephone service.

Consumers still express concern regarding availability for actual "broadband" services, (meaning acceptable speeds as defined by the FCC), and the lack of choice within their locality (These reports usually involve being limited in selections, for service, to either DSL or wireless and satellite service providers)

In addition, service quality continues to be an issue. Also, consumers continue to submit Comments, to the FCC, with regard to keeping and enforcing "Open Internet" Rules.

### OI Rebuttal Complaints

As of today's date, (08/06/2015), there are 43 OI complaints that have been escalated for review. (These are informal complaints escalated for the Rebuttal process after the response from the carrier was received).

The below mentioned carriers represent a sampling of complaints processed, this week, under the complaint categories as identified :

### Blocking

Access Wireless  
AT&T  
Comcast  
Cricket Wireless  
H2O Wireless

Time Warner  
Verizon Wireless

### **Data Caps**

AT&T Wireline  
Armstrong Cable  
Bloom Broadband  
Blue Ridge Communications  
Cable One  
Comcast  
Cox Communications  
Exede  
Fireserve, LLC  
GCI Alaska  
Hughes Network  
Inter Mountain Cable  
Mediacom  
Paragould Light Water and Cable  
Shentel Cable  
Suddenlink  
Time Warner  
Verizon Wireline  
Verizon Wireless (Including Verizon HomeFusion)  
Vyve Broadband  
Wave Broadband

### **Paid Prioritization**

Comcast

### **Service Issues/Speeds/Transparency**

Blue Ridge Communications  
CenturyLink  
Comcast  
Cross Wireless  
Fireserve, LLC  
Frontier  
HughesNet  
Mediacom  
Paragould Light, Water, and Cable  
Suddenlink  
Windstream

### **Tethering**

AT&T Wireless

### **Throttling**

AT&T Wireline

AT&T Wireless  
Blue Ridge  
Cablelynx  
CenturyLink  
Charter  
Comcast  
Cox Communications  
GCI of Alaska  
HughesNet  
Mediacom  
Sprint (including Boost Mobile and Virgin Mobile)  
Straight Talk  
Time Warner  
T-Mobile  
Verizon  
Verizon Wireless

Thanks,

Robin

Robin McCullough  
Consumer Advocate & Mediation Specialist  
Consumer Complaints & Inquiries Division  
Consumer & Governmental Affairs Bureau  
Federal Communications Commission

Phone: 717-338-2723

## Mike Hennigan

---

**From:** Robin McCullough  
**Sent:** Tuesday, July 28, 2015 2:49 PM  
**To:** Parul Desai  
**Subject:** (b) (5)

(b) (5)

Robin

Robin McCullough  
Consumer Advocate & Mediation Specialist  
Consumer Complaints & Inquiries Division  
Consumer & Governmental Affairs Bureau  
Federal Communications Commission

Phone: 717-338-2723



## Mike Hennigan

---

**From:** Robin McCullough  
**Sent:** Thursday, July 30, 2015 5:19 PM  
**To:** Parul Desai  
**Cc:** Josh Zeldis; James Brown  
**Subject:** RE: OI Complaints 07/30/2015

### Top 5 concerns

1. Throttling
2. Data Caps
3. Speeds – Tiers of Service
4. Blocking (Ports/devices/various apps)
5. Service Issues

Throttling and Data Caps involve the most commonly submitted types of complaints. These complaints involve AT&T Wireless' unlimited data subscribers and Comcast's imposition of data caps in certain markets. It also is evident that many other carriers are now also imposing data caps.

In addition, many carriers are offering multiple "tiers" of service – (certain pricing is assigned to different speeds being provided – most consumers believe that this is just a way of obtaining more money for providing access to the most commonly used services/paid prioritization because you have to pay more money to access streaming services vs. just reading plain email, etc. ).

Sprint is, apparently, discontinuing the Clear Wire service and consumers have reported that there will no longer be an unlimited data plan for this service.

Time Warner's responses indicate that they do not "throttle" and have stated that they would need to visit the consumer's premises because the slower speed indicates a possible service issue.

Consumers still believe that there is now a minimum speed that must be provided, by their service provider and have asked when they can expect their service provider to upgrade the network to provide the "required" speed.

With regard to blocking – it is most often a software issue (Smart TV's, etc.). Often times with particular ports, the service provider works with the consumer to provide the requested access. Blocking of applications ...(consumer is not able to use/obtain certain applications - This is an issue usually submitted by wireless subscribers).

Examples can be located among the carriers listed below:

### Throttling

AT&T Wireless  
Blue Ridge Communications  
Brighthouse Networks  
Charter  
Cricket Wireless  
C-Spire Wireless  
HughesNet

MediaCom  
Sprint (including Boost Mobile and Virgin Mobile)  
T-Mobile  
Verizon Wireless

**Data Caps**

Comcast  
Cox Communications  
Exede  
Suddenlink  
Thacker Grigsby

**Speeds**

CenturyLink  
Windstream

**Blocking**

AT&T Wireless  
Comcast  
Time Warner  
Verizon Wireless

**Service Issues**

CenturyLink  
Clear Wire (Sprint)  
Frontier  
Suddenlink  
Windstream

I have printed some of the carrier responses, processed, from this week. Please let me know if you would like these copies .

Thanks,

Robin McCullough  
Consumer Advocate & Mediation Specialist  
Consumer Complaints & Inquiries Division  
Consumer & Governmental Affairs Bureau  
Federal Communications Commission

Phone: 717-338-2723

## Mike Hennigan

---

**From:** Paula Blizzard  
**Sent:** Tuesday, August 4, 2015 5:05 PM  
**To:** Parul Desai  
**Cc:** Martha Heller; Christopher Killion; Rosemary McEnery  
**Subject:** MDRD contact

Hi Parul,

If CNS (or anyone) wants info on how to file a formal complaint, or how to request mediation, they can contact MDRD at the main number, 418-7330. They can ask for the Chief, Chris Killion, if they need a name.

Also, Chris and Rosemary (cc'd) would be happy to work with you to write a script that you (or the CAMs) could use to explain the formal complaint process, as well as mediation options.

