



N A R U C
National Association of Regulatory Utility Commissioners

NOTICE VIA ELECTRONIC FILING

December 11, 2014

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

RE: Notice of Oral Ex Parte filed in the proceedings captioned: *In the Matter(s) of the Connect America Fund, WC Docket No. 10-90; ETC Annual Reports and Certifications, WC Docket No. 14-58; Petition of USTelecom for Forbearance Pursuant to 47 U.S.C. § 160(c) from Obsolete ILEC Regulatory Obligations that Inhibit Deployment of Next-Generation Networks, WC Docket No. 14-192.*

Secretary Dortch:

On December 9, 2014, **Rebekah Goodheart, Legal Advisor to FCC Commissioner Clyburn** called me at my office to ask me questions about the order in this proceeding, which, at the time, was in Sunshine. This contact was covered by 47 C.F.R. § 1.1204 (10) which exempts from the Sunshine prohibition any presentation “requested by (or made with the advance approval of) the Commission or staff for the clarification or adduction of evidence, or for resolution of issues.” The rule still requires that a “summary of any new oral information elicited from such request must be made in accordance with the requirements of § 1.1206(b).”

Ms. Goodheart asked if the undersigned had a position on the forbearance with respect to 47 U.S.C. § 214 proposed in the item set for the FCC’s agenda meeting on December 11. The undersigned is/was not familiar with the scope of the forbearance proposed in the order. I did however, suggest that:

- [i] AT&T incorrectly argues elsewhere that FCC forbearance of §214(e) necessarily preempts State Carrier of Last Resort (COLR) requirements;
- [ii] even though State COLR requirements are not based on §214(e) but separate authority granted by the State constitution/legislature and should not be impacted by forbearance, **that the FCC should clarify in any forbearance action, that it is not preempting any State COLRs;**
- [iii] given AT&T’s stance, any other FCC action/inaction will undoubtedly invite a lawsuit (or legislative initiative) based on the FCC’s silence as to the State role; and
- [iv] any forbearance granted should be narrowly tailored to meet the FCC’s goals.

I have attempted to cover all the key advocacy points raised during the phone call I received from Ms. Goodheart. I am copying Ms. Goodheart with this notice. If she indicates I have inadvertently left out some advocacy, or have not filed this letter in a relevant docket, I will immediately refile a corrected notice that includes the omitted discussions/proceedings in any additional docket. If you have questions about this or any other NARUC advocacy, please do not hesitate to contact me at 202.898.2207 (w), 202.257.0568(c) or at jramsay@naruc.org.

Respectfully Submitted,

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cc Rebekah Goodheart, Legal Advisor to Commissioner Clyburn