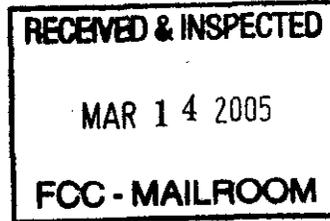


February 23, 2005

The Honorable Michael K. Powell, Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W. Room 8 B-201  
Washington D.C. 20554



Re: WC Docket No. 03-133

Mr. Chairman:

What is the point of having rules and laws if they are not enforced or if captains of industry are allowed to determine how and when those rules and laws will be applied to them. This is the issue now in front of this commission. The FCC must decide if AT&T is allowed to determine what constitutes a lawful exception for not contributing into the universal services fund or pay the mandated intrastate connection fees.

This seems backward to me. I have always believed that it was incumbent for the law and rule making bodies of this country that determine what laws and rules that industry will adhere to. That if an industry were to feel an action was due a waiver from a particular law or rule that it was up to the commission to determine and that in lieu of such a waiver the industry would be responsible for all fees, taxes and payments required under law until such a waiver was granted. AT&T would like to see it the other way. They would like the commission to agree - despite lack of administrative approval - that a self-promoting commercial and a customer base of overseas military personnel are sufficient reasons to have held back roughly \$500-million in fees that all other telecommunications companies have been forced to pay. Senate Commerce committee chairman, Sen. Ted Stevens said in a statement recently that AT&T's actions constitute an "attack on the Universal Services Fund, an attack on rural communities, and an attack on the nation's schools and libraries - all of whom are served by the Universal Services Fund."

Anything short of forcing AT&T pay all future fees and the half-billion dollars in back fees, I believe would establish an extremely detrimental precedent that could potentially have long-term ramifications on the balance of our free-market society. I urge this commission to rule in a manner consistent with the law and that shows the rules designed to level the playing field for all, are indeed effective and meaningful.

Sincerely ,

Vern Hurlbert  
~~██████████~~ 8023 Bearberry #1  
Anchorage, Alaska ~~██████████~~ 99502

cc: The Honorable Kathleen Q. Abernathy, Commissioner; The Honorable Kevin Martin, Commissioner; The Honorable Michael Copps, Commissioner; The Honorable Jonathon Adelstein, Commissioner and Sen. Ted Stevens

No. of Copies rec'd 0  
List ABCDE