



*EX PARTE NOTICE VIA ELECTRONIC FILING*

*September 14, 2011*

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Room TW-A325  
Washington, D.C. 20554

***RE: Notice of Oral Ex Parte Contacts filed in the proceedings captioned:***

***In the Matter of Lifeline and Link Up Reform and Modernization; Federal-State Joint Board on Universal Service; Lifeline and Link Up; WC Docket Nos. 03-109 and 11-42; CC Docket No. 96-45***

***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:

On Monday afternoon, September 12, 2011, several members of the Mid-Atlantic Conference of Regulatory Utilities Commissioners (MACRUC) met with FCC Commissioner Mignon Clyburn and her Wireline Legal Advisor Angela Kronenberg to discuss several issues. Present from MACRUC were Chairman Arnetta McRae (DE), Commissioner Jeffrey Clark (DE), Commissioner Joann Conaway (DE), Commissioner Jaymes Lester (DE), Commissioner Dallas Winslow (DE), (Chairman Betty Anne Kane (D.C.), Commissioner Angela Lee (D.C.), Commissioner Rick Morgan (D.C.), Chairman David Armstrong (KY), Vice Chairman James Gardner (KY), Commissioner Lawrence Brenner (MD), Commissioner Jeanne Fox (NJ), Commissioner Nicolas Asselta, Chairman Garry Brown (NY), Commissioner Patricia Acampora (NY), Commissioner Wayne Gardner (PA), Commissioner Donald Cole (VI), Commissioner Verne David (VI), Chairman Michael Albert (WV), Commissioner Jon McKinney (WV), and Commissioner Ryan Palmer (WV).

The discussion was fairly general and much of the discussion was not focused on advocacy. There were, however, quite a few statements from individual State commissioners that required the filing of this ex parte. One or more State commissioners, in their individual capacities – not necessarily as representatives of MACRUC – suggested or endorsed the following ideas:

- *The ABC proposal, because of its likely impact, should be a non-starter. Preemption of State COLR obligations and even of access charge oversight is just plain bad policy and will have unintended and negative impacts on consumers.*
- *VoIP must be classified as a “telecommunications service” to keep the statutory scheme intact and assure customers still have viable options for relief. The FCC’s failure to classify VoIP as a telecommunications service has significantly facilitated industry efforts to persuade state legislatures to limit or in some cases eliminate entirely State authority to enforce existing measures that protect consumers from abuse. Carriers routinely, even in the current open proceedings at the FCC, successfully misconstrue the scope of FCC orders addressing VoIP to State legislatures. If this continues, States will be unable to protect consumers and the FCC will be the only source of relief. Moreover, this ambiguity over classification puts solid roadblocks in for use of STATE universal service funds to subsidize broadband lifeline.*

If you have any questions about this filing, please do not hesitate to contact the undersigned at [jramsay@naruc.org](mailto:jramsay@naruc.org) or 202.898.2207.

Respectfully submitted,

/s/

James Bradford Ramsay

**cc:** *The Honorable Commissioner Mignon Clyburn  
Angela Kronenberg, Wireline Legal Advisor to Commissioner Clyburn  
Sharon Gillett, Wireline Competition Bureau Chief  
Carol Matthey, Wireline Competition Bureau Deputy Bureau Chief*