



THE SENATE OF WEST VIRGINIA
COMMITTEE ON THE JUDICIARY
CHARLESTON 25305

JEFFREY V. KESSLER
CHAIRMAN
514 SEVENTH STREET
MOUNDSVILLE 26041

October 28, 2008

FILED VIA E-MAIL

Chairman Kevin J. Martin
Commissioner Jonathan Adelstein
Commissioner Michael Copps
Commissioner Deborah Tate
Commissioner Robert McDowell
Federal Communications Commission

Re: ***Support for NARUC Motion/Request for Public Comment on Recently Circulated "Report and Order, Order on Remand and Further Notice of Proposed Rulemaking" on Intercarrier Compensation and Universal Service; Ex Parte Communication WC Docket Nos. 08-152, 06-122, 05-337 and 04-36, CC Dockets Nos. 01-92, 9645, and 80-286, WT Docket No. 05-194***

Dear Chairman Martin and Commissioners:

I am concerned about news reports and comments from the West Virginia PSC, Office of Consumer Advocate regarding the above revered cases and the Federal Communications Commission's (FCC) pending vote on intercarrier compensation and universal service reform. I have been advised that the FCC's proposed order would radically affect consumers and telecommunications in West Virginia by raising consumers rates. Some have even suggested the proposed changes may destabilize the telecommunications industry and investments in our most rural and needy markets. This does not appear to be a wise decision for West Virginia's citizens or businesses.

I have been informed that on October 21, 2008, the National Association of Regulatory Utility Commissioners ("NARUC"), in response to reports of a draft order being circulated at the FCC that, in NARUC's words, "fundamentally, and irrevocably, alters the structure for federal and state oversight" of the telecommunications industry filed a motion requesting the FCC to delay any major changes. NARUC's response includes a request that the FCC engage in the full rulemaking process so that all concerned would have an opportunity for a full and fair discussion of the merits of each proposal.

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On behalf of my constituents, I support NARUC's motion as well as the National Association of State Utility Consumer Advocates' ex parte submission in support of NARUC's motion.

Very truly yours,



JEFFREY V. KESSLER
Chairman, Senate Judiciary

JVK/RAP/rl

cc: The Honorable Robert C. Byrd
The Honorable John D. Rockefeller, IV
The Honorable Alan B. Mollohan
The Honorable Nick J. Rahall
The Honorable Shelly Moore Capito