

STATE OF FLORIDA

COMMISSIONERS:  
BRAULIO L. BAEZ, CHAIRMAN  
J. TERRY DEASON  
LILA A. JABER  
RUDOLPH "RUDY" BRADLEY  
CHARLES M. DAVIDSON



DIVISION OF EXTERNAL AFFAIRS  
CHARLES H. HILL  
DIRECTOR  
(850) 413-6800

## Public Service Commission

### NOTICE OF *EX PARTE* CONTACT

January 30, 2004

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Suite TW-A325  
Washington, DC 20554

**Re: Federal-State Joint Board on Universal Service's Request for Comment on Certain of the Commission's Rules Relating to High-Cost Universal Service Support and ETC Designation Process, CC Docket 96-45.**

Dear Ms. Dortch:

Please be advised that on January 15<sup>th</sup>, 20<sup>th</sup>, and 21<sup>st</sup>, Florida Commissioner Lila Jaber received correspondence from Florida Representatives Donald D. Brown, Larry Cretul, and Donna Clarke relating to issues in this proceeding. It has come to our attention that the Representatives were unaware of the FCC's *ex parte* procedures. We are filing this notice on their behalf and respectfully request any waivers needed to file this out of time.

Attached are their respective letters and responses from Commissioner Jaber. The correspondence generally address concerns relating to primary line restrictions for telephone service and its impact on economic development and wireless deployment in rural areas. If you have any questions about this filing, please do not hesitate to contact Gregory Fogleman at (850) 413-6574.

Sincerely,

/ s /

Cynthia B. Miller, Esquire  
Office of Federal and Legislative Liaison

CBM:tf  
Attachments



# Florida House of Representatives

## Representative Donna Clarke

District 69

**Reply to:**

□ 1991 Main Street, Ste 208  
Sarasota, FL 34236  
Phone (941) 955-8077  
Fax (941) 373-7452

□ 402 South Monroe Street  
317 House Office Building  
Tallahassee, FL 32399-1300  
(850) 488-7754

**Committees:**

Commerce  
Insurance  
Transportation  
Select Committee on Workers Compensation  
Transportation & Economic Development Appropriations  
Chair, Health Access & Financing  
Banking & Securities  
Transportation Systems  
Select Committee on Affordable Healthcare for Floridians  
Homeland Security Workers' Compensation Workgroup

January 21, 2004

Lila Jaber  
Commissioner  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Dear Ms. Jaber:

I am writing you about an issue of great concern to millions of Floridians throughout our state. I want to make sure wireless telecommunications services are affordable and widely available throughout the state.

I am contacting you because I understand that as a member of the special Joint Board on Telecommunications of the Federal Communications Commission, you will be considering issues in the coming months that could have a significant impact on many Floridians living in rural areas.

The wireless telephone has become an extension of people's lives – whether they live in Miami, Pensacola, or a town in between. In fact, more and more consumers are picking the wireless phone as their only phone. The FCC, Joint Board and state regulatory panels such as the Florida Public Service Commission need to make sure arbitrary obstacles aren't thrown in the path of upgrading and building out wireless networks in rural areas.

I appreciate that wireless service in more rural settings can be more expensive to provide. Where a rural cell tower might serve 1,000 customers, one in an urban setting might handle as many as 50,000.

Certainly one of the foremost lessons from the tragedy of September 11<sup>th</sup> is the importance of communications at a time of emergency. Whether it is a threat on our security or a severe hurricane, wireless communications is vital to law enforcement, emergency crews and individuals.

I ask you to take into consideration rural communities as you deliberate on these issues. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Donna Clarke".

