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May 31, 2002

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**MAY 31 2002**

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Ms. Marlene H Dortch, Secretary  
Office of the Secretary  
Federal Communications Commission  
445-12th Street, SW  
Washington, DC 20554

Re: **Ex Parte Presentation of the**  
**Rural Independent Competitive Alliance**  
in CC Docket Nos. 96-45, 96-98, 98-166, 00-256,  
01-338, 02-33; and WT Docket No. 97-82

Dear Ms. Dortch:

Enclosed please find an original and 14 copies (two for each FCC proceeding referenced) of the above-referenced Ex Parte Presentation of the Rural Independent Competitive Alliance (RICA).

Should you have any questions, please do not hesitate to call.

Respectfully submitted,



Clifford C. Rohde  
Attorney for RICA

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Dear Ms. Dortch:

On May 30, 2002, members of the Rural Independent Competitive Alliance ("RICA") (listed below) and Steven Watkins of Kraskin, Lesse & Cosson, LLP, met with Commissioner Kevin Martin and his senior advisor, Dan Gonzalez, at RICA's Annual Conference in Las Vegas, Nevada, to discuss the following issues.

1. Network Cost Recovery, CC Docket Nos. 00-256, 98-166, 96-45. RICA members explained that their primary objective as CLECs is to provide quality service with their own network facilities and that the members are interested in ensuring that the available cost recovery sources remain viable to support the cost recovery of their quality networks. As such, the RICA membership is highly interested in the resolution of the future of access charges; the transition of greater amounts of cost recovery to Universal Service Support sources; and the potential for instability in this course which could jeopardize their cost recovery and further network commitments.

2. Multiple Eligible Telecommunications Carriers ("ETCs") and Universal Service Support Issues, CC Docket No. 96-45. The members discussed the existing, and potential revisions to the, rules for Universal Service support where there are multiple carriers operating in the same high-cost rural area. RICA's expressed its position that the rules must be rational in order not to jeopardize the otherwise highly laudable goals of the Universal Service plan. Outstanding issues should, therefore, be addressed as soon as possible. The members emphasized that the rules must be structured so that the Universal Service objectives outlined in the Communications Act are achieved. The Members stressed that, at a minimum, the amount of support a second ETC receives should not be based on the incumbent's costs, which likely has no relationship to the second ETC's relative need for support.

3. Broadband Treatment Under The Universal Service Plan, CC Docket Nos. 96-45, 02-33. Some of the members cited their own CLEC efforts to deploy broadband/data service capability at considerable cost on a per-customer basis in their rural service areas. The RICA members expressed their desire that the cost of broadband service deployment in rural areas be included as a component of the overall Universal Service plan.

4. Universal Service Fund Cap, CC Docket No. 96-45. RICA explained that greater demands for Universal Service support that are the result of recent ETC and Universal Service plan developments have diminished support dollars available for existing and new network cost recovery in high cost areas. Accordingly, RICA members noted that the current provisions which cap the size of the overall support fund must be addressed so that reasonably adequate cost recovery support levels can be maintained into the future.

5. Attribution Rule, WT Docket No. 97-82. RICA members described the inappropriate and counter-productive wireless license attribution rule under which the gross revenues of unrelated business interests of individual officers and members of the board of directors of a telecommunications cooperative are considered in evaluating the size of the cooperative for participation in license auctions. RICA asked Commissioner Martin to review this provision of the Commission's rules and to address the flawed aspects of this provision.

6. Unbundled Loops, CC Docket Nos. 96-98, 01-338. RICA members explained that some of their members currently rely on unbundled loops (to a lesser extent than on their own facilities). The members expressed concern about changes in unbundled loop charges recently proposed by incumbent LECs.

The RICA members in attendance were:

- Mike Hunsacker, Silver Star Communications (WY)
- Terry Wegener, Forest City Telecom, Inc. (IA)
- Karen Zimmerman, Cumby Tel. Cooperative (TX)
- Rick Vergin (RICA Chair), CTC Telecom, Inc. (WI)
- Bill Rohde, Mark Twain Communications (MO)
- Ron Strecker, PTSI (OK)
- David Schmidt, Heart of Iowa Communications, Inc. (IA)

- Jimmy White, XIT Communications (TX)
- Levoy Knowles, Ben Lomand Communications, Inc. (TN)
- Gerry Anderson, Mid-Rivers Communications (MT)

Please contact me if you or FCC staff have any questions regarding this matter.

Respectfully submitted,



Clifford C. Rohde  
Attorney for RICA

cc: Comm. Kevin Martin  
Mr. Dan Gonzalez