

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Federal-State Joint Board on Universal Service	)	CC Docket No. 96-45
	)	
1998 Biennial Review – Streamlined Contributor	)	CC Docket No. 98-171
Reporting Requirements Associated with Administration	)	
of Telecommunications Relay Service, North American	)	
Numbering Plan, Local Number Portability, and	)	
Universal Service Support Mechanisms	)	
	)	
Telecommunications Services for Individuals with	)	CC Docket No. 90-571
Hearing and Speech Disabilities, and the Americans with	)	
Disabilities Act of 1990	)	
	)	
Administration of the North American Numbering Plan	)	CC Docket No. 92-237
and North American Numbering Plan Cost Recovery	)	NSD File No. L-00-72
Contribution Factor and Fund Size	)	
	)	
Number Resource Optimization	)	CC Docket No. 92-200
	)	
Telephone Number Portability	)	CC Docket No. 95-116
	)	
Truth-in-Billing and Billing Format	)	CC Docket No. 98-170

**REPLY COMMENTS OF ALASKA COMMUNICATIONS SYSTEMS**

Leonard A. Steinberg  
General Counsel  
ALASKA COMMUNICATIONS SYSTEMS  
510 L Street, Suite 500  
Anchorage, Alaska 99501  
(907) 297-3000

Karen Brinkmann  
Jeffrey A. Marks  
LATHAM & WATKINS  
Suite 1000  
555 Eleventh Street, N.W.  
Washington, D.C. 20004-1304  
(202) 637-2200

*Counsel to ACS*

May 13, 2002

## TABLE OF CONTENTS

SUMMARY.....	i
I. INTRODUCTION AND SUMMARY .....	2
II. THE COMMISSION SHOULD NOT REPLACE THE REVENUE BASED SYSTEM WITH THE PROPOSED CONNECTION-BASED SYSTEM .....	3
A. The Current Revenue-Based System Has a Number of Positive Attributes .....	3
B. The Commission Should Expand the Contribution Base by Including Providers of Telecommunications Over Coaxial Cable .....	4
III. THE IXC COALITION’S PROPOSAL IS FAR INFERIOR TO THE CURRENT SYSTEM .....	6
A. The Proposed Connection-Based System is Contrary to Commission Policy and Precedent Built Over Many Years .....	6
B. The IXC Coalition Plan Shifts the Universal Service Burden to Local Exchange Carriers in Contravention of the Act .....	8
C. The Commission Should Base Contributions on Current Interstate Revenues, But Should Reject the IXC Coalition’s Collect and Remit Scheme .....	9
IV. CARRIERS SHOULD NOT CONTRIBUTE BASED ON THEIR LIFELINE SUBSCRIBERS AND ALSO SHOULD NOT BE PERMITTED TO COLLECT UNIVERSAL SERVICE FROM THESE CUSTOMERS .....	10
V. CONCLUSION .....	12

## **SUMMARY**

The telephone operating companies of Alaska Communications Systems (“ACS”) oppose the proposal of a handful of interexchange carriers to move from a revenue-based contribution mechanism to a “connection” based scheme. The current revenue-based mechanism has a number of positive attributes, including the fact that it is market-driven and self-correcting. These attributes would be lost in the proposed contribution-based mechanism, which assigns a flat-rate per-connection charge that is inherently arbitrary. Moreover, the connection-based proposal would unlawfully shift the burden of the interstate fund onto intrastate services and perpetuate implicit subsidies by placing a disproportionate burden on business customers to subsidize residential and small business customers. The connection-based proposal would also be difficult to administer and may be subject to manipulation.

ACS asserts that the Commission should improve the revenue-based mechanism rather than discard it. ACS proposes that the Commission ensure that providers of telecommunications over coaxial cable contribute to universal service. The Commission should also exempt assessment of Lifeline customer revenues for universal service.