Thanks,  
Paula

*\*\*\* Confidential, Non-Public, For Internal Use Only \*\*\**





# Office of the Ol Ombudsperson

MONTHLY OPEN INTERNET SUMMARY

AUGUST 13, 2015

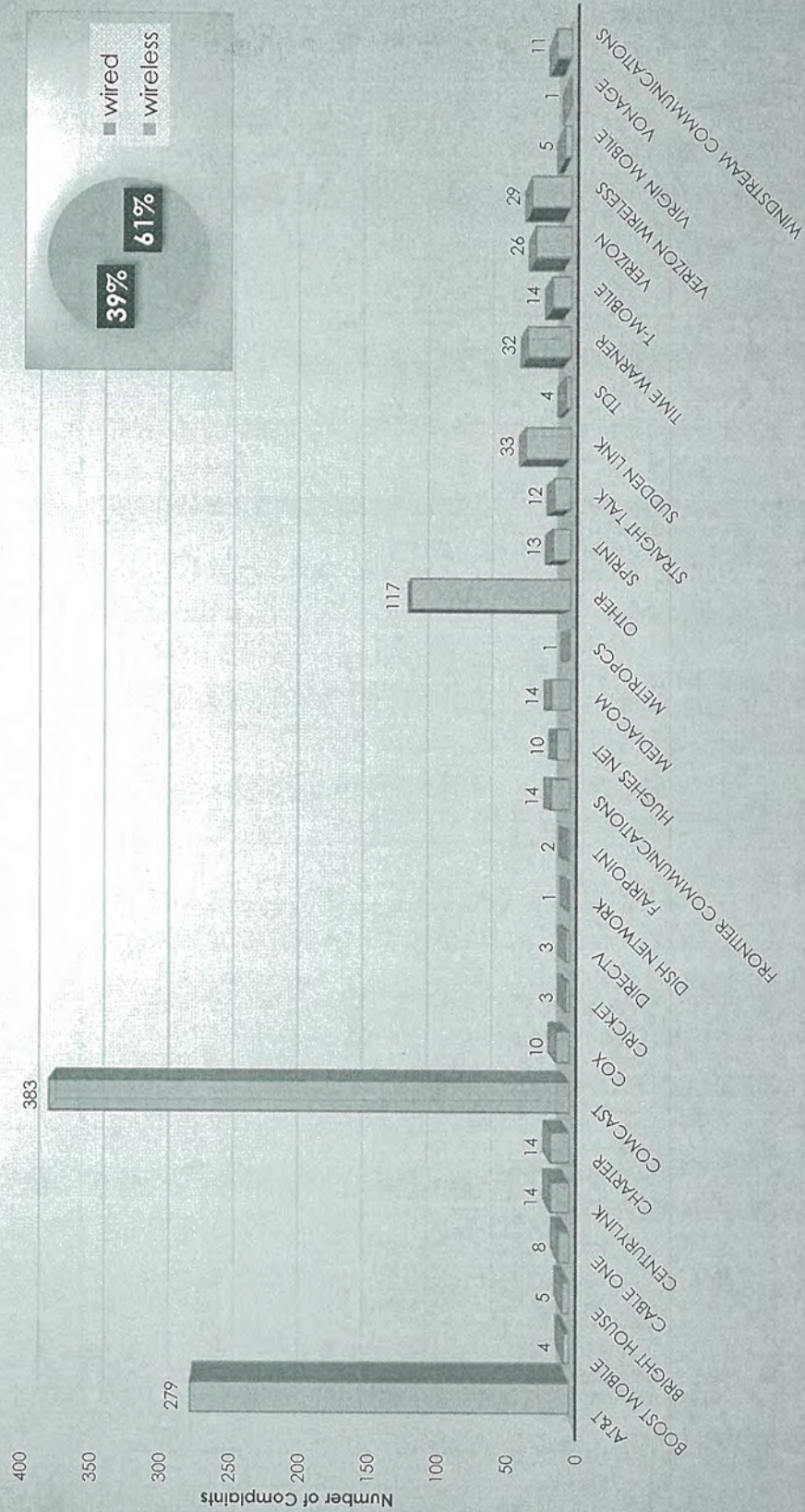


# Summary



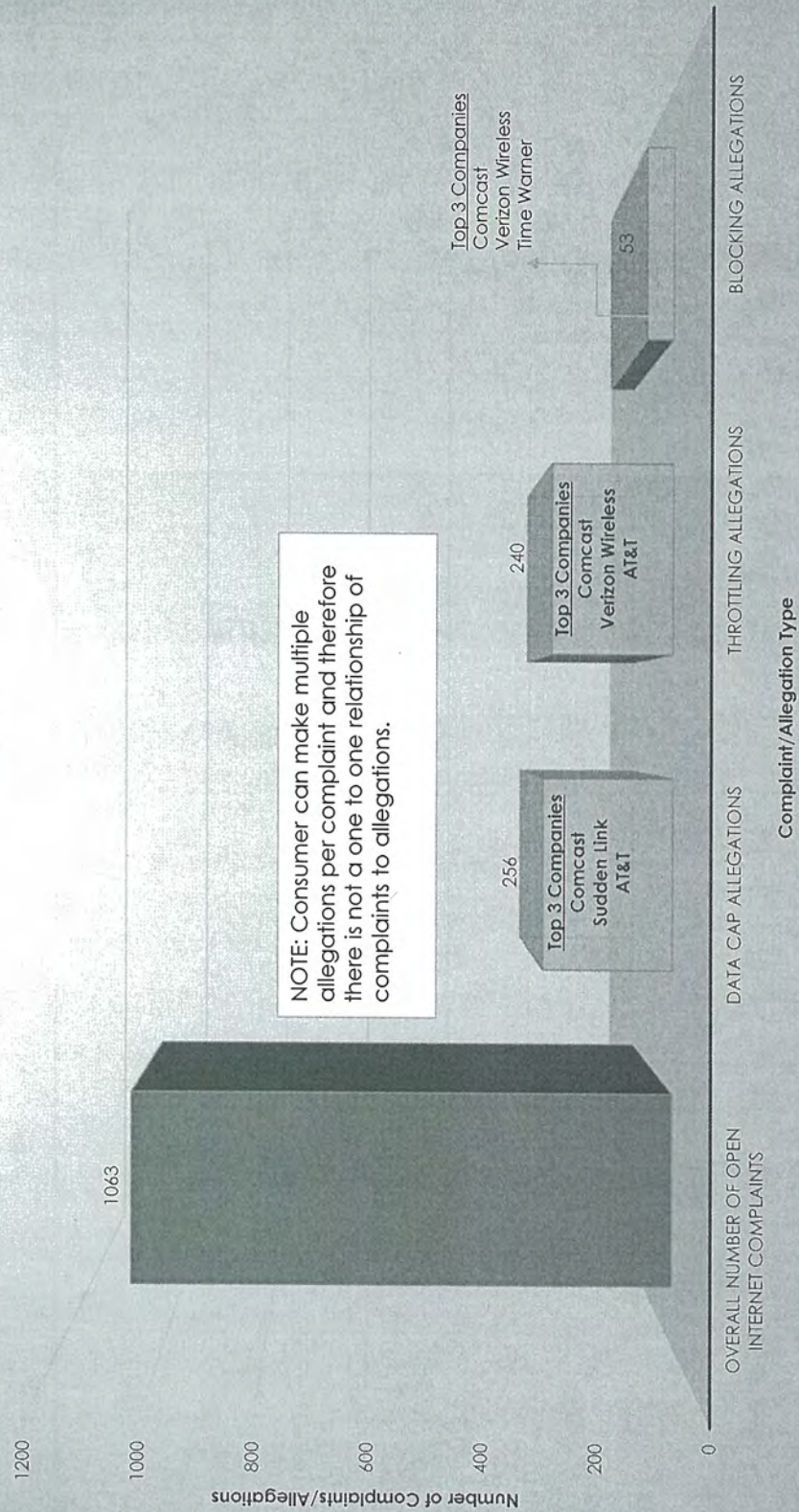


