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VIA HAND DELIVERY

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October 27, 2003

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Ms Marlene Dortch, Secretary
Federal Communications Commission
The Portals, TW-A325
445 12th Street, SW
Washington, D.C 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re In the Matter of Nomination for Universal Service Administrative Company
Board of Directors, CC Docket No s 97-21 and 96-45

Dear Ms. Dortch:

Pursuant to FCC Public Notice DA 03-2957, this letter is to nominate David N. Baker to the Board of Directors of the Universal Service Administrative Company as the representative for information service providers. Mr Baker's resume is attached hereto. As the Vice President, Law and Public Policy, of EarthLink, Inc, Mr. Baker is an outstanding advocate for information service providers before the Federal Communications Commission and Congress on a wide range of matters, including universal service. Moreover, with his prior tenure as the Chairman of the Georgia Public Service Commission and a member of the Universal Service Joint Board, Mr. Baker would provide the USAC board with a substantial depth of experience on universal service matters and communications expertise. For these reasons, I strongly urge the Commission to appoint Mr. Baker to the Board of Directors of the Universal Service Administrative Company.

Please do not hesitate to call me if you have any questions.

Respectfully submitted,



Mark J. O'Connor

CC Sheryl Todd

David N. Baker

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Objective

Former Georgia Public Service Commissioner and member of Universal Service Joint Board, currently an executive with a leading national Internet service provider (ISP), seeks appointment to Universal Service Administrative Company (USAC) Board of Directors.

Professional Experience

EarthLink, Inc. Atlanta, Georgia
Vice President, Law and Public Policy

Dec. 1998 - Present

Oversee legal, legislative and regulatory matters for nation's third-largest Internet service provider (ISP) Represent company before Congress, federal agencies (FCC, FTC, DOJ), state legislatures and state Public Service Commissions Lead company's strategic initiatives in areas such as broadband deployment, spam fighting, copyrights and intellectual property, taxation, content liability, privacy and law enforcement issues. Extensive media and public speaking experience

- Negotiated national cable access agreement with Time Warner Cable which made EarthLink broadband cable service available to over 20 million households in 39 cities.
- Negotiated agreements with Incumbent and Competitive Local Exchange Companies which reduced wholesale Digital Subscriber Line (DSL) rates.
- Represent company before FCC to ensure continued access to broadband platforms.
- Represent company before Congress and the FTC in developing efforts to combat spam.
- Ensure company compliance with Digital Millennium Copyright Act (DMCA) while challenging efforts of the recording industry to broaden subpoena power of the Act
- Supporting Congressional efforts to permanently extend the Internet tax moratorium.
- Report to CEO and Board on strategic impact of Congressional and FCC decisions.

Georgia Public Service Commission, Atlanta, GA
Commissioner and Chairman

Dec. 1994 - Dec 1998

Elected statewide to public utilities commission charged with promoting competition and deregulation of telecommunications, electric, natural gas and transportation industries in Georgia while protecting consumers Managed staff of over 200 while keeping budget within state redirection requirements

- Implemented and enforced competition and deregulation provisions of the Georgia Telecommunications Act of 1995 and the federal Telecommunications Act of 1996.
- Appointed by Federal Communications Commission (FCC) as one of 4 state commissioners nationwide to serve on Federal-State Joint Board on Universal Service

- Chaired the Commission's Telecommunications Committee and appointed by the National Association of Regulatory Utility Commissioners (NARUC) to serve on its Communications Committee.
- Implemented Georgia Natural Gas Competition and Deregulation Act creating consumer choice in natural gas suppliers and establishing a universal service fund.
- Supervised electric utility rate cases saving Georgia rate payers over \$300 million.
- Served on Transportation Committee for the Metro Atlanta Chamber of Commerce.
- Named by Georgia Trend as one of the 100 Most Influential People in Georgia in 1997.

David N. Baker, Attorney at Law, Atlanta, GA
Attorney and Proprietor

Jan 1992 – Dec. 1994

Developed clients and managed law office representing individuals and small businesses in litigation and corporate law matters including commercial real estate leases, corporate governance and employment law

Advised Republican candidates and served as General Counsel for Georgia Federation of Young Republican Clubs. Ran successfully for Georgia Public Service Commission in 1994

Gambrell & Stolz, Atlanta, GA
Litigation Associate

Sept. 1990 – Dec. 1991

Lokey & Bowden, Atlanta, GA
Litigation Associate

May 1987 – Aug. 1990

Boards of Directors and Advisory Boards

Chairman Emeritus, California Internet Service Providers' Association (CISPA)
 Director, US Internet Service Providers' Association (US ISPA)
 Director, Georgia Electronic Commerce Association (GECA)
 Director, Power Line Communications Association (PLCA)
 Director, Odyssey Family Counseling Center

Governor's Telecommunications and Technology Task Force (Gubernatorial appointment)
 Congressional Internet Caucus Advisory Committee
 Metro Atlanta Chamber of Commerce - Board of Advisors
 Georgia Republican Foundation Roundtable

Education

Washington & Lee University School of Law, Lexington, VA
 Juris Doctor

1987

Johns Hopkins University, Baltimore, MD
 B A. Political Science, Dean's List

1984