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Federal-State Joint Board on Universal Service	)	CC Docket No. 96-45
	)	
1998 Biennial Review – Streamlined Contributor Reporting Requirements Associated with Administration of Telecommunications Relay Service, North American Numbering Plan, Local Number Portability, and Universal Service Support Mechanisms	)	CC Docket No. 98-171
	)	
Telecommunications Services for Individuals with Hearing and Speech Disabilities, and the Americans with Disabilities Act of 1990	)	CC Docket No. 90-571
	)	
Administration of the North American Numbering Plan and North American Numbering Plan Cost Recovery Contribution Factor and Fund Size	)	CC Docket No. 92-237 NSD File No. L-00-72
	)	
Number Resource Optimization	)	CC Docket No. 92-200
	)	
Telephone Number Portability	)	CC Docket No. 95-116
	)	
Truth-in-Billing and Billing Format	)	CC Docket No. 98-170

**REPLY COMMENTS OF ALASKA COMMUNICATIONS SYSTEMS**

The telephone operating companies of Alaska Communications Systems (“ACS”)<sup>1</sup> submit the following reply comments to the Federal Communications Commission’s (“Commission”) *Further Notice of Proposed Rulemaking (“FNPRM”)* issued in the above-captioned matter.

---

<sup>1</sup> These four companies are: ACS of Anchorage, Inc., ACS of Fairbanks, Inc., ACS of Alaska, Inc., and ACS of the Northland, Inc., each of which is wholly owned by Alaska Communications Systems Group, Inc., and each of which is subject to unbundling obligations under Section 251(c) of the Communications Act of 1934, as amended (the “Act”).

## **I. INTRODUCTION AND SUMMARY**

ACS operates local exchange facilities serving over 300,000 customers in the State of Alaska. Approximately half of ACS's customers are located in the singular major urban area of Anchorage, Alaska. The rest are scattered throughout the rural areas of the state. The ACS incumbent local exchange carriers ("ILECs") are part of a larger telecommunications enterprise which includes substantial interexchange, commercial mobile radio service ("CMRS") and Internet service provisioning. ACS faces substantial competition in each of these service offerings. The Alaska communications market exemplifies the advancement of inter- and intra-model competition and the continuing evolution of telecommunications carriers toward diversified and expanded service platforms and service offerings in the post-1996 Act era.

ACS urges the Commission to reject the proposal of a handful of interexchange carriers (collectively referred to as the "IXC Coalition") to discard the current universal service contribution system in favor of a connection-based mechanism. The connection-based proposal contains numerous flaws. First, it would unlawfully shift the burden of the interstate fund onto intrastate services. Second, it would perpetuate implicit subsidies and place a disproportionate burden on business customers to subsidize residential and small business customers. Third, the proposal would be difficult to administer, at best, and possibly open the contribution system to manipulation. Moreover, it is not clear from the *FNPRM* why the current system does not serve the goals of the Act, or could do so, with minor modifications. Instead of scrapping the current system, the Commission should simply improve the current revenue-based contribution system. In particular, ACS proposes that the Commission capture revenues from providers of telecommunications over cable plant and exempt assessment of Lifeline customer revenues.

## **II. THE COMMISSION SHOULD NOT REPLACE THE REVENUE BASED SYSTEM WITH THE PROPOSED CONNECTION-BASED SYSTEM**

### **A. The Current Revenue-Based System Has a Number of Positive Attributes**

Although ACS by no means believes that the current revenue-based universal service contribution mechanism is perfect, it is far superior to the connection-based system proposed by a handful of interexchange carriers.<sup>2</sup> Unlike the IXC Coalition's connection-based proposal, the current system is drive by market forces and is not arbitrary. Round numbers -- such as \$1.00 or \$0.25 per "connection" -- are attractive, but inherently arbitrary and could require constant monitoring and adjusting on the part of the Commission to ensure movement with the market.

Conversely, a revenue-based contribution system reflects revenue characteristics of different participants and different technologies, and is self-correcting. Under the revenue model, a company's contributions rise and fall depending on whether it earns more or less. Further, the level of contributions under the revenue-based system are market driven, not Commission driven. As noted by Verizon in its comments, "A revenue-based system . . . is a market-based 'self-weighting' approach. . . . A revenue based system is neutral and maintains parity between competing technologies and services by allowing assessment differences to be set by the market, rather than regulators."<sup>3</sup> The connection-based system does not allow for the market to correct contribution levels, but instead requires the Commission to make predictive judgments about technologies, industry segments, and market participants. As such, the revenue-based system has a number of

---

<sup>2</sup> See, e.g., *Comments of the Coalition for Sustainable Universal Service* (consisting of AT&T, e-commerce & Telecommunications Users Group ("e-TUG"), Level 3 Communications, and WorldCom) ("*Comments of the IXC Coalition*"); *Comments of the Ad Hoc Telecommunications Users Committee* (consisting of AT&T, e-TUG, Level 3 Communications, WorldCom and the Ad Hoc Telecommunications Users Committee); *Comments of AT&T*; *Comments of WorldCom*; *Comments of Sprint*.

