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October 27, 2009

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

RE: Nebraska Pub. Service Commission and Kansas Corp. Commission Petition for Declaratory Ruling or, in the Alternative, Adoption of Rule Declaring that State Universal Service Funds May Assess Nomadic VoIP Intrastate Revenues; WC Docket No. 06-122 (“Petition”)

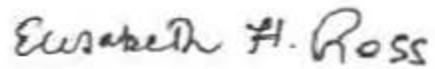
Dear Ms. Dortch:

On October 26, 2007, Commissioner Anne Boyle of the Nebraska Public Service Commission and the undersigned of Birch, Horton, Bittner and Cherot, outside counsel, met with a) Commissioner Michael Copps and his Legal Advisor Jennifer Schneider, and b) WCB Bureau Chief Sharon Gillett, Irene Flannery and Alex Minard. The purpose of the meetings was to provide an update on the Petition, including a discussion of the background of the Petition, the need for FCC action, a discussion of various methods of measuring intrastate revenue and a projection of the NUSF surcharge in the future. We also discussed whether the FCC should proceed by declaratory ruling or rulemaking and FCC procedures in analogous cases involving state imposition of contribution requirements on CMRS providers.¹

Please direct any questions to the undersigned. Thank you.

¹ In *In the Matter of Petition of Pittencrieff Communications, Inc. For Declaratory Ruling Regarding Preemption of the Texas Public Utility Regulatory Act of 1995*, 13 FCC Rcd. 1735 (1997), the FCC acted in a declaratory ruling proceeding to issue its ruling that Section 332(c)(3) of the Communications Act did not preempt state commissions from imposing state universal service contribution requirements on CMRS providers. It waited several years later, in response to “concerns...regarding difficulties associated with distinguishing between their interstate and intrastate revenues,” to adopt “interim safe harbors for CMRS providers to use when reporting interstate telecommunications revenues for universal service purposes.” *In the Matter of Federal- State Joint Board on Universal Service, Report and Order and Second Further Notice of Proposed Rulemaking*, 17 FCC Rcd. 24953, 24964, par. 20 (2002). In this case, the Commission has already established the safe harbor for the allocation of interstate and interstate revenue (64.9% of revenues are to be deemed interstate).

Sincerely,

A handwritten signature in black ink that reads "Elisabeth H. Ross". The signature is written in a cursive style with a large initial 'E'.

Elisabeth H. Ross
Counsel for Nebraska Public Service Commission
and Kansas Corporation Commission

cc: Commissioner Michael Copps
Jennifer Schneider
Sharon Gillett
Irene Flannery
Alex Minard