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March 13, 2009

Ms. Marlene Dortch, Secretary  
Federal Communications Commission  
445 12th Street SW  
Washington, D.C. 20554

RE: *WC Docket No. 05-337*

Dear Ms. Dortch:

In accordance with Section 1.1206 of the Commission's Rules, we hereby provide notice that on March 13, 2009, Elisabeth H. Ross, representing the Vermont Public Service Board ("Vermont Board"), met with Jennifer McKee, Gary Seigel, Katie King, Tom Buckley, and Ted Burmeister of the Wireline Competition Bureau in a further "give and take" session regarding the 10<sup>th</sup> Circuit remand, *Qwest Communications International Inc. v. FCC*, 398 F.3d 1222 (10<sup>th</sup> Cir. 2005). Charles Eberle, representing the Vermont Board, John Burke and George Young of the Vermont Board, Joel Shifman and Andrew Hagler of the Maine Public Service Commission ("Maine Commission"), and Tom Wilson of the Wyoming Public Service Commission ("Wyoming Commission"), participated via teleconference.

The parties made additional suggestions to the FCC on issues to be put out for comment as the remand proceeding continues. The Maine Commission discussed whether the FCC should seek comment on creation of a hybrid mechanism, through which certain non rural companies serving very high cost rural areas could receive support for embedded cost. The Vermont Board discussed pitfalls of using rates as a means of measuring comparability, and urged the FCC not to rely too much on rates in seeking comments on comparability. The Maine Commission suggested that the FCC seek comment on ways to improve and operationalize the model. It emphasized that the cost model has become so outdated, and contains such material flaws, that it cannot be relied on to provide sufficient support in its current form. The Wyoming Commission expressed concern that work on fixing the model not delay the main purpose of the proceeding – providing support to ensure states have reasonably comparable rural and urban rates. The Vermont Board agreed that the FCC should provide additional support where needed, and should not delay decisions on comparability while it fixes the model.

Ms. Marlene Dortch, Secretary  
Federal Communications Commission  
March 13, 2009  
Page 2

If you have any questions or require any further information, please contact undersigned counsel directly.

Sincerely,

Birch, Horton, Bittner and Cherot

*Elisabeth H. Ross*

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Elisabeth H. Ross  
*Counsel for Vermont Public Service Board*

cc: Jennifer McKee  
Gary Seigel  
Katie King  
Tom Buckley  
Ted Burmeister