

**STATE MEMBERS
FEDERAL STATE JOINT BOARD ON UNIVERSAL SERVICE
1101 VERMONT AVENUE, NW
WASHINGTON, DC 20005**

August 5, 2011

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

Re: State Members of the Universal Service Joint Board Support for the Motion for Extension of Time Submitted by The National Association of State Utility Consumer Advocates (NASUCA) and the New Jersey Division of Rate Counsel (Consumer Advocates) (Submitted on August 4, 2011).

In the Matter(s) of the Connect America Fund, WC Docket No. 10-90, National Broadband Plan for Our Future, GN Docket No. 09-51, Establishing Just and Reasonable Rates for Local Exchange Carriers, WC Docket No. 07-135, High-Cost Universal Service Support, WC Docket No. 05-337, Developing an Unified Intercarrier Compensation Regime, CC Docket No. 01-92, Federal-State Joint Board on Universal Service, CC Docket No. 96-45, Lifeline and Link-Up, WC Docket No. 03-109

Dear Secretary Dortch:

The State Members of the Federal-State Joint Board on Universal Service (State Members) support the August 4, 2011 Motion for Extension of Time (Motion) submitted by The National Association of State Utility Consumer Advocates (NASUCA) and the New Jersey Division of Rate Counsel (collectively Consumer Advocates).

The Consumer Advocates motion requests the FCC extend the comment cycle specified in the Commission's August 3, 2011 DA 11-1348 *Notice of Further Inquiry Into Certain Issues in the Universal Service – Intercarrier Compensation Transformation Proceeding (Notice)* by 19 days for initial comments (to September 12, 2011) and by 30 days to September 30, 2011 for reply comments.

The State Members agree with the Consumer Advocates that the issues presented in the Notice for analysis, consideration and submission of comments and reply comments on an extremely abbreviated schedule are numerous and inherently complex.

The State Members respectfully point out that the relevant pleadings that need to be rapidly reviewed, analyzed and commented upon include but are not limited to:

- The summary description, assumptions and outputs of a complex costing model and methodology in the US Telecom Association (USTA) “ABC” plan proposal.
- The Framework of the USTA proposal (“ABC” Plan Attachment 1) which primarily applies to price cap incumbent local exchange carriers (ILECs), and its cross-comparison to what applies for rate-of-return (ROR) rural ILECs.
- The various federal preemption arguments that are included in the USTA proposal inclusive of the 68-page Legal Authority White Paper (“ABC” Plan – Attachment 5), which cover not only such anticipated areas as intercarrier compensation and the treatment of Voice over the Internet Protocol (VoIP) traffic, but also extend to such novel issues as the potential federal preemption of State carrier of last resort (COLR) obligations for price cap ILECs that traditionally have been and are under exclusive State jurisdiction.

The ABC proposal is troubling at several levels. The plan (i) obviously raises issues of concern to State members and (ii) could impact upon these members' ability to adhere to their respective mandates to serve the public interest. State members' viewpoint is necessary to fully illuminate the issues raised by this proposal and assure a complete record upon which to base a decision. *Indeed, an adequate time to review is a prerequisite for State members to exercise their statutory right to participate, but not vote, on any decision in this docket.* Hence, granting the requested extension will serve the public interest by the ensuring State members continued full participation.

For these reasons, the State Members support the Motion of the Consumer Advocates for a reasonable extension of time for the preparation and submission of comments and reply comments that the Notice has invited. The industry has been briefing the FCC for literally months on the discussions that led to the filing of the ABC proposal. However, though apparently, quite a bit of detail of the proposals was relayed to FCC representatives, absolutely no detail was included in any of the *ex parte* notices. See, e.g., the April 27, 2011 notice of *ex parte* contacts involving Windstream, AT&T, Verizon, Frontier and Fairpoint, filed by Jonathan Banks, available online at: <http://fjallfoss.fcc.gov/ecfs/document/view?id=7021341228>. Nor have any of the State members received information from the ABC plan proponents on the details in advance of the filing.

State members respectfully suggest that the extension requested by NASUCA is the bare minimum that is needed to examine these proposals. The 15 working days for initial comments – given that industry has been working on just the model portion of its filing for months through multiple permutations – and the 5 days for replies is, on its face, insufficient.

Indeed, even the requested extension is likely not to provide an adequate time for analysis of the ABC proposal – even by the FCC’s own experts. Perhaps *the key evidence* filed to support the ABC plan is the model purporting to show its impact. If the FCC finds the ABC proposal compelling, it is clear it must vet the actual USTA model – not just the description of it filed last week - and also make access to it available under an FCC protective order for critique by other directly impacted by the plan purportedly supported by that model.

Finally, the State Members take the opportunity to thank the Commission for incorporating parts of their State Plan in the Notice and for seeking comment on the related issue areas.

Respectfully Submitted,

/s/

James Bradford Ramsay

cc: *Sharon Gillett, Chief, Wireline Competition Bureau*
Carol Matthey, Deputy Chief, Wireline Competition Bureau