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September 22, 2011

Ex Parte

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

Re: WC Docket No. 10-90; GN Docket No. 09-51; WC Docket No. 07-135; WC Docket No. 05-337; CC Docket No. 01-92; CC Docket No. 96-45; WC Docket No. 03-109

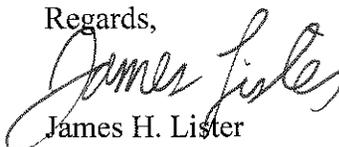
On Tuesday, September 20, 2011, Mark Sievers, Chairman of the Kansas Corporation Commission ("KCC"), and Jim Lister of Birch, Horton, Bittner and Cherot, met with FCC Commissioner Michael J. Copps and Margaret McCarthy, Policy Advisor to Commissioner Copps. Chairman Orjiakor N. Isiogu of the Michigan Public Service Commission and Sandy Reams of the KCC the attended by telephone. Chairman Sievers and Jim Lister then met with FCC Commissioner Robert M. McDowell and Christine Kurth, Commissioner McDowell's Policy Director & Wireline Counsel. Sandy Reams of the KCC attended by telephone.

The KCC and Michigan PSC representatives addressed points raised in their ex parte letter filed on September 15, 2011 in these dockets and that the KCC raised in its Reply Comments filed September 2, 2011. (Please note that the citation in the Reply Comments and September 15, 2011 letter to paragraph 178 of the FCC's February, 2011 NPRM (FCC Doc. 11-13), regarding the issue of Universal Service funding to make-up lost access revenue, should have been to paragraph 568.) They expressed concerns, as Early Adopter States, that the ABC Plan could shift significant costs to the intrastate jurisdiction that could make existing reform and universal service mechanisms unsustainable. Chairman Sievers described unique provisions of Kansas law that could have this consequence. These provisions are summarized in the Exhibit attached to the September 15, 2011