# OI Complaints by Top Companies (last 31 days)





# Open Internet Complaints and Associated Top 3 Allegations (Past 31 Days)





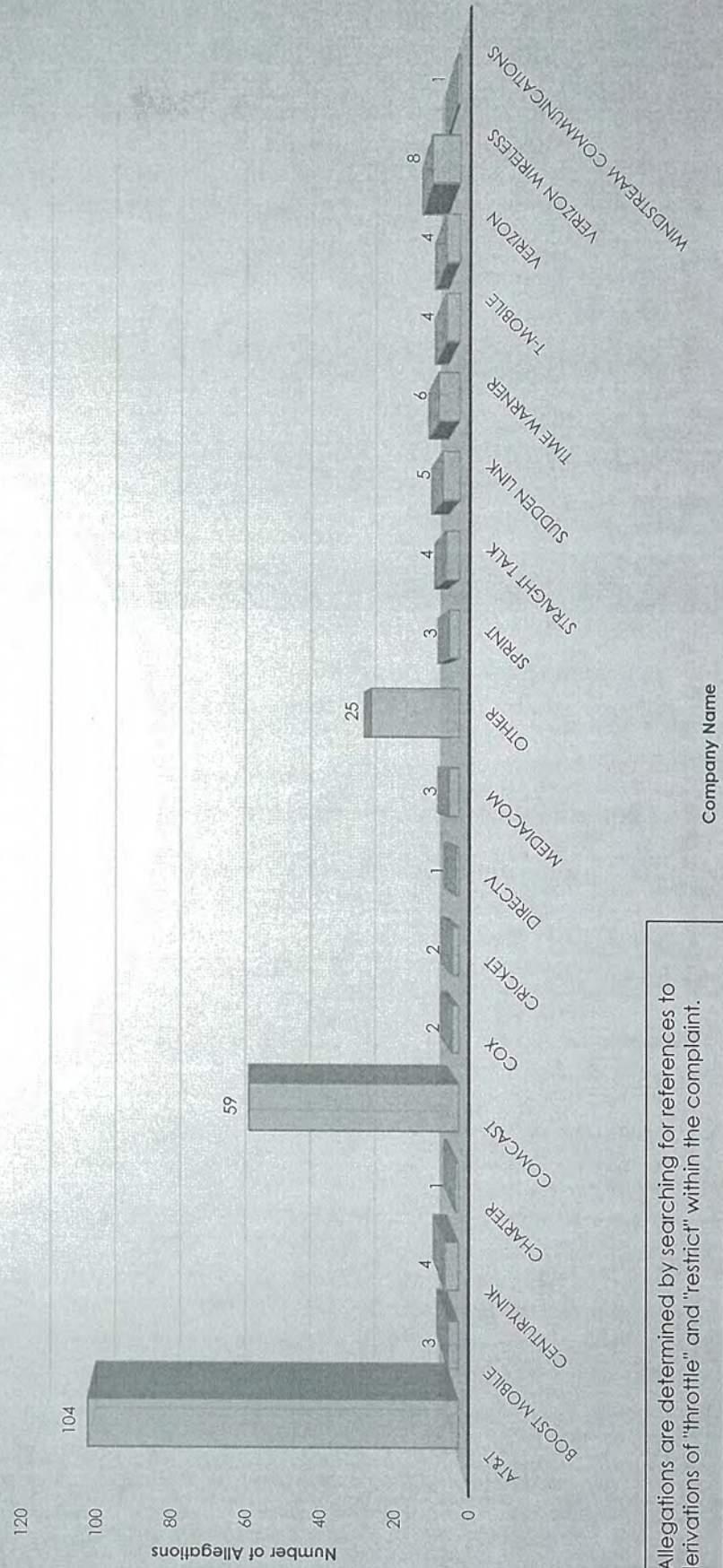
## Data Cap Allegations\* (Past 31 Days)

\*Allegations are determined by searching for references to the words "data cap" within the complaint.





