



**Competitive Carriers Association**  
Rural • Regional • Nationwide®

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February 5, 2015

**Via ECFS**

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

**RE: EX PARTE NOTICE**

**GN Docket No. 14-28:** *Protecting and Promoting the Open Internet*  
**WC Docket No. 10-90:** *Connect America Fund*  
**WT Docket No. 10-208:** *Mobility Fund*

Dear Ms. Dortch:

On Wednesday, February 4, 2015, I spoke with Chairman Wheeler *via* telephone about the FCC's Open Internet proceeding and its impact on the Universal Service Fund ("USF"). During our conversation, I noted that Competitive Carriers Association ("CCA") members that serve rural communities are most concerned about uncertainty regarding available high-cost universal service support for operating, upgrading, and expanding wireless networks in rural areas. USF support for mobile wireless service is critical for CCA's rural members and the subscribers they serve, to facilitate the same investment, innovation, competition and free expression of ideas that the Commission hopes to promote through its current open Internet proposal.<sup>1</sup>

As CCA understands it, the Commission plans to adopt open Internet rules under the Communications Act's provisions for Title II "common carrier" services, while forbearing from applying to broadband Internet access services Title II requirements for rate regulation, tariffing and unbundling of facilities.<sup>2</sup> I am encouraged by the Chairman's intent to "bolster[] universal service fund

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<sup>1</sup> See Letter from Representatives Robert E. Latta and Peter Welch to The Hon. Tom Wheeler, Chairman, FCC (filed Oct. 14, 2014); Letter from Senator Roy Blunt, *et al.* to The Hon. Tom Wheeler, Chairman, FCC (filed Oct. 24, 2014); Letter from Representative Alan Nunnelee, *et al.* to The Hon. Tom Wheeler, Chairman, FCC (filed Nov. 19, 2014); Letter from Senators Debbie Stabenow and Thad Cochran to The Hon. Tom Wheeler, Chairman, FCC (filed Dec. 9, 2014); *see also* Letter from Walton Gresham, President, Mississippi Delta Council to The Hon. Tom Wheeler, Chairman, FCC (filed Nov. 12, 2014); Letter from Cindy Hyde Smith, Commissioner, Mississippi Dept. of Agriculture and Commerce, *et al.* to The Hon. Tom Wheeler, Chairman, FCC (filed Dec. 12, 2014).

<sup>2</sup> FCC, Fact Sheet: Chairman Wheeler Proposes New Rules for Protecting the Open Internet (rel. Feb. 4, 2015), *available at* <http://www.fcc.gov/document/chairman-wheeler-proposes-new-rules-protecting-open-internet>.

support for broadband service in the future through partial application of Section 254.”<sup>3</sup> However, the Commission must preserve strong universal service policies and protect the mechanisms that today provide critical support to our nation’s rural areas, schools, libraries, health care providers and low-income Americans. Just as important, should it reclassify mobile broadband Internet access service as a Title II service, CCA urges the Commission to recognize mobile wireless providers’ need for the flexibility to reasonably manage their networks.

This *ex parte* notification is being filed electronically with your office pursuant to Section 1.1206 of the Commission’s Rules.

Sincerely,

*/s/ Steven K. Berry*

Steven K. Berry  
President & CEO

cc: Chairman Tom Wheeler

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<sup>3</sup> *Id.* Section 254(b) of United States Code Title 47 requires that consumers, including low-income, rural and high-cost consumers, throughout the country have access to advanced telecommunications and information services that are reasonably comparable to those provided in urban areas and that support be “sufficient, predictable and sufficient.”<sup>3</sup> 47 U.S.C. §§ 254(b)(3), (b)(5). Under its *USF/ICC Transformation Order*, the FCC reformed the distribution of universal service by creating a Mobility Fund separate and apart from the Connect America Fund, and significantly limited the amount of funding allocated for the deployment, maintenance and expansion of advanced mobile broadband networks in high-cost areas of the country—despite more and more Americans “cutting the cord.” *See generally Connect America Fund, et al.*, Report and Order and Further Notice of Proposed Rulemaking, WC Docket No. 10-90, *et al.*, 26 FCC Rcd 17663 (2011).