



September 13, 2019

Ex Parte

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: Promoting Telehealth in Rural America, WC Docket No. 17-310

Dear Ms. Dortch:

On September 11, 2019, the undersigned, Cathy Carpino and Anisa Latif, AT&T, Jeb Benedict, CenturyLink, Diana Eisner, Frontier (in person), Richard Cameron, Alaska Communications, and Ann Morrison, Consolidated (on the phone) met with Liz Drogula, William Layton, Trent Harkrader, Regina Brown, Johnnay Schrieber and Philip Bonomo of the Wireline Competition Bureau. The purpose of the meeting was to discuss issues of concern for USTelecom members in the recent Report and Order in the above-referenced proceeding.¹

Primarily the parties discussed a need to clarify how the median “rural rate” is meant to operate. USTelecom members see some potentially significant problems with the way the item implements the rate, including situations when (a) the service provider’s rate comes from a competitively-procured master state contract; (b) the service provider’s rate is contained in a tariff, schedule, or publicly available service guide/guidebook and the service provider has a retail customer that is not supported by the Commission’s RHC or Schools and Libraries (E-rate) mechanism purchasing the same or similar service out of the tariff or service guide/guidebook at the same undiscounted rate as the Telecom Program participant; or (c) the service provider’s rate is the same as or lower than a rate the service provider is charging to a retail customer that is not supported by the Commission’s RHC or E-rate mechanism for the same or similar service. USTelecom members explained that these situations should be exempted, as USTelecom previously advocated, rather than having to follow a waiver process.² This includes situations where applicants order service under tariff or state contract without the provider having bid on the opportunity.

Additionally, USTelecom asked staff for clarification about the *Telehealth R&O*’s meaning and the Commission’s intent in indirectly prohibiting service providers from utilizing

¹*In the Matter of Promoting Telehealth in Rural America*, Report and Order, WC Docket No. 17-310, FCC 17-98 (rel. Aug. 20, 2019) (*Telehealth R&O*).

² See *id.* at para 74.

commission- or incentive-based consultants or third parties to help sell to health care providers who may ultimately decide to participate in the Commission's RHC Programs. USTelecom acknowledged it makes sense to expressly prohibit *applicants* from using consultants or third parties that have any financial stake in the awarded service provider, but they reiterated their concern in prohibiting service providers from using third parties to sell to health care providers as both unnecessary and disruptive to the industry. They explained it is reasonable for service providers to use solution providers or third parties to help sell service, particularly to small and medium-sized business, including health care providers. They also suggested clarification is needed about whether the certification would apply to existing service arrangements, rather than prospectively.

USTelecom's members also requested that the Commission harmonize the service provider certification rules between the Telecom and Healthcare Connect Fund (HCF) Programs. For example, several of the HCF Program certifications correctly use "invoice form" but the Telecom Program certifications simply use "invoice" and the HCF Program certifications consistently use "charged" but one Telecom Program certification (47 C.F.R. § 54.627(c)(3)(ii)(E)) uses "paid," instead of "is charged." Absent these clarifications, USTelecom explained that the rules, for example, may require service providers to police timely and complete payment from their healthcare provider customers before the service providers may seek reimbursement, which is not something USTelecom believes the Commission intended with these certifications.

Please contact the undersigned should you have any questions.

Respectfully submitted,

USTELECOM



By: _____

B. Lynn Follansbee
Vice President –Policy & Advocacy

cc: Liz Drogula
William Layton
Trent Harkrader
Regina Brown
Johnnay Schrieber
Philip Bonomo