Rep. Donna Clarke



**Larry Cretul**  
 Florida House of Representatives  
 District 22

**Speaker's Liaison**  
 University of Florida

**Delegations**  
 Member, Alachua County Delegation  
 Member, Levy County Delegation  
 Member, Marion County Delegation

**Committees**  
 Education K-20  
 Vice-Chairman, Higher Education Sub-Committee  
 Education Appropriations Sub-Committee  
 Health Care  
 Health Standards Sub-Committee  
 Local Government & Veteran's Affairs  
 Veterans' and Military Affairs Sub-Committee

**RECEIVED**

January 20, 2004

JAN 23 2004

Florida Public Service Commission  
 COMMISSIONER JABER

Lila Jaber  
 Commissioner  
 Florida Public Service Commission  
 2540 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-0850

Dear Ms. Jaber:

I represent three counties in North Central Florida. Economic development in rural areas is paramount to Florida's economic success.

I am writing you today because I understand that as a member of the Universal Service Joint Board, you will be considering whether to recommend primary line restrictions for telephone service.

It is my concern that primary line restrictions will increase the cost of conducting business in rural areas because it would force rural consumers to pay exorbitant rates for second lines, including cell phones.

Such a restriction would drastically reduce incentives for wireline and wireless carriers to deploy and upgrade facilities in rural areas. A primary line restriction would deprive carriers of much needed support for such improvements.

Reply to:

MARION COUNTY OFFICE  
 6333 SW S.R. 200  
 Ocala, Florida 34476  
 (352) 873-6564

CAPITOL OFFICE  
 1101 Capitol  
 402 South Monroe Street  
 Tallahassee, Florida 32399-1300  
 (850) 488-0887

Email: [cretul.larry@myfloridahouse.com](mailto:cretul.larry@myfloridahouse.com)

Website: [www.myfloridahouse.com](http://www.myfloridahouse.com)

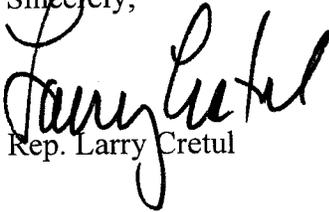
Ms. Jaber  
Page Two

It is hard to imagine conducting business or utilizing emergency services without the use of the wireless telephone. It truly has become an extension of our lives. In fact, more and more Floridians choose a wireless phone as their only phone.

Everyone realizes that building and maintaining a wireless network in rural areas is much more expensive than in the urban centers of our state. That is why it is important that wireless carriers have fair access to money collected by Universal Service Fund fees.

Thank you for the work you do on behalf of the people of Florida and I ask you to take the steps necessary to assure that wireless service is there for rural communities.

Sincerely,



Rep. Larry Cretul



Florida House of Representatives  
Representative Donald D. Brown

District 5

Reply to:

- P.O. Box 1548  
DeFuniak Springs, FL 32435  
(850) 892-8431  
(850) 892-8433 Fax
- 402 South Monroe Street  
317 HOB - The Capitol  
Tallahassee, Florida 32399-1300  
(850) 488-4726  
e-mail: brown.donald@myfloridahouse.com

Committees:

Insurance-  
Chair, Insurance Regulation Sub-Committee  
Procedures  
Ethics and Elections Sub-Committee  
Appropriations-  
Committee and Local Affairs Appropriations Sub-Committee  
State Administration  
Finance and Tax  
Select Committee on Medical Liability Insurance  
Select Committee on Worker's Compensation, Vice-Chair  
Select Committee on Florida's Economic Future, Chair  
Select Committee on Affordable Health Care for Floridians  
Select Committee on Constitutional Amendments  
Joint Select Committee on Nursing Homes  
Joint Select Committee on Worker's Compensation Rating Reform  
Joint Select Committee on Collective Bargaining  
Home and Security Worker's Compensation Workgroup

15 January 2004

Lila Jaber  
Commissioner  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Dear Ms. Jaber:

I represent five rural counties in Northwest Florida. Economic development in rural areas is paramount to Florida's economic success.

I am writing you today because I understand that as a member of the Universal Service Joint Board, you will be considering whether to recommend primary line restrictions for telephone service.

It is my concern that primary line restrictions will increase the cost of conducting business in rural areas because it would force rural consumers to pay exorbitant

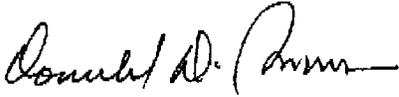
rates for second lines, including cell phones.

