



September 21, 2018

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

**Re: *Ex Parte* Communication: WC Docket Nos. 10-90, 14-58, 07-135, 18-156,
CC Docket 01-92, and CG Docket Nos. 03-123 and 98-170**

Dear Ms. Dortch:

On September 20, 2018, Genny Morelli and the undersigned of ITTA met with Arielle Roth and Kegan Despain of the Office of Commissioner O’Rielly.

The general purpose of the meeting was to introduce them to ITTA, describing our membership and issues before the Commission that are of particular interest to ITTA. Some of those issues include proceedings in the above-captioned dockets.¹

For instance, we discussed various points raised in ITTA’s comments on the *Rate-of-Return Budget NPRM*.² We emphasized that the Commission should fully fund separate budgets for the A-CAM program and legacy support mechanisms. Both programs are meritorious and should be afforded budget analyses based on their own bona fides. We advocated that the Commission fund participants in the A-CAM program to \$200 per eligible location, and fully fund the legacy program. We also discussed how, once the Commission has provided current A-CAM participants with \$200/month per eligible location and fully funded the legacy mechanisms, it should render a second A-CAM offer, which should be open to all rate-of-return carriers.

¹ See *Connect America Fund et al.*, Report and Order, Third Order on Reconsideration, and Notice of Proposed Rulemaking, FCC 18-29 (Mar. 23, 2018) (*Rate-of-Return Budget NPRM*); *8YY Access Charge Reform*, Further Notice of Proposed Rulemaking, FCC 18-76 (June 8, 2018); *Consumer and Governmental Affairs Bureau Seeks Comment on ITTA Petition for Declaratory Ruling*, Public Notice, DA 18-516 (CGB May 18, 2018). We also touched upon several other proceedings of interest to ITTA, but did not make substantive presentations regarding them.

² See Comments of ITTA – The Voice of America’s Broadband Providers, WC Docket Nos. 10-90, 14-58, and 07-135, CC Docket No. 01-92 (May 25, 2018).

We also expressed support for the Commission commencing the Remote Areas Fund auction in accordance with the timeline the Commission previously has set forth.³

In addition, we urged the Commission to maintain the status quo with respect to 8YY access charges, and refrain from transitioning interstate and intrastate originating end office and tandem switching and transport charges for 8YY calls to bill-and-keep.⁴ To the extent that some carriers continue to amass exaggerated origination minutes and costs for 8YY calls, in some cases these are attributable to parties engaged in arbitrage with respect to the 8YY intercarrier compensation regime. Therefore, any actions that the Commission takes to combat 8YY access charge abuses should be targeted towards such entities. In the unfortunate event the Commission does move forward with transitioning 8YY originating charges to bill-and-keep, it should facilitate appropriate access recovery mechanisms to remedy the losses of originating access revenues.

Further, we noted the pendency of ITTA's petition for declaratory ruling that it is and always has been permissible for a carrier recovering Telecommunications Relay Services (TRS) Fund contributions via an end user cost recovery fee line item (or the like) on customers' bills to include TRS, among other references, in the line item description.⁵ Such a declaratory ruling is in full accord with the Commission's TRS and Truth-in-Billing precedents, as well as longstanding industry practice.

Finally, we touched on some general themes of importance to ITTA. In the realm of broadband deployment, we emphasized that any policies fostering broadband deployment, especially in rural areas, must prioritize providing service to unserved and underserved Americans, and not contemplate the funding of overbuilding existing networks until broadband has been deployed "to all Americans" in accordance with the national broadband policy established by Congress. In that regard, we voiced support for Commissioner O'Rielly's letter to the U.S. Department of Agriculture's Rural Utilities Service (RUS) advocating that, in implementing its e-Connectivity Pilot Program, RUS "focus on bringing broadband to the truly unserved," and ensure that funds are not devoted to projects that overbuild "any federal funding recipient" for broadband deployment.⁶ In addition, we enunciated ITTA's longstanding position that the Commission should adopt policies and rules leveling the playing field for incumbent local exchange carrier provision of broadband, voice, and video services.

³ See *Connect America Fund; ETC Annual Reports and Certifications*, Report and Order and Order on Reconsideration, 32 FCC Rcd 1624, 1641, para. 43 (2017) ("reaffirm[ing] that the Commission will seek to commence the Remote Areas Fund auction no later than one year after the commencement of the Phase II auction," which occurred on July 24, 2018).

⁴ See Comments of ITTA – The Voice of America's Broadband Providers, WC Docket No. 18-156 (Sept. 4, 2018).

⁵ ITTA Petition for Declaratory Ruling Regarding TRS Line Item Descriptions, CG Docket Nos. 03-123 and 98-170 (filed May 8, 2018).

⁶ Letter from Michael O'Rielly, Commissioner, FCC, to Christopher McLean, Acting Administrator, RUS, Docket No. RUS-18-TELECOM-0004 (Sept. 10, 2018).

Ms. Marlene H. Dortch
September 21, 2018
Page 3

Please do not hesitate to contact the undersigned with any questions regarding this submission.

Respectfully submitted,

/s/

Michael J. Jacobs
Vice President, Regulatory Affairs

cc: Arielle Roth
Kagen Despain