<sup>3</sup> *Comments of Verizon*, at 4.

attributes that should not be discarded in favor of what the inferior connection-based proposal offers: round numbers chosen for convenience, but inherently arbitrary.

**B. The Commission Should Expand the Contribution Base by Including Providers of Telecommunications Over Coaxial Cable**

The proponents of the proposed connection-based system also have failed to establish why the current system needs replacing. Based on the record, it is unclear whether interstate revenues for traditional wireline services is in fact declining or that there is a downward “trend” in interstate revenues.<sup>4</sup> ACS certainly does not share the IXC Coalition’s vision of a universal service “death-spiral.”<sup>5</sup> Assuming *arguendo* that interstate revenues are shifting from IXCs to other providers of interstate telecommunications, however, ACS proposes that the Commission expand the universal service contribution base. In particular, the Commission should capture revenues from providers of telecommunications over coaxial cable. While traditional wireline and wireless providers contribute to universal service, providers of telecommunications over cable currently enjoy a free ride. The Commission has recently held that cable broadband services have a telecommunications component,<sup>6</sup> and is currently considering whether providers of cable modem service should contribute to universal service.<sup>7</sup>

---

<sup>4</sup> *Id.* at 6.

<sup>5</sup> *Comments of the IXC Coalition*, at 6, 7, 11, 32, 33, 36, 44, 45, 76, 88.

<sup>6</sup> *Inquiry Concerning High-Speed Access to the Internet Over Cable and Other Facilities, Internet Over Cable Declaratory Ruling, Appropriate Treatment for Broadband Access to the Internet, Declaratory Ruling and Notice of Proposed Rulemaking*, 17 FCC Rcd. 4798 (2002), at ¶ 26 (“*Cable Broadband Order*”); *See also, AT&T Corp. v. City of Portland*, 216 F.3d 871 (9<sup>th</sup> Cir. 2000)

<sup>7</sup> *Id.* ¶ 110 (citing *Appropriate Framework for Broadband Access to the Internet over Wireline Facilities, Universal Service Obligations of Broadband Providers, Computer III Further Remand Proceedings: Bell Operating Company Provision of Enhanced Services; 1998 Biennial Regulatory Review – Review of Computer III and ONA Safeguards and Requirements, Notice of Proposed Rulemaking*, 17 FCC Rcd 3019 (2002), at ¶¶ 79-80).

The Commission has acknowledged the rapid growth in penetration of cable broadband services to the home.<sup>8</sup> Indeed, cable modem service continues to far outstrip DSL and other telephone company broadband offerings to residential consumers.<sup>9</sup> In addition to cable broadband's telecommunications component, cable companies are increasingly offering traditional telephone service:

The number of broadband Internet customers has grown to 7.2 million, representing cable modem penetration of 17 percent across American homes with personal computers. And the number of our customers subscribing to competitive local telephone service over broadband cable had swelled to 1.5 million. We're seeing even greater growth in these services as . . . companies [release their] results for the first quarter of 2002.<sup>10</sup>

ACS continues to believe that assessment of revenues from information services and other non-telecommunications sources are outside the scope of Section 254 of the Act. However, cable modem telecommunications and voice telephony over cable plant are increasing sources of interstate telecommunications. Cable operators provide a ubiquitous network over which they offer traditional and advanced telecommunications services to the public. Consistent with Section 254, the FCC has determined that all providers of telecommunications may be required to contribute to the universal service support mechanisms.<sup>11</sup> The Commission should expand the universal service contribution base to include revenues earned by cable operators that provide these services.

---

<sup>8</sup> *Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, and Possible Steps to Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996*, Third Report, 17 FCC Rcd. 2844 (2002), at ¶¶ 44-47, 65-67.

<sup>9</sup> *Id.* Table 5.

<sup>10</sup> Maggie Wilderotter, *Potential Grows as Cable Connects America*, MULTICHANNEL NEWS (May 6, 2002), at p. 149.