It is hard to imagine conducting business or utilizing emergency services without the use of the wireless telephone. It truly has become an extension of our lives. In fact, more and more Floridians choose a wireless phone as their only phone.

Everyone realizes that building and maintaining a wireless network in rural areas is much more expensive than in the urban centers of our state. That is why it is important that wireless carriers have fair access to money collected by Universal Service Fund fees.

Thank you for the work you do on behalf of the people of Florida and I ask you to take the steps necessary to assure that wireless service is there for rural communities.

Sincerely,

A handwritten signature in cursive script, appearing to read "Donald D. Brown".

**Donald D. Brown**  
State Representative, District 5

LILA A. JABER  
COMMISSIONER

STATE OF FLORIDA



CAPITAL CIRCLE OFFICE CENTER  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850  
(850) 413-6044

## Public Service Commission

January 29, 2004

The Honorable Donald D. Brown  
Florida House of Representatives  
908 Highway 90 West  
DeFuniak Springs, FL 32433-1436

Dear Representative Brown:

Thank you for your correspondence regarding the universal service issues currently before the Federal-State Joint Board on Universal Service (Joint Board). The Federal Communications Commission (FCC) requested that the Joint Board review certain of the FCC's rules relating to the high-cost universal service support mechanisms to ensure that the dual goals of preserving universal service and fostering competition continue to be fulfilled. In particular, the FCC asked the Joint Board to review FCC rules relating to high-cost universal service support in study areas in which a competitive eligible telecommunications carrier is providing services, as well as rules regarding support for second lines. The FCC also asked the Joint Board to examine the process that should be used to certify those competitive eligible telecommunications carriers. Competitive eligible telecommunications carriers can be wireline or wireless providers.

I am pleased to say that a number of comments and documents have been filed in this proceeding. These comments guarantee a full, thorough review before any decision will be made. At this point, the Joint Board is still developing a recommended decision based on the record. The recommended decision will be considered by the FCC at some future date. I know that all of the members participating in this process are concerned with any adverse impact on the telecommunications market. Based on my observation of the Joint Board process and the deliberative approach taken by the FCC on this very important issue, I am optimistic that a recommended decision can be crafted to address many of your concerns.

For your convenience, we have filed your letter and this response in the appropriate FCC proceeding in accordance with the Code of Federal Regulations, Part 47, Section 1.1206.

Sincerely,

Lila A. Jaber  
Commissioner

LAJ:gdf

LILA A. JABER  
COMMISSIONER

STATE OF FLORIDA



CAPITAL CIRCLE OFFICE CENTER  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850  
(850) 413-6044

## Public Service Commission

January 29, 2004

The Honorable Donna Clarke  
Florida House of Representatives  
1991 Main Street, Suite 208  
Sarasota, FL 34236

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Sincerely,

Lila A. Jaber  
Commissioner

LAJ:gdf

LILA A. JABER  
COMMISSIONER

STATE OF FLORIDA



CAPITAL CIRCLE OFFICE CENTER  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850  
(850) 413-6044

## Public Service Commission

January 29, 2004

The Honorable Larry Cretul  
Florida House of Representatives  
6333 SW State Road 200  
Ocala, FL 34476

Dear Representative Cretul:

Thank you for your correspondence regarding the universal service issues currently before the Federal-State Joint Board on Universal Service (Joint Board). The Federal Communications Commission (FCC) requested that the Joint Board review certain of the FCC's rules relating to the high-cost universal service support mechanisms to ensure that the dual goals of preserving universal service and fostering competition continue to be fulfilled. In particular, the FCC asked the Joint Board to review FCC rules relating to high-cost universal service support in study areas in which a competitive eligible telecommunications carrier is providing services, as well as rules regarding support for second lines. The FCC also asked the Joint Board to examine the process that should be used to certify those competitive eligible telecommunications carriers. Competitive eligible telecommunications carriers can be wireline or wireless providers.

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Sincerely,

Lila A. Jaber  
Commissioner

LAJ:gdf