The Federal Communications Commission
Washington, D.C. 20554

EX PARTE

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

RE: Docket No. CC 96-45, DA 07-3602

NEP Cellcorp, Inc.

Application for Designation as an Eligible Telecommunications Carrier

In the Commonwealth of Pennsylvania

Ex Parte Written Presentation

Dear Ms. Dortch:

Pursuant to 47 CFR 1.1206(b)(1), the Pennsylvania Public Utility Commission (PaPUC) formally files the written attached ex parte presentation with the Secretary. Two copies have been filed as required by 47 CFR 1.1206(b)(1). Copies are also provided to the FCC's duplicating contractor and the Telecommunications Access Policy Division personnel consistent with the FCC's notice set forth in DA 07-3602. A copy is also provided to NEP's counsel.

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THE EX PARTE STATEMENT OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

The FCC has not acted on this pending matter including the Motion to Strike filed by NEP Cellcorp, Inc. Fortunately, this allows the FCC the time needed to allow NEP to file a response to the PaPUC's Reply Comment. The PaPUC supports that request for the reasons set out below.

On June 7, 2007, NEP Cellcorp., Inc. (NEP) filed the NEP Petition (Petition) with the Federal Communications Commission (FCC) seeking designation as an eligible telecommunications carrier (ETC) in the Commonwealth of Pennsylvania. The Petition is premised, in part, on a February 26, 2007 letter of the Secretary of the Pennsylvania Public Utility Commission (PaPUC) as well as confidential information redacted from the Petition.

The PaPUC never received notice of the Petition. The PaPUC only became aware of the Petition upon reading the notice that the FCC published on August 15, 2007 at DA 07-3602. The notice of the Petition established an abbreviated August 29, 2007 Comment deadline and a September 5, 2007 Reply Comment deadline.

The PaPUC filed a timely Reply Comment on September 5, 2007.

Short thereafter, the PaPUC discussed the PaPUC's concerns set out in the Reply Comment in detail with counsel for NEP. There was no indication then of any objection.

On October 11, 2007, NEP filed the pending Motion to Strike the PaPUC Reply Comment (Motion to Strike) with the FCC. The PaPUC was also unaware of this Motion to Strike, notwithstanding the earlier detailed discussion of the PaPUC's concerns, until the FCC received a first-class mailing of the filing several days after the filing. There was not sufficient time to prepare a timely reply.

Before and since that time, the PaPUC has been examining the complex jurisdictional issues surrounding wireless ETC. That is needed because of differences in Pennsylvania and federal law. There are several procedural and regulatory options under consideration.

And, as indicated in earlier conversations with NEP, the PaPUC recognizes the complexity of the issues. Pennsylvania is, and remains, a net contributor to the federal universal service fund. This fund has grown considerably, in part due to the expansion of wireless ETC designations.

There is a need for more, not less, information on this complex topic. For that reason, the PaPUC asks the FCC to provide NEP an opportunity to file a response. More, not less, information on this complex subject is far better than procedural maneuvering that may ultimately restrict the

information needed to make an informed decision.

Counsel for the PaPUC files this ex parte notice to urge the FCC to allow NEP an opportunity to file the response they deem appropriate and to provide the PaPUC with an electronic copy as well. Had NEP even suggested the need for an opportunity to respond at any time during the detailed discussion, the PaPUC would not have object and, for that reason, does not object today.

The PaPUC wishes to avoid even the appearance of procedural posturing on a complex subject like this. The PaPUC has gone the additional step of providing a copy to counsel electronically to facilitate their awareness of a position the PaPUC would have communicated during the initial discussions if the subject were broached. Any entity interested in this complex matter knows full well that more, not less, information is needed.

Additional information through an ex parte response on NEP's part will prove useful to the FCC in making its decision. Additional information helps clarify the complex considerations of law, technology, finance, and public policy underlying the issue.

The PaPUC files this written ex parte to support NEP's opportunity to file an ex parte response notwithstanding the procedural process leading to the request.

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