

Please type your reply above this line -# it

Due Date: 10/23/2015

Serve Date: 09/23/2015

Link to Ticket: <https://fcctest.zendesk.com/agent/tickets/525982>

Subject: Blue Ridge Data caps

Tags: cable_internet cams_oi/nn_general_conduct cams_oi/nn_transparency carrier_response_pending no_filing_on_behalf oi_nn open_internet_net_neutrality_internet other pennsylvania

Email: slyntax@gmail.com

Method: - -

Issue:- -

Number subject to complaint:

Company Name:

Other Company Name: Blue Ridge Communications

Account # :

First: Nicholas

Last: Marinelli

Address: 374 Sycamore Dr.

City: East Stroudsburg

State: pennsylvania

Zip: 18301

Phone where to be contacted: 570-730-1134

Filing on Behalf of Someone: No

Relationship:

First Name:

Last Name:

Serve Status : carrier_response_pending

Ticketformation :

Robin McCullough (FCC Complaints)

Sep 23. 2.21 PM

Private note

Please use the Macro called "Closure Response to FCC" when you are ready to respond. To view instructions on how to respond see [https:// us-fcc.box.com / how-to-respond](https://us-fcc.box.com/how-to-respond).

This constitutes a notice of informal complaint filed with the FCC against your company. Your response to the consumer (with a copy to the FCC) is due no later than 30 days from the date of this notice.

For more information on your legal responsibilities, see <https://us-fcc.app.box.com/complaintnotice>.

If you have any questions regarding this notice, please contact the FCC at carriersupport@fcc.gov.

Slyntax

11/11/17 10:26 PM

Slyntax was not signed in when this comment was submitted. [Learn more](#)

Blue Ridge imposed Data Caps on customers without notifying them. The agreement states that if the customer signs, they agree, OR if they just use the service it's an automatic agreement to their policy changes. No notification that they added the data caps, and just using the service is an agreement.

Their cable service uses internet to download VOD movies and shows. The layman doesn't realize this. This is purely a money grab for them. They plan on most people not realizing and then paying the price down the road.

You are an agent. Add a comment by replying to this email or [view ticket in Zendesk](#).

Ticket # 525982
Status Open
Requester Slyntax
CCs -
Group Blue Ridge Communications
Assignee Jeff Crandall
Priority -
Type Ticket
Channel Web Form

October 15, 2015

Robin McCullough
Consumer Complaints

Serve Ticket#: 525982
Last Name: Marinelli

Dear Robin McCullough,

Mr. Marinelli's complaint is that we did not notify him that we recently introduced a monthly bandwidth allowance for our residential internet service.

We send our customers an internet agreement prior to service installation and post the terms on our website. In #7 of our agreement titled, "**Broadband Bandwidth**" we explain that because this is a shared bandwidth service we reserve the right to manage the bandwidth usage of our users so other customers are not adversely affected, and that bandwidth usage limitations may change which includes excess fees if their bandwidth usage goes over their plans allowance. We also explain that any changes to our policy will be posted on our website at <http://www.brctv.com/internet/internetpolicy>.

History: Our residential internet service has had bandwidth allowances for over ten years. Originally, the bandwidth allowance was based on the level of service and the average subscriber used less than 15GB per month. In 2009, as bandwidth usage grew, we measured bandwidth usage between the peak hours of 5pm - 11pm and raised the bandwidth allowance to 250GB for all levels of service. Less than 1% of the customers were affected and they were charged \$1.00 per GB over the 250GB.

Effective September 1, 2015, we modified the bandwidth policy by measuring the usage levels continuously and increasing the allowance by level of service, as follows:

	Speed	<u>Bandwidth Allowance</u>
1)	1.5mbps	150 GB downstream
2)	5mbps	300 GB downstream
3)	10mbps	400 GB downstream
4)	15mbps	500 GB downstream
5)	60mbps	600 GB downstream
6)	100mbps	700 GB downstream

Customers who exceed the monthly allowance are charged \$10 for each additional 50 GB.

Notice: We notified the customers of this change by bill message and amendment to the Blue Ridge policies on our web page. Additionally, we email customers if they reach 75% and 90% of their bandwidth allowance (Like the wireless phone providers do). We also provide a link to our website where the customer can monitor their bandwidth daily usage and what their current total bandwidth usage is for the month. For the first month of the new program (September 2015), we did not impose any usage fees but alerted the customer that we would begin doing so the following month. Importantly, bandwidth usage is independently measured and reported by a 3rd party.

Reason: Many customers do not realize that we pay for bandwidth on a usage basis. There is a vast discrepancy between the average and extreme user. Currently, the average user consumes 67 GB per month (well below even the lowest allowance) but we have seen extreme users consuming Terabytes of data. We believe that it would be unfair to the average user to raise rates to pay for the increased costs caused by the extreme users. We believe the bandwidth allowances selected are fair (our estimates are less than 3% of subscribers will exceed a data allowance) and that we give the extreme users notice and the opportunity to monitor their usage to avoid unexpected spikes in their bill.

Customers sometimes confuse the data allowances with prohibited blocking or throttling. Data allowances are neither and have been permitted, if not encouraged, by regulatory policy. Data allowances are the fairest method to allocate the variable cost of internet service. We are finding that many of the customers complaining about the bandwidth plans are using well under their data allowance and will not be affected. We will be contacting our customers who have made complaints and make sure they understand what their bandwidth usage has been, and how to check their usage on our website for daily and total bandwidth usage.

Please let me know if you have any further questions.

Sincerely,

Jeff Crandall
Director of Operations
Blue Ridge Communications

Cc. Nicholas Marinelli