



**The Honorable Thomas Wheeler, Chairman
The Honorable Mignon Clyburn, Commissioner
The Honorable Jessica Rosenworcel, Commissioner
The Honorable Ajit Pai, Commissioner
The Honorable Michael O’Rielly, Commissioner
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554**

RE: Ex Parte: *In the Matter of Lifeline and Link Up Reform and Modernization*, WC Docket 11-42, *Telecommunications Carriers Eligible for Universal Service Support*, WC Docket 09-197.

Mr. Chairman and Commissioners:

On March 17 and 20, 2016, the National Association of Regulatory Utility Commissioners (“NARUC”) filed an ex parte letter and errata in these dockets, signed by ninety (96) state public utility Commissioners. The letter thoroughly rebutted recent industry arguments that the FCC can

(i) establish an optional federal *eligible telecommunications carrier* (ETC) Broadband Lifeline designation process that ignores 47 U.S.C. § 214(e)’s mandate that States conduct such designations OR (ii) give Broadband Lifeline funds to entities that have not been designated ETCs.¹

NARUC is correct.

The National Association of State Utility Consumer Advocates (“NASUCA”)² strongly supports the position on ETCs addressed in the NARUC ex parte. NASUCA agrees that cutting

¹ NARUC ex parte (March 17, 2016) at 1 (emphases in original).

² NASUCA is a voluntary association of advocate offices in more than 40 states and the District of Columbia, incorporated in Florida as a non-profit corporation. NASUCA’s members are designated by laws of their respective jurisdictions to represent the interests of utility consumers before state and federal regulators and in the courts.

states out of the ETC designation and review process will increase fraud and abuse – especially by carriers – in the Lifeline program as it transitions to supporting broadband services.³

NASUCA’s earlier comments in these dockets – and the NASUCA resolutions on which the comments were based – support a strong state role in the ETC process.⁴ These state “cops” should not be taken off the beat.⁵

The FCC did not forbear from ETC requirements – and the concomitant state involvement – in the December 2015 Order on USTelecom’s wide-ranging request.⁶ NASUCA urges the FCC to disregard the industry arguments, and continue the current public interest in state designation and review of ETCs.

Respectfully submitted,

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March 24, 2016

Members operate independently from state utility commissions as advocates primarily for residential ratepayers. Some NASUCA member offices are separately established advocate organizations while others are divisions of larger state agencies (e.g., the state Attorney General’s office). NASUCA’s associate and affiliate members also serve utility consumers but are not created by state law or do not have statewide authority.

³ Id.

⁴ See NASUCA resolutions 2014-6, <http://nasuca.org/reasonable-rates-for-telephone-and-broadband-services-2014-06/>, and 2012-2, <http://nasuca.org/2012-02-urging-the-fcc-to-retain-legacy-regulations-and-affirm-state-authority-to-enact-and-enforce-colr-and-etc-obligations/>.

⁵ See NARUC ex parte at 1.

⁶ *Petition of USTelecom for Forbearance Pursuant to 47 U.S.C. § 160(c) from Enforcement of Obsolete ILEC Legacy Regulations That Inhibit Deployment of Next-Generation Networks*, WC Docket No. 14-192, et al., Memorandum Opinion and Order, FCC-15-166 (rel. December 28, 2015).