## Throttling Allegations\* - Past 31 Days

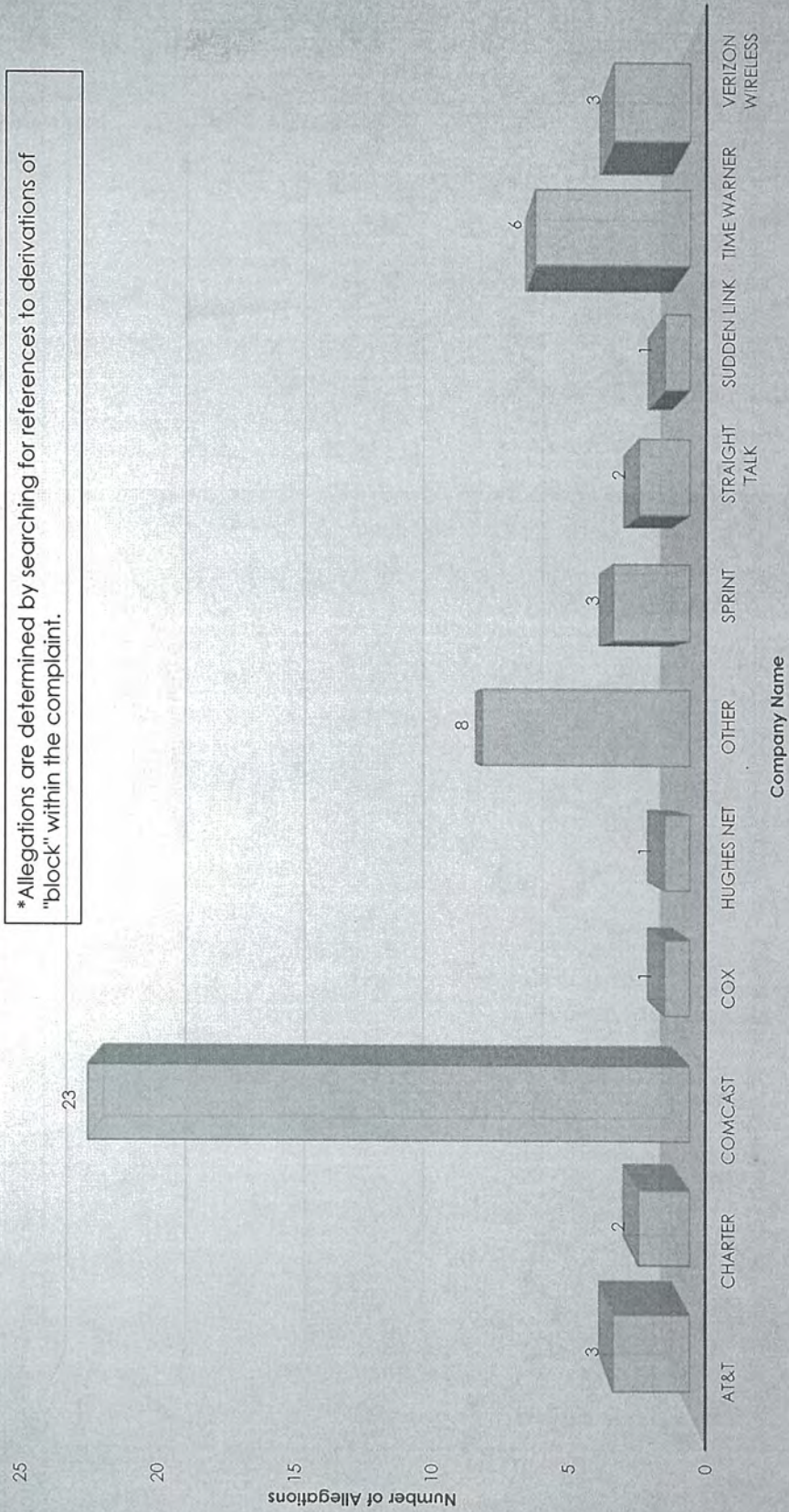


\* Allegations are determined by searching for references to derivations of "throttle" and "restrict" within the complaint.



## Blocking Allegations\* (past 31 days)

\*Allegations are determined by searching for references to derivations of "block" within the complaint.





# Consumer Concerns - Data Caps

## Comcast

**Georgia** – "I do not have cable TV and receive much of my content over the internet from Pay services like Netflix and Hulu. I exceeded my data cap this month for the second time since they were implemented and had to cease all Internet usage for the last week of the month. This is an arbitrary way to limit the service that I pay for each month."

## Sudden Link

**Oklahoma** – "I live in stillwater Oklahoma, only ISP here worth having is suddenlink. They threw data caps into the service. My family are avid gamers. So we have to spend a great deal of money so we have enough data to be about to continue with our hobby and connect to our friends and family through video chat with skype. I've had to raise my data cap three times, my internet bill is well over my electric bill."

## AT&T


**in Petaluma, California** – "I recently signed up for internet with ATT under the false promise of 39.95\$ per month for internet. Soon after I found that I was required to rent a modem from them for an additional 7\$ per month ( I already own a compatible modem) , then to top it all off I was informed that there is a data cap of 250 gigabytes per month on my bandwidth.

It just happens that I learn about all of these things after I sign a one year contract. If I had known about all of this beforehand I would have never signed up for internet with them. But now I am stuck with this supposed deal for a year, lest I want to pay a 180\$ early cancellation fee."




# Consumer Concerns - Throttling


## Comcast

 **in Baden, Pennsylvania** – "For the last 7 years I have been forced to use the Comcast's local internet monopoly for my home ISP. I currently pay for 27 MB/s. If I am not using the internet for anything my speed tests show 29 MB/s. If I download a file of any size, 500 MB-1 GB 50GB, my download will peak at 3.5 MB/s and my speed tests will drop down to the range of 500 KB/s to 8 MB/s. Sometimes to the point where a quick download will take upwards of an hour and during that time I am unable to even open my browser without a Timing Out error."

## Verizon Wireless

 **in Lucerne Valley, California** – "Verizon is continuing to throttle me. They have even admitted doing it. They call it, "Optimizing". But I can hardly download anything on my broadband, purchased unlimited service 10 years ago. But my 3g broadband is so slow because they throttle me."


