



August 10, 2018

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Room TW-A325
Washington, D.C. 20554

RE: Ex parte filing in WC Docket Nos. 10-90, 14-58, 07-135 and CC Docket No. 01-92

Dear Ms. Dortch:

On August 8, 2018, Jeff Smith of GVNW, Eric Schmidt of Home Telephone Co., Lee Whitcher of Harrisonville Telephone Company, Kevin Jacobsen of Egyptian Telephone Cooperative Association, Barry Adair of Wabash Communications and Kim Harber, Mary Schwartz and David Beier of Madison Telephone Company, met telephonically and the undersigned from GVNW Consulting, Inc. (GVNW) met in person with Alex Minard and Suzanne Yelen and telephonically with Jesse Jachman and Sue McNeil of the Wireline Competition Bureau.

The *ex parte* meeting discussed the proposal to change the current competitive overlap rules in the Commission's Notice of Proposed Rulemaking (NPRM) on high-cost universal service support for rate-of-return companies.¹ The participants in the *ex parte* meeting represent the Illinois RLECs who participated in that proceeding.² The Illinois RLECs discussed their concerns with the burdens placed on RLECs and the Commission by the more granular competitive overlap process yet to be implemented and pledged to work with the Commission to efficiently operationalize that process.

There was constructive discussion with FCC staff concerning three aspects of the process that could be addressed in the scheduled 100 percent overlap proceeding. First, it could be clarified that if a study area is identified as being 100 percent overlapped in the Commission's Public Notice based on the FCC Form 477, if the unsubsidized voice and broadband competitor(s) cited as the overlapping party does not file supporting data in the initial comment round of the proceeding, no further action need to be taken by the incumbent and the lack of the filing of

¹ *Connect America Fund, et al.*, WC Docket No. 10-90 *et al.*, Report and Order, Third Order on Reconsideration, and Notice of Proposed Rulemaking (rel. March 23, 2018) ("*NPRM.*")

² See Comments and Reply Comments of GVNW On Behalf of the Illinois RLECs, submitted in the above referenced *NPRM*.

such data shall automatically trigger a final determination by the Commission that the tentatively identified 100 percent overlap is null and void for the purpose of that proceeding. An unsubsidized voice and broadband provider shall not be permitted to file in the reply comment round if it has not filed supporting information and data in the initial comment round. Second, if the unsubsidized voice and broadband provider(s) does file in the initial comment round, the incumbent must have sufficient time to develop sufficient and reliable data to rebut any assertions made. Third, the Commission should emphasize to unsubsidized voice and broadband providers that if they discover, or are informed of by the incumbent or others, that their FCC Form 477 filing is not accurate, they are obliged to file a correction and that there is no penalty for such a filing.

As required by the Commission's rules, this *ex parte* record is now filed in the above referenced dockets. If there are any questions, please call me on 301-738-0020.

Respectfully submitted,

Via ECFS 8/10/2018

David B. Cohen, Esq.
Senior Policy Advisor
GVNW Consulting, Inc.

Copy to:

Alex Minard, FCC
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Sue McNeil
Jesse Jachman