W. Scott Randolph
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January 18, 2002

Ms. Magalie R. Salas
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

Ex Parte: CC Docket Nos. 96-262, 94-1, and 96-45

Dear Ms. Salas:

On January 14, 2002, the National Association of State Utility Consumer Advocates (NASUCA) submitted a Request for a Second Limited Modification of Interim Protective Order (IPO) in the above-referenced proceedings. NASUCA claims that a grant of its request would permit it to use confidential line count information of Verizon to provide comment and analysis on the amount of interstate access universal service support in the Commission's CALLS remand proceeding (*see* Public Notice of December 4, 2001, DA 28-17). However, NASUCA requests an amendment of the IPO allowing it to obtain confidential Verizon data "...in *any* proceeding established by the FCC to consider appropriate cost models to be used to establish *any* universal service fund and *any* proceeding in which the FCC considers establishing an amount for *any* universal service fund" (emphasis added). NASUCA Request at 4. This modification of the IPO should be denied.

NASUCA's request is overly broad and is inconsistent with the original intent of the IPO. The Commission issued its IPO to facilitate and expedite review of line count data, submitted solely for purposes of calculating overall high cost universal service support under the existing rules, for those wire centers that do not receive high-cost support. The protective order was issued on an interim basis until the Commission makes a final determination on how such information is to be treated.

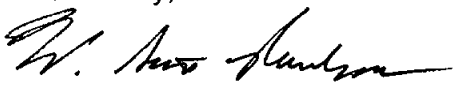
NASUCA's request, if granted, would not only pre-judge the outcome of that decision, but would allow it unfettered access to Verizon data for purposes for which it was never intended and without a prior Commission determination that the use of such data is either necessary or appropriate. Moreover, it would prejudice Verizon's rights under Section 0.461 of the Commission's Rules to object to parties' requests to obtain this data pursuant to its original request for proprietary treatment submitted under Section 0.459.

For these reasons, the Commission should deny NASUCA's request to use Verizon's line count data in *any* future universal service proceeding. Verizon, however, does not object to the

Commission allowing, subject to a protective order, limited use of the data in order to submit comments pursuant to the CALLS Remand Public Notice.

Pursuant to Section 1.1206(a)(1) of the Commission's rules, and original and one copy of this letter are being submitted to the Office of the Secretary. Please associate this notification with the record in the proceedings indicated above. If you have any questions regarding this matter, please call me at (202) 515-2530.

Sincerely,



W. Scott Randolph

cc: Jeffrey Carlisle
Eric Einhorn
Katherine Schroder
Jack Zinman