## AT&T

 **in Tulsa, Oklahoma** – "AT&T claims that when throttling, they cut back to 3G speeds. However, in my experiences, the speeds are much slower than any 3G network and render the data plan practically unusable. I rarely have access to WiFi hotspots, and rely on data to get work done for my job and school. These reductions in speed are simply unacceptable and AT&T has absolutely no right to violate their contract with me regarding unlimited 4G data."




# Consumer Concerns - Blocking


## Comcast

 of Evanston, Illinois  
- "I want to file a complaint against comcast for not allowing its subscribers to access the HBO GO app on the PS4 despite having a subscription to HBO and all services. I pay for HBO, and I have access to HBO GO, but Comcast will not allow me to stream to my PS4. This is in contrast to pretty much every other cable companies practices, as it appears Comcast is the only one blocking the service on the PS4 and PS3."

## Verizon Wireless

 in Baldwinville, New York - "Hello, I called Verizon Wireless to inquire why they are blocking me from tethering and making my phone a mobile hotspot and they said I would. Have to pay extra for it. I informed them of the FCC ruling stating that I have the freedom to use these features without paying any extra charges and they claimed that it only applies to 3G devices. I am still a Unlimited data customer and I feel that this is more than likely the reason they are blocking these features on me."

## Time Warner

 in Los Fresnos, Texas - "Time Warner has an unwritten policy of blocking customers internet traffic when the customer logs onto a VPN. I work from home for Kellyconnect as a tier 1 tech for Apple product support and have to be logged into the VPN to take calls and perform my job. Their policy of blocking internet traffic has severely hindered my training and is going to cost me my job. I have spoken to them several times equal to several hours in fact and they have not complied with my multiple requests to cease blocking my internet traffic."

6/20, 1:15 PM, (b) (6) Filed complaint against T-mobile via CHC. Wanted to explain the complaint re new data prioritization plan. Has unlimited plan. Started experiencing slow downs this month all the time (not just peak times). But, speeds seem to change when carrier detects speed tests are being conducted. Did not call back as there is no more that can be done on my end.

6/23, 10:45 AM: (b) (6). Complaint form says phone number is incorrect/invalid. Called back on 6/24. 2:30 PM. Left VM.

6/23, 12:30 PM: (b) (6). Spoke to (b) (6) on 6/24 at 2:30. Guided him to CHC to file complaint regarding his cell phone provider.

6/24, 8:45 AM: (b) (6). Spoke to (b) (6) on 6/24 at 2:45. Guided her to CHC to file complaint regarding cable service.

6/24, 11 AM: (b) (6), represents Smart Mark Communications, who is involved with Ofcom policies. Wants to talk to policy advisor re NN. Forwarded to WCB on 6/24 and WCB will call her back.

6/24, Privacy issue re website. (b) (6). Spoke to him on 6/24 at 3 PM. Suggested he go to FTC since the issue involved a website and not a carrier.

(b) (5)

(b) (5)



(b) (5)





(b) (5)



## RESPONSES FOR MOST COMMON INQUIRES RECEIVED VIA OPEN INTERNET OMBUDSPERSON

**Open Internet Complaint and Questions** (Questions about Open Internet rules and/or questions about whether a carrier is violating an OI rule)

Thank you for your email. Your inquiry relates to an Open Internet complaint. If you have not already done so, please file your complaint.

You can use the below link and select "Open Internet" as the "Internet issue" for which you are filing the complaint:

[https://consumercomplaints.fcc.gov/hc/en-us/requests/new?ticket\\_form\\_id=38824](https://consumercomplaints.fcc.gov/hc/en-us/requests/new?ticket_form_id=38824)

Or you may contact the Consumer Help Center at 888-225-5322 to file your complaint.

Also of interest may be the following consumer guide:

<https://consumercomplaints.fcc.gov/hc/en-us/articles/204231404-Open-Internet>

**Non-Open Internet Complaint, but CHC related** (Complaints that do not relate to OI, but for which the CHC can still be a resource)

Thank you for contacting the Open Internet Ombudsperson. Your concern, [*involving the availability of FIOS service,*] is not related to an Open Internet inquiry. However, the FCC's Consumer Center does accept complaints of this type.

Please use this URL/web site link for the purpose of filing a complaint with the FCC's Consumer Help Center: <https://consumercomplaints.fcc.gov>. The site also has informational materials, which may be of interest to you.

If you file a complaint, you will be issued a complaint number, once you have filed. The Consumer Help Center will send your concerns to [Verizon]. [Verizon] is required to respond, in writing, to your complaint that was filed through the Consumer Help Center.

**Non-Open Internet Questions** (email may not raise a complaint but has a question)

Thank you for contacting the Open Internet Ombudsperson. Your concern, [*involving Lifeline,*] is not related to an Open Internet inquiry. Therefore, it will be necessary to contact the FCC's Consumer Help Center. The FCC's Consumer Center is the contact point for all public inquiries/Informal Complaints, not related to an Open Internet issue. You may contact the Consumer Help Center at 888-225-5322.

Moreover, you may also refer to the FCC's Consumer Help Center online, which has informational materials and also accepts complaints. You may access the FCC's Consumer Help Center at: <https://consumercomplaints.fcc.gov>

### Questions About Broadband Speeds

Carriers are not required to provide a speed of 25 Mbps. The Commission defines advanced communications capability as connection having 25 Mbps download speed and 3 Mbps upload speed,

but that is not a requirement. If you'd like to file a complaint about your service, you can do so at:  
<https://consumercomplaints.fcc.gov/hc/en-us>

### **Questions About Lack of Broadband Options and/or Broadband Service**

Thank you for contacting the Open Internet Ombudsperson. The issue, described in your email, does not involve an Open Internet inquiry/concern.

Therefore, it will be necessary to contact the FCC's Consumer Center. You may file an informal complaint, regarding the quality of service, by accessing the Consumer Help Center, on-line:  
<https://consumercomplaints.fcc.gov>

You may also wish to contact the FCC's Consumer Center for information about filing Comments with the FCC, or various resources for determining that status of broadband deployment within your state. You may contact the FCC's Consumer Center using a toll free number: 888-225-5322

### **Questions about Service to Multi-Dwelling Units**

Thank you for contacting the Open Internet Ombudsperson. The concerns, raised in your email, are not related to an Open Internet inquiry.