<sup>11</sup> *See Federal-State Joint Board on Universal Service*, 12 FCC Rcd 8776 (1997), at ¶ 793 [subsequent history omitted] (“*Universal Service Order*”).

### **III. THE IXC COALITION’S PROPOSAL IS FAR INFERIOR TO THE CURRENT SYSTEM**

#### **A. The Proposed Connection-Based System is Contrary to Commission Policy and Precedent Built Over Many Years**

The IXC Coalition’s proposal is unworkable and retrograde in its imposition of capacity-based charges on multi-line businesses to account for any “residual” assessments required to satisfy the overall universal service funding requirement. As stated in the *FNPRM*, “[w]hen the Commission originally adopted a revenue-based assessment system, it rejected a per-line approach, concluding that the need to establish line-equivalency ratios would make such an approach difficult to administer and could possibly result in a system that is not competitively neutral.”<sup>12</sup> The issues of equivalency ratios are no less a problem today than when the Commission first rejected the per-line approach in 1997. In the *FNPRM*, the Commission also noted its concerns about how the proposed three-tier capacity level scheme may discriminate in favor of the largest business customers. ACS asserts that, under the capacity-based scheme, customers may make business decisions based on whether they are approaching the next tier and telecommunications providers may change the manner in which they provide service as a means to stay within certain capacity limits. The universal service contribution mechanism most certainly should not drive such business decisions.

Moreover, the capacity-based assessment for multi-line business perpetuates and exacerbates implicit subsidies in contravention of the Act. Section 254(e) of the Act states that universal service support should be “explicit,” and the Commission has worked for years to eliminate implicit subsidies in favor of explicit universal service support.<sup>13</sup> In addition, Section

---

<sup>12</sup> *FNPRM*, at ¶ 44 (citing *Universal Service*, ¶ 852).

<sup>13</sup> See *Universal Service Order*, at ¶¶ 303-04 (converting the DEM weighting factor from implicit recovery through interstate access rates to explicit recovery through the USF); *Access Charge Reform, Price Cap Performance Review for Local Exchange Carriers, Transport Rate*

254(d) stipulates that contributions be made in an equitable and non-discriminatory manner.<sup>14</sup> The FCC has acknowledged that it currently has in place mechanisms that require multi-line business customers to contribute to the recovery of costs incurred to serve single-line customers.<sup>15</sup> On appeal, the Eighth Circuit upheld this support system, but found of paramount importance that these implicit subsidies were for a “limited period,” “temporary,” and “transitional.”<sup>16</sup> In addition, the Fifth Circuit has consistently held that Section 254(e) makes it unlawful for the FCC to “maintain any implicit subsidies.”<sup>17</sup>

The IXC Coalition plan would violate Sections 254(d) and 254(e) by further burdening large business customers to the benefit of single-line residential and small business

---

*Structure and Pricing, End User Common Line Charges*, First Report and Order, 12 FCC Rcd 15982, (1997) ¶¶ 5-8 (determining that implicit support for universal service should be identified and removed from interstate access charges and should be provided instead through explicit support mechanisms), *aff'd sub nom., Southwestern Bell v. FCC*, 153 F.3d 523 (8th Cir. 1998); *Access Charge Reform, Price Cap Performance Review for Local Exchange Carriers, Low-Volume Long-Distance Users, Federal-State Joint Board on Universal Service*, Sixth Report and Order in CC Docket Nos. 96-262 and 94-1, Report and Order in CC Docket No. 99-249, Eleventh Report and Order in CC Docket No. 96-45, 15 FCC Rcd 12962, ¶¶ 185-232 (2000) (“*CALLS Order*”) (identifying as implicit support for universal service a specific amount of interstate access charges and replacing this implicit support with an explicit interstate access universal service support mechanism). *See also Multi-Association Group (MAG) Plan for Regulation of Interstate Services of Non-Price Cap Incumbent Local Exchange Carriers and Interexchange Carriers, Federal-State Joint Board on Universal Service, Access Charge Reform for Incumbent Local Exchange Carriers Subject to Rate-of-Return Regulation, Prescribing the Authorized Rate of Return for Interstate Services of Local Exchange Carriers*, Second Report and Order and Further Notice of Proposed Rulemaking in CC Docket No. 00-256, Fifteenth Report and Order in CC Docket No. 96-45, and Report and Order in CC Docket Nos. 98-77 and 98-166, FCC 01-304, ¶ 8 (Nov. 8, 2001) (“*MAG Order*”) (concluding that leaving the removal of implicit support to the discretion of individual carriers is neither consistent with the mandate of the 1996 Act nor justified from a public policy standpoint).

