

June 2, 2011

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

**Re: Ex Parte Notice of May 31, 2011 Meeting**

Dear Ms. Dortch,

The purpose of this letter to provide notice of a meeting that took place on May 31, 2011 at the Commission to discuss the Low Income program, as well as provide additional information regarding Nexus Communications, Inc. (“Nexus”).<sup>1</sup> The attendants discussed the Commission’s pending Notice of Proposed Rulemaking to reform the Low Income Program (“NPRM”), including the proposal to formalize the rule of one-per-household (a proposal that Nexus supports) and proposed changes to the Commission’s rules governing Link Up support.<sup>2</sup>

Nexus wanted to provide the Commission with some additional information regarding the foregoing. Specifically, it was suggested that few prepaid carriers receive Link Up. Nexus believes that there are, in fact, many prepaid carriers that receive Link Up. Although Nexus has not done exhaustive research to identify all such carriers, it believes carriers offering prepaid services, who according to the USAC website, also receive Link Up include: Global Connection Inc. of America, DPI Teleconnect LLC, Telrite Corporation, Assist Wireless LLC, Budget Prepay, IQ Telecom, Inc., Yourtel America Inc., True Wireless, LLC, Affordable Phone Service, ABC Telecom, Phoneaid Communications Corp., Terracom and Midwestern Telecommunications Inc.

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<sup>1</sup> Nexus has been designated an ETC for wireless services in the following states: Arkansas, California, Georgia, Illinois, Kansas, Louisiana, Maryland, Michigan, Mississippi, Missouri, New Jersey, Wisconsin and West Virginia. The designation orders in Georgia, New Jersey and West Virginia included, as a condition of Nexus’ designation, that Nexus waive the balance of its service activation fee not covered by Link Up funding.

<sup>2</sup> *In Re Lifeline and Link Up Reform and Modernization, Federal-State Joint Board on Universal Service Lifeline and Link Up*, Notice of Proposed Rulemaking, FCC 11-31, 2011 FCC Lexis 987 (FCC rel. Mar. 4, 2011).

Further, staff wondered whether there was any data that Nexus could provide to support Nexus' assertion that eligibility-in-fact of the majority of consumers seeking Low Income service, and therefore, that ETCs should be permitted to continue to use the current system of self-certifications until such time as a permanent, national eligibility database is established. In Wisconsin, where Nexus provides wireless ETC services, it is Nexus' experience that approximately 91.3% of potential subscribers who seek Low Income service from Nexus are, in fact, qualified by the Wisconsin state-level database. This is a clear indication that the majority of consumers who seek Low Income service participate in a qualifying program or otherwise qualify based on income. Moreover, these customers are extremely grateful for the much-needed assistance in the current difficult economic situation. *See* attached sampling of customer letters.

Present at this meeting were the following attorney advisors from the Wireline Competition Bureau ("WCB")—Kim Scardino, Jonathan Lechter, Jaime Susskind, Carol Pomponio, Beau Finley—and an intern with the WCB, Graham Dufault. Also present were the President of Nexus, Steve Fenker as well as Danielle Frappier, Davis Wright Tremaine, counsel to Nexus. Nexus is providing, attached to this letter, materials provided to staff at the meeting.

Respectfully submitted,



Danielle Frappier

cc: Kim Scardino, Attorney Advisor, WCB-TAPD  
Jonathan Lechter, Attorney Advisor, WCB-TAPD  
Jaime Susskind, Attorney Advisor, WCB-TAPD  
Carol Pomponio, Attorney Advisor, WCB-TAPD  
Beau Finley, Attorney Advisor, WCB-TAPD  
Graham Dufault, Intern, WCB-TAPD