However, the FCC does have Rules that address MDU (Multi-Dwelling Unit) Exclusivity and Bulk Billing Rates. The Rules ban the use of exclusivity clauses in cable contracts for the provision of video services to multiple dwelling units.

Therefore, in order to address your concerns, it will be necessary to file an informal inquiry/complaint with the FCC's Consumer Help Center. You may do so by accessing the following URL/web site link:  
<https://consumercomplaints.fcc.gov>

### **Licensing Issues Related to WTB**

Thank you for contacting the Open Internet Ombudsperson. The issue mentioned in your email is not related to an Open Internet issue. Therefore, it will be necessary to contact the Wireless Telecommunications Bureau's Universal Licensing System, (ULS), support staff. You may contact the ULS support staff at: 877-480-3201

OR

You may also contact the ULS support staff by accessing the following web site:  
<http://esupport.fcc.gov/index.htm>

### **Informal Complaint Process**

The complaint will be delivered to [CenturyLink], by the FCC's Consumer Center. The complaint is electronically sent [CenturyLink]. [CenturyLink] is required to investigate the concerns outlined in the complaint and respond directly to you via the United States Postal Service. [CenturyLink] is also required to send a copy of that same response to the FCC's Consumer Center.

## **Exhaustion of Informal Complaint Process/Formal Complaints**

The goal of the FCC's informal complaint process is to make it easy for consumers to file complaints about telecommunications services and for service providers to address those complaints. This process also helps to ensure that, even when a service provider's actions do not violate any applicable Commission rule, the provider knows how its customers feel about practices and policies that they believe are harmful to them.

In this instance, however, we regret that you were not satisfied with attempts by FCC staff to facilitate a more satisfactory resolution of the underlying issue. At this point, you might want to contact the company directly to see if you and the company can arrive at a resolution that is more acceptable to you. You will receive no further status on your complaint from FCC staff.

If you are not satisfied with the response to your informal complaint, you can file a formal complaint. Formal complaint proceedings are similar to court proceedings. Each party must comply with specific procedural rules, which include filing a detailed complaint, answer, reply, and legal briefs and, in many cases, engaging in discovery. Parties filing formal complaints usually are represented by lawyers or experts in communications law and the FCC's procedural rules. No attorney's fees may be awarded.

The current fee for filing a formal complaint is \$225.00, but it is subject to change.

Complete information on how to file formal complaints can be found in sections 1.720 through 1.735 of the FCC's rules, located at 47 C.F.R. §§ 1.720 – 1.735, or sections 8.12-8.17, located at 47 C.F.R. §§ 8.12-8.17 (for Open Internet complaints).

You can also visit the FCC's Enforcement Bureau website at [www.fcc.gov/eb/tcd/laction.html](http://www.fcc.gov/eb/tcd/laction.html). ***Before filing a formal complaint, please contact EB staff at 202-418-7330.***

## **FTC, not FCC, Jurisdiction**

Thank you for contacting the Open Internet Ombudsperson. The issue mentioned in your email does not fall under the jurisdiction of the FCC. Therefore, you may wish to contact the Federal Trade Commission for possible assistance. You may contact the FTC by accessing at: [www.ftc.gov](http://www.ftc.gov).

## **Other non-FCC Jurisdiction**

### *Criminal Allegations*

Thank you for contacting the FCC's Ombudsperson's Office for Open Internet issues.

The issue, described in your email is not an Open Internet issue. Nor does the FCC have jurisdiction in matters involving [social media/Facebook]. Therefore, you may wish to report this matter to Facebook and also to the appropriate law enforcement agency.



## Mike Hennigan

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**From:** Paula Blizzard  
**Sent:** Wednesday, August 26, 2015 1:49 PM  
**To:** Parul Desai; Martha Heller  
**Cc:** Rosemary McEnery; Michael Carowitz; Josh Zeldis; Jennifer Epperson; Christopher Killion  
**Subject:** RE: OI Formal Complaint

Thanks Parul.

(For the EB folks – it's about Verizon Fios not performing as expected.  
Here is a link to the complaint with the responses, etc.  
<https://fcctest.zendesk.com/agent/tickets/391505>)

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**From:** Parul Desai  
**Sent:** Wednesday, August 26, 2015 1:21 PM  
**To:** Paula Blizzard ; Martha Heller  
**Cc:** Rosemary McEnery ; Michael Carowitz ; Josh Zeldis  
**Subject:** OI Formal Complaint

All,

I just spoke to a (b) (6) who called on behalf of (b) (6). (b) (6) filed an informal complaint - FCC Ticket # 391505.

This has gone through the rebuttal process (the rebuttal was answered on Friday/August 21/2015) and (b) (6) is very unhappy with Verizon's responses. I am not sure if (b) (6) is an authorized user on her account so I did not get into specifics about the actual complaint, but explained to him that there was no further rebuttal process. I explained that he had the option of filing a formal complaint, so he wants me to send him information on how to file a formal complaint.

I'll send him the info on how to file a formal complaint, but I at least wanted to give you the heads up that (b) (6) may choose to go the formal complaint route.

Sincerely,  
Parul

## Mike Hennigan

---

**From:** Josh Zeldis  
**Sent:** Tuesday, September 8, 2015 2:13 PM  
**To:** Michael Carowitz; Parul Desai  
**Subject:** Re: OI question

In short, I could not find anything as a search of the CHC OI informal complaints doesn't come up with anything on point. As Paula points out, it is possible that consumers are confusing the issue and providing a poor description, although I think it would be competitors more than consumers that would complain about zero-rating. Unfortunately, in order to know with 100% surety it would require us reading through all of the OI complaints and, even then, needing to follow up with the consumer to further identify their issue.

---

**From:** Michael Carowitz  
**Sent:** Tuesday, September 8, 2015 1:50 PM  
**To:** Parul Desai; Josh Zeldis  
**Subject:** FW: OI question

Do you know anything about any such complaints? Thanks.

