

K R A S K I N, L E S S E & C O S S O N, L L C  
ATTORNEYS AT LAW  
TELECOMMUNICATIONS MANAGEMENT CONSULTANTS

2120 L Street, N.W., Suite 520  
Washington, D.C. 20037

Telephone (202) 296-8890  
Telecopier (202) 296-8893

**FILED ELECTRONICALLY**

November 11, 2003

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

Re: Notice of Ex Parte Presentation  
of the Rural Independent Competitive Alliance in  
CC Docket No. 96-45, 98-77

Dear Ms. Dortch:

On November 10, 2003, David Cosson and I spoke via telephone with New York Public Service Commissioner and Federal-State Joint Board ("FSJB") member Thomas J. Dunleavy to discuss concerns of the Rural Independent Competitive Alliance ("RICA") with respect to the universal service "portability" proceeding currently ongoing at the Commission.

We summarized points we have made in comments, reply comments filed in this proceeding, as well as at the FSJB Denver forum held last July. At root, RICA strongly believes that the support that any eligible telecommunications carrier ("ETC") receives should be based on the network costs of the carrier, or class of carrier, receiving support, rather than on the incumbent carrier's costs. We also stated the belief that the Joint Board should proceed to establish such a support paradigm without first determining precisely how to measure the costs of competitive ETCs ("CETCs") or classes of CETCs. Such a determination should be made in a subsequent proceeding. In addition, we discussed the problems inherent to the "primary line" proposals, such as administrative burdens and the prospect of abuse by carriers improperly impelling customers to declare such carrier as the provider of the "primary line."

We further discussed some problems inherent with a "numbers based" universal services support contribution methodology. To wit, consistent with Section 254(b)(4) of the Communications Act of 1934 ("Act"), as amended, any contribution methodology must ensure that "all providers of telecommunications services" make "equitable and nondiscriminatory contribution" to support universal

service. A numbers-based methodology may not adequately adhere to this section of the Act. Such methodology may also not adequately confront the challenges to the fund and network maintenance posed by the current regulatory classification (or lack thereof) of voice over Internet protocol (“VoIP”) services.

We stressed as well, that RICA members have experienced revenue shortfalls resulting from the Commission’s decision to substantially reduce NECA access charge rates by shifting carrier common line recovery to a universal service mechanism (ICLS) not available to rural CLECs. Because rural CLECs’ recovery of costs of providing interstate access is inadequate, the Commission should revise the Universal Service rules to provide for support based on a rural CLEC’s own costs.

This *ex parte* notice is being filed electronically pursuant to Commission rules 1.1206(b) and 1.49(f).

Please contact the undersigned with any questions related to this submission.

Respectfully submitted,

*/s/ Clifford C. Rohde*  
Clifford C. Rohde  
Counsel to RICA

cc: Thomas J. Dunleavy (via email)