

July 26, 2019

EX PARTE NOTICE

VIA ECFS

Ms. Marlene H. Dortch, Secretary
Federal Communications Commissions
445 12th Street, S.W.
Washington, D.C. 20554

**Re: Petition for Rulemaking to Amend and Modernize Part 54 of the
Commission's Rules to Prevent Waste in the Universal Service Fund E-rate
Program—RM-11841; CC Docket No. 02-6; and WC Docket No. 13-184.**

Dear Ms. Dortch:

On Tuesday, August 27, 2019, I spoke with Nirali Patel, Wireline Advisor to FCC Chairman Ajit Pai, concerning the Texas Carriers' E-rate Petition for Rulemaking pending in the above-captioned proceedings. As INCOMPAS' Opposition in the dockets discusses at length, I specifically stated that the petition should be dismissed for failure to meet the requirements in rule 1.401(c) to submit the facts and data that support its allegations and request for a rulemaking.¹ The onus is on the Petitioner to make its case; however, its failure to provide adequate facts and data in either its Petition or Reply, are sufficient grounds alone to dismiss the Petition.²

Respectfully submitted,

/s/ Angie Kronenberg

Angie Kronenberg
Chief Advocate & General Counsel

cc: Nirali Patel

¹ See INCOMPAS Opposition to Rulemaking, RM-11841; CC Docket No. 02-6; WC Docket No. 13-184, at 2-5 (filed July 1, 2019).

² See 47 C.F.R. §§1.401(c) & (e) ("The petition shall set forth . . . *all* facts . . . and data deemed to support the action requested." "Petitions which are moot, premature, repetitive, frivolous, or which plainly do not warrant consideration by the Commission may be denied or dismissed without prejudice . . .") (emphasis added).