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November 1, 2002

RE: Ex parte presentation of the Rural Independent Competitive Alliance (RICA), in CC Dockets No. 96-45, 96-262, 01-338, 02-33; GN Docket No. 00-185

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

Dear Ms. Dortch:

At its fall conference in Nashville, members of the board of the Rural Independent Competitive Alliance ("RICA"), along with counsel, met with Jordan Goldstein, Senior Legal Advisor to Commissioner Copps. Discussions with Mr. Goldstein occurred during the evening of October 28, and resumed briefly on October 29. A list of discussants is provided below. This ex parte is being filed electronically pursuant to Commission rules 1.1206(b)(2) and 1.49(f).

RICA members and counsel raised the following issues:

Despite the FCC's April 2001 order compelling IXCs to pay CLECs for interstate access services provided at rates within the established safe harbor, IXCs continue to refuse to pay rural CLECs for interstate access services. RICA continues to urge the Commission to grant RICA's Petition to Reconsider the CLEC Access Reform Order, and to strengthen that Order so that it may withstand judicial review. In this context, counsel described the recent decision of the North Carolina Utilities Commission ("NCUC") finding AT&T in violation of state law for directing a rural CLEC to discontinue service. The NCUC relied in part on the Commission's reasoning in the CLEC Access Reform Order. The NCUC especially noted the Commission's concern that by allowing IXCs to pick and choose the CLECs with which it will connect the universality of the PSTN will be destroyed.

There are serious flaws in, and inequalities created by, the IXC proposal to change Universal Service Fund contributions to a per connection model. RICA believes that carriers should continue to contribute to the fund in an equitable manner and based

on interstate revenues. Further, universal service support should be based on a carrier's actual costs, whether the carrier is incumbent or competitive, wireless or wireline.

The FCC's classification of broadband as "information services" rather than "telecommunications services" is premature at best and may result in unintended negative consequences. For example, removing such services from regulation under Title II of the Act could eliminate the possibility of either requiring broadband providers from contributing to the Universal Service Fund, or eliminate the prospect of such services ever being added to the list of supported universal services.

RICA members and counsel present during discussions with Mr. Goldstein were:

- Rick Vergin (RICA Chair), CTC Telcom
- Bill Rohde, Mark Twain Communications Company
- Carl Turnley, Connections
- Brad Welp, Heart of Iowa Communications Cooperative
- Terry Wegener, Forest City Telecom, Inc.
- Stephen Kraskin, David Cosson, Tom Smith, and Clifford Rohde of Kraskin, Lesse & Cosson, LLP

Respectfully submitted,
/s/
David Cosson
Clifford C. Rohde
Counsel to RICA

cc: Jordan Goldstein