

August 28, 2017

BY ELECTRONIC FILING

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

Re: *Connect America Fund*, WC Docket No. 10-90 –
Notice of Ex Parte Communications

Dear Ms. Dortch:

On Thursday, August 24, 2017, Michael Skrivan of FairPoint Communications, Inc. (“FairPoint”) and I met with Claude Aiken, Amy Bender, Nathan Egan and Travis Litman to discuss FairPoint’s pending December 10, 2015 petition for declaratory ruling in the above-captioned docket for the restoration of ICC Transitional Support being improperly deducted by NECA. The Commission’s rule governing “eligible recovery” for rate-of-return carriers, 47 C.F.R. §54.917(d), should be enforced as written, and FairPoint should be compensated in accordance with the mechanisms set forth in Sections 54.917(e) and (f) of the Commission’s rules, 47 C.F.R. §54.917(e), (f). Without proper compensation under the eligible recovery rule, the FairPoint rate-of-return ILECs are under-recovering by roughly \$9.9 million through funding year 2017.¹ Accordingly, NECA should be promptly instructed to comply with these rules and restore all support due to FairPoint under the Commission’s rules.

Very truly yours,



Karen Brinkmann
Counsel for FairPoint

¹ The amounts at issue are \$3.5 million for 2015, \$3.3 million for 2016, and \$3.1 million for 2017. To the extent that CAF Phase II support includes any “duplicative” switching-related support, that amount is *de minimis*, as previously documented by FairPoint. See “FairPoint Rate of Return ICC Transition Funding,” Letter from Karen Brinkmann to Marlene H. Dortch, FCC Secretary, WC Docket No. 10-90; CC Docket Nos. 02-33, 01-92, Attachment at 10 (filed April 22, 2016) (using Connect America Model inputs, for all the FairPoint rate-of-return ILECs combined, such amount is not more than \$62,022 per year).