<sup>14</sup> 47 U.S.C. § 254(d).

<sup>15</sup> *Southwestern Bell Telephone Co. v. Federal Communications Commission*, 153 F.3d 523, 538 (1998).

<sup>16</sup> *Id.*

<sup>17</sup> *Comsat Corp. v. Federal Communications Commission*, 250 F.3d 931, 938 (5<sup>th</sup> Cir. 2002) (quoting *Texas Office of Public Utility Counsel v. Federal Communications Commission*, 183 F.3d 393 (5<sup>th</sup> Cir. 1999) (“*TOPUC I*”).

customers. As asserted by the General Services Administration in its comments, “[b]usiness multi-line users are already bearing a disproportionate share of the interstate access costs,” and the IXC Coalition’s plan will further increase the burden on and skew universal service to the disadvantage of multi-line business customers.<sup>18</sup> This increased burden is not grounded in the costs of serving multi-line business customers, but only on the “residual” requirements of the fund. Because the connection based charge unlawfully discriminates against multi-line business customers and elects implicit subsidies from business to residential customer services, the Commission must reject the IXC Coalition’s connection-based proposal.

**B. The IXC Coalition Plan Shifts the Universal Service Burden to Local Exchange Carriers in Contravention of the Act**

The IXC Coalition has put forth a transparent, self-serving attempt to remove themselves from the burden of paying interstate universal service. Section 254(d) of the Act applies the requirement of federal universal service support to only interstate telecommunications,<sup>19</sup> defined, in relevant part, as a communication or transmission from “any state . . . to any other state.”<sup>20</sup> The IXC Coalition proposes to turn this statutory requirement on its head. As succinctly explained by one commenter, “Treating all connections the same, regardless of the interstate usage, would clearly shift the lion’s share of the interstate USF contribution obligation away from IXCs, whose services and revenues are primarily interstate, and place this burden squarely on LECs . . . whose services and revenues are predominantly intrastate.”<sup>21</sup>

Further, the Commission’s authority to assess universal service based on intrastate services is less than clear. Even the IXC Coalition admits in its comments that the Fifth Circuit

---

<sup>18</sup> *Comments of the General Services Administration*, at 7.

<sup>19</sup> 47 U.S.C. § 254(d) [emphasis added].

<sup>20</sup> *Id.* § 153(22).

<sup>21</sup> *Comments of the National Telecommunications Cooperative Association*, at 3. See *Comments of NTRA and OPASTCO*, at 8-9.

Court of Appeals has held that Section 254 of the Act does not “provide an unambiguous grant of authority to assess intrastate revenues in the context of a revenue-based assessment scheme, and Section 2(b) of the Act therefore [bars] such an assessment.”<sup>22</sup> The IXC Coalition also claims, however, that Section 2(b) “has no application here.”<sup>23</sup> ACS disagrees. The IXC Coalition’s proposal would limit, and in some cases eliminate, contributions by providers of interexchange services and shift this contribution responsibility to the major purveyors of local services. The Fifth Circuit opinion, at a minimum, raises major questions as to lawfulness of this reliance on local service providers to fund federal universal service. Thus, if traditional wireline interstate revenues are falling, the answer is not to shift the burden of federal universal service support onto local service providers.

**C. The Commission Should Base Contributions on Current Interstate Revenues, But Should Reject the IXC Coalition’s Collect and Remit Scheme**

ACS agrees with the IXC Coalition that contributions should be based on the most current revenue data possible. The IXC Coalition correctly states, “USF lag creates an artificially competitive advantage for telecommunications carriers with increasing interstate or international revenues because those carriers are not obligated to contribute to the universal service fund for six months, after which time they are able to spread the recovery of those contributions over a by-then larger revenue base.”<sup>24</sup> Nowhere is this more acutely accurate than in Alaska. The Alaska market is the most competitive in the country. Faced with myriad regulatory costs to which its competitors are not subject, ACS has steadily lost market share over the last several years. As its contribution base falls, ACS still must contribute to universal service based on customers that have switched to

---

<sup>22</sup> *Comments of the IXC Coalition*, at 94 (citing *TOPUC I*, 183 F.3d at 393).

