

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
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In the Matters of	)	
	)	
Changes to the Board of	)	CC Docket No. <u>97-21</u>
Directors of the National Exchange	)	
Carrier Association, Inc.	)	
	)	
Federal-State Joint Board on	)	CC Docket No. 96-45
Universal Service	)	

COMMENTS

The National Exchange Carrier Association, Inc. (NECA) submits its comments in response to the Commission's Further Notice of Proposed Rulemaking (FNPRM) in the above-captioned matter, released August 15, 1997.<sup>1</sup>

In the FNPRM, the Commission proposes to amend section 64.604(c)(4)(iii)(I) of its rules specifically to permit the use of Telecommunications Relay Service (TRS) Fund revenue data by the Universal Service Administrative Company (USAC) or NECA, and the permanent Administrator, solely for purposes of verifying revenue information reported on the Universal Service Worksheet, Form 457.<sup>2</sup> The Commission further proposes to amend section 54.711(b) to clarify that, except as specified above, the duty of NECA, USAC, and the permanent Administrator to keep confidential all data obtained from universal service contributors, among

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<sup>1</sup> Changes to the Board of Directors of the National Exchange Carrier Association, Inc., Federal-State Joint Board on Universal Service, *Order on Reconsideration, Second Report and Order, and Further Notice of Proposed Rulemaking*, FCC 97-292, CC Docket Nos. 97-21 and 96-45 (rel. Aug. 15, 1997).

<sup>2</sup> FNPRM at ¶ 23.

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other responsibilities, extends to data obtained from the TRS Fund as well.<sup>3</sup> The Commission tentatively concludes that these proposed amendments are sufficient to maintain the confidentiality of the TRS Fund revenue data and seeks comment on this conclusion and the proposed rule amendments.<sup>4</sup>

NECA supports the Commission's proposals. Allowing USAC use of the existing TRS data to verify revenue information reported on the Universal Service Worksheet will better ensure the integrity of the new universal service funds by revealing any inconsistencies between revenue data reported for TRS and data reported for universal service. Use of TRS data will also provide for greater efficiency than requiring audits in every instance. Moreover, with the restrictions the Commission places on use of the data, confidentiality is ensured.<sup>5</sup>

In promulgating final rules, however, the Commission should clarify that the restrictions on use of data apply only to company-specific information, not information that is aggregated or general in nature. Absent such clarification, the administrator may find itself unable to provide aggregate information or general reports regarding universal service collections and

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<sup>3</sup> *Id* at ¶ 24.

<sup>4</sup> *Id* at ¶ 25.

<sup>5</sup> NECA also believes that the Commission should pursue consolidation of the TRS and USF data collections, resulting in one form and one database. This would facilitate the data submission process by thousands of participating carriers, the Administrator, and the Commission (which would have to audit only one data collection). NECA notes that the Commission has already stated that it will "consider at a later time if USAC should also administer the TRS fund." *See* In the Matters of Changes to the Board of Directors of the National Exchange Carrier Association, Inc., Federal-State Joint Board on Universal Service, *Report and Order, and Second Order on Reconsideration*, FCC 97-253, CC Docket Nos. 97-21 and 96-45 (rel. July 18, 1997) at note 112. Pending such consolidation, the Commission should clarify that the TRS Administrator may have reciprocal access to USAC data for the limited purpose of verifying revenue information reported on the FCC's Form 431.

disbursements, without first seeking waiver or permission from the Commission. Such information is often necessary to allow ongoing public input to the universal service programs, and would not compromise the confidentiality of any individual company data.<sup>6</sup>

Respectfully Submitted,  
National Exchange Carrier Association, Inc.

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September 11, 1997

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<sup>6</sup> This clarification could be accomplished by revising the last sentence of section 54.711(b) to state that the "Administrator . . . shall keep confidential all *company specific* data obtained from contributors . . . ."

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Comments was served this 11th day of September 1997, by mailing copies thereof by United States Mail, first class postage paid or by hand delivery, to the persons listed below.

By:

  
Perry S. Goldschein

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