---

**From:** Paula Blizzard  
**Sent:** Tuesday, September 08, 2015 12:43 PM  
**To:** Matthew DelNero ; Shannon Gilson ; Stephanie Weiner ; Roger Sherman  
**Cc:** Jonathan Sallet ; Jessica Almond ; Madeleine Findley ; Michael Carowitz  
**Subject:** Re: OI question

I can confirm that there have not been any formal complaints to EB. I know there have been a lot of informal complaints to CGB about data caps (which is not the same as zero rating, but is related and consumers might be confusing the two).

---

**From:** Matthew DelNero  
**Sent:** Tuesday, September 8, 2015 12:35 PM  
**To:** Shannon Gilson; Stephanie Weiner; Roger Sherman  
**Cc:** Jonathan Sallet; Jessica Almond; Madeleine Findley; Paula Blizzard; Michael Carowitz  
**Subject:** Re: OI question

Shannon, I'm not aware of any, and I doubt we've seen any formal complaints into EB (copying Paula just in case). If we received anything it likely would be through the consumer complaint system (i.e., informal complaint). I'm also adding Michael Carowitz on that front.

---

**From:** Shannon Gilson  
**Sent:** Tuesday, September 8, 2015 12:21 PM  
**To:** Stephanie Weiner; Roger Sherman; Matthew DelNero  
**Cc:** Jonathan Sallet; Jessica Almond  
**Subject:** OI question

All ,

The Chairman wants to know if any zero-rating complaints have been filed?

Shannon

## Mike Hennigan

---

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**Sent:** Tuesday, September 8, 2015 12:21 PM  
**To:** Stephanie Weiner; Roger Sherman; Matthew DelNero  
**Cc:** Jonathan Sallet; Jessica Almond  
**Subject:** OI question

All ,

The Chairman wants to know if any zero-rating complaints have been filed?

Shannon

## Mike Hennigan

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**From:** Josh Zeldis  
**Sent:** Monday, August 24, 2015 3:06 PM  
**To:** Parul Desai; Dana Howell; Michael Carowitz  
**Subject:** RE: OI Reporting meeting on Thursday  
**Attachments:** OI Monthly Summary 081315b.pptx

Here you go.

---

**From:** Parul Desai  
**Sent:** Monday, August 24, 2015 2:56 PM  
**To:** Dana Howell <Dana.Howell@fcc.gov>; Michael Carowitz <Michael.Carowitz@fcc.gov>  
**Cc:** Josh Zeldis <Josh.Zeldis@fcc.gov>  
**Subject:** RE: OI Reporting meeting on Thursday

My initial email sent her the draft deck, but we can resend to you. Josh, can you please send the latest version to Dana?

Thanks!

Sincerely,  
Parul

---

**From:** Dana Howell  
**Sent:** Monday, August 24, 2015 2:55 PM  
**To:** Parul Desai <[Parul.Desai@fcc.gov](mailto:Parul.Desai@fcc.gov)>; Michael Carowitz <[Michael.Carowitz@fcc.gov](mailto:Michael.Carowitz@fcc.gov)>  
**Subject:** OI Reporting meeting on Thursday

Michael/Parul,

Does Alison need any type of briefing material for this meeting and if so could you please have material to me by noon tomorrow.

Thank you.  
Dana



## Mike Hennigan

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**From:** Martha Heller  
**Sent:** Wednesday, September 2, 2015 7:27 PM  
**To:** Parul Desai; Paula Blizzard  
**Cc:** Josh Zeldis; Michael Carowitz; Jennifer Epperson; Gregory Simon  
**Subject:** Re: OI Complaints

Thanks Parul. Adding a couple of people from IHD that have been looking into OI data cap issues.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

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**From:** Parul Desai  
**Sent:** Wednesday, September 2, 2015 5:40 PM  
**To:** Paula Blizzard; Martha Heller  
**Cc:** Josh Zeldis; Michael Carowitz  
**Subject:** OI Complaints

Paula, Martha,

Since it will be a couple more weeks before we touch base, I just wanted to let you know that we are starting to receive numerous complaints from Comcast subscribers in Florida. The complaints are regarding Comcast now imposing data caps; some of the complaints reference a \$30 fee for subscribers to have unlimited service. Below is an example of what's coming in:

Ticket #: 506573. Outraged that Comcast will begin capping data at 300 gigabytes and will be charging \$10 a month for each 50 GB users go over the cap. We are also given an option to pay a \$30 premium if they want to avoid being capped. So now what you're telling me, in order to avoid going over the cap I will have to supervise ALL the individuals and limit their streaming, this could cause my children to suffer in school since most of their classes are streamed online since they take online classes.

Sincerely,

Parul

Parul P. Desai  
Assistant Bureau Chief and  
Director of Consumer Engagement  
Consumer and Governmental Affairs Bureau  
202-418-8217

## Mike Hennigan

---

**From:** Robin McCullough  
**Sent:** Wednesday, September 2, 2015 5:47 PM  
**To:** Parul Desai  
**Subject:** RE: OI Complaints

Ticket # 507049 has an AWESOME attachment for the printout of the notification they sent !

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**From:** Parul Desai  
**Sent:** Wednesday, September 02, 2015 5:41 PM  
**To:** Robin McCullough  
**Subject:** FW: OI Complaints

Oops, forgot to bcc you!

Sincerely,  
Parul

---

**From:** Parul Desai  
**Sent:** Wednesday, September 02, 2015 5:41 PM  
**To:** Paula Blizzard <[Paula.Blizzard@fcc.gov](mailto:Paula.Blizzard@fcc.gov)>; Martha Heller <[Martha.Heller@fcc.gov](mailto:Martha.Heller@fcc.gov)>  
**Cc:** Josh Zeldis <[Josh.Zeldis@fcc.gov](mailto:Josh.Zeldis@fcc.gov)>; Michael Carowitz <[Michael.Carowitz@fcc.gov](mailto:Michael.Carowitz@fcc.gov)>  
**Subject:** OI Complaints

Paula, Martha,

Since it will be a couple more weeks before we touch base, I just wanted to let you know that we are starting to receive numerous complaints from Comcast subscribers in Florida. The complaints are regarding Comcast now imposing data caps; some of the complaints reference a \$30 fee for subscribers to have unlimited service. Below is an example of what's coming in:

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Sincerely,  
Parul

Parul P. Desai  
Assistant Bureau Chief and  
Director of Consumer Engagement  
Consumer and Governmental Affairs Bureau  
202-418-8217

## Mike Hennigan

---

**From:** Paula Blizzard  
**Sent:** Wednesday, August 26, 2015 4:19 PM  
**To:** Parul Desai  
**Cc:** Michael Carowitz; Alison Kutler; Aaron Garza; Josh Zeldis  
**Subject:** RE: Ombudsperson blog

Thanks!