<sup>23</sup> *Id.*

<sup>24</sup> *IXC Coalition Comments*, at 29.

its competitors, while the CLECs pay less than their current market share would indicate. As such, the Commission should minimize this “USF lag” to remedy this competitive inequity.

However, ACS’s agreement with the IXC Coalition on this matter stops there. The Commission should reject the IXC coalition’s accompanying “collect and remit” proposal, whereby carriers would be required to remit only those contributions collected from end user customers. Such a system rewards inefficiency and would disproportionately shift the support burden to companies that successfully collect. Telecommunications providers should not be able to avoid their universal service responsibility through inefficient collection practices. This will create perverse incentives and penalize those companies that are able to collect. Therefore, the Commission should reject the collect and remit proposal.

#### **IV. CARRIERS SHOULD NOT CONTRIBUTE BASED ON THEIR LIFELINE SUBSCRIBERS AND ALSO SHOULD NOT BE PERMITTED TO COLLECT UNIVERSAL SERVICE FROM THESE CUSTOMERS**

ACS supports the proposal to exempt Lifeline customer revenues from the contribution base.<sup>25</sup> Although the *FNPRM* first discusses this in terms of exempting Lifeline “connections,” it appears that the *FNPRM* recognizes that the merits are equally compelling for exempting Lifeline customer revenues from the contribution base under the current revenue-based system. Exempting Lifeline subscribers from contributing to universal service is consistent with the Lifeline programs goal to increase subscribership by reducing monthly basic local service charges for qualifying low-income consumers.<sup>26</sup>

Furthermore, the *FNPRM* also recognizes an inequity in the current system – incumbent local exchange carriers may not recover universal service contributions from their

---

<sup>25</sup> *FNPRM*, at ¶ 40.

<sup>26</sup> *Id.* (citing *Universal Service Order*, ¶ 329).

Lifeline subscribers, while competing carriers may do so.<sup>27</sup> ACS submits that the Commission should remedy this inequitable treatment. By including Lifeline subscribers in their contribution base, competing local exchange carriers, interexchange carriers, and other market segments may charge a lower universal service fee per-customer, giving non-incumbent providers a competitive advantage. Therefore, if the Commission determines to do this, then the Commission must prohibit all providers of telecommunications from collecting universal service from these customers.

---

<sup>27</sup> *Id.* (citing 47 C.F.R. §§ 69.158, 69.131).

## V. CONCLUSION

The IXC Coalition's proposal to move to a connection-based contribution mechanism violates the Act and is counter to the Commission's long-standing efforts to eliminate implicit subsidies in universal service. ACS urges the Commission to continue its efforts to improve the current revenue-based contribution system by capturing revenues from providers of telecommunications over coaxial cable, minimizing the time lag between submission of reports and contributions to the fund, and prohibiting assessment of Lifeline customer revenues. In light of the foregoing, ACS respectfully requests that the Commission to reject the IXC Coalition's proposed connection-based contribution mechanism.

Respectfully submitted,

ALASKA COMMUNICATIONS SYSTEMS

Leonard A. Steinberg  
General Counsel  
ALASKA COMMUNICATIONS SYSTEMS  
510 L Street, Suite 500  
Anchorage, Alaska 99501  
(907) 297-3000

/s/ Jeffrey A. Marks  
Karen Brinkmann  
Jeffrey A. Marks  
LATHAM & WATKINS  
Suite 1000  
555 Eleventh Street, N.W.  
Washington, D.C. 20004-1304  
(202) 637-2200

*Counsel to ACS*

May 13, 2002

## CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing Reply Comments of Alaska Communications Systems was sent by overnight mail or e-mail, this 13<sup>th</sup> day of May 2002, to the following:

Ms. Judy Boley  
Federal Communications Commission  
Room 1-C804  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554  
jboley@fcc.gov

Ms. Jeanette Thornton  
OMB Desk Officer  
10236 NEOB  
725 – 17<sup>th</sup> Street, N.W.  
Washington, DC 20503  
JeanetteThornto@omb.eop.gov

Qualex International  
Portals II  
Room CY-B402  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

/s/ Jeffrey A. Marks

Jeffrey A. Marks