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**From:** Parul Desai  
**Sent:** Wednesday, August 26, 2015 2:21 PM  
**To:** Paula Blizzard  
**Cc:** Michael Carowitz ; Alison Kutler ; Aaron Garza ; Josh Zeldis  
**Subject:** FW: Ombudsperson blog

The blocking of devices generally refers to the Play Station issue, as well as tethering, which are generally reported as "blocking." Also, re the ports blocking, I think I mentioned this in one of the bi-weekly meetings, but those generally get resolved once the complaint is filed (carrier opens up the port at issue).

Josh ran some searches (attached) for OI complaints on tethering and Playstation blocking (devices) and just port blocking in general. This is not an exhaustive example of these types of complaints, but rather just some examples to illustrate that consumers are having concerns over these issues.

Let me know if you have other questions, and thanks for the quick review of the draft blog!

Sincerely,  
Parul

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**From:** Paula Blizzard  
**Sent:** Wednesday, August 26, 2015 9:37 AM  
**To:** Parul Desai <[Parul.Desai@fcc.gov](mailto:Parul.Desai@fcc.gov)>; Michael Carowitz <[Michael.Carowitz@fcc.gov](mailto:Michael.Carowitz@fcc.gov)>  
**Cc:** Alison Kutler <[Alison.Kutler@fcc.gov](mailto:Alison.Kutler@fcc.gov)>; Aaron Garza <[Aaron.Garza@fcc.gov](mailto:Aaron.Garza@fcc.gov)>  
**Subject:** RE: Ombudsperson blog

Hi Parul, thanks for the draft. (b) (5) One separate question – you refer to consumer complaints about blocking port of devices. Can you send me some examples of those? Or can someone send me the right search terms in Zendesk so we can easily find them? Thanks!  
Paula

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**From:** Parul Desai  
**Sent:** Monday, August 24, 2015 2:31 PM  
**To:** Michael Carowitz <[Michael.Carowitz@fcc.gov](mailto:Michael.Carowitz@fcc.gov)>; Madeleine Findley <[Madeleine.Findley@fcc.gov](mailto:Madeleine.Findley@fcc.gov)>; Paula Blizzard <[Paula.Blizzard@fcc.gov](mailto:Paula.Blizzard@fcc.gov)>  
**Cc:** Alison Kutler <[Alison.Kutler@fcc.gov](mailto:Alison.Kutler@fcc.gov)>; Aaron Garza <[Aaron.Garza@fcc.gov](mailto:Aaron.Garza@fcc.gov)>  
**Subject:** Ombudsperson blog

All,

Attached is a draft of the Ombuddy blog. (b) (5)

(b) (5)

Thanks so much!

Sincerely,  
Parul



## Mike Hennigan

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**From:** Robin McCullough  
**Sent:** Thursday, August 27, 2015 8:36 PM  
**To:** Parul Desai  
**Cc:** Josh Zeldis; James Brown  
**Subject:** Recap for 08/27/2015 - OI Complaints

Parul,

Here is this week's Recap for OI complaints:

Top 5 concerns

1. Data Caps
2. Throttling
3. Service/Speed Issues/Transparency
4. Blocking (Ports/devices/various apps or services)
5. Paid Prioritization

### **Summary of OI Complaints:**

While the largest number of complaints, involving Data Caps, can be attributed to Comcast, it appears that more consumers are filing complaints/reporting that their respective service providers are now imposing the same types of restrictions. Most of these complaints involve existing service plans that have been changed through notification by the consumers' existing service providers. (Most consumers are upset that the service provider can make this type of material change to existing services).

The largest number of throttling complaints still mention AT&T Wireless with respect to these types of complaints.

Consumers that are filing availability of service complaints, continue to report that they have been told that, "Even though service is provided by the particular carrier, in this locality, there is no available bandwidth/port on which to provide service to the consumer. Available speed continues to be a commonly reported service issue.

Since Open Internet Rules became effective, the Consumer Center has seen an increase of carrier names added to the present carrier directory, in the Consumer Help Center. Many of these carriers are smaller broadband/WISP providers, for whom complaints had not previously been filed with the FCC.

### **OI Rebuttal Complaints**

As of today's date, (08/27/2015), there are still 55 OI complaints that are pending Review/the Rebuttal process. This is the same number as last week. Therefore, I would think that we have processed OI Rebuttals since last week....I will check with Wendy to determine how many were received, (this week). I will also ask how many OI complaints were sent out for review/the rebuttal process. One service provider, TWC, has requested an extension. To respond, to a rebuttal sent to their offices. This is the peer to peer complaint, filed by Barry Bahrami.

The below mentioned carriers represent a sampling of complaints processed, this week, under the complaint categories as identified :

### **Blocking**

Buckeye Cablevision  
CenturyLink  
Comcast  
Rocky Ridge Wireless  
AT&T Wireless  
AT&T Wireline

**Data Caps**

Armstrong Cable  
AT&T Wireline  
Cable One  
Comcast  
Suddenlink

**Paid Prioritization**

Armstrong Cable  
AT&T Wireless  
Comcast  
Suddenlink

**Service Issues/Speeds/Transparency**

CenturyLink  
Charter Communications  
Consolidated Communications (Sure West)  
Frontier  
Hot Wire Communications  
Sprint  
Time Warner  
Windstream  
Zito Media

**Throttling**

AT&T Wireless  
AT&T Wireline  
CenturyLink  
Comcast  
Hot Wire Communications  
Sprint  
Straight Talk  
T-Mobile  
Time Warner  
Verizon Wireless  
Zito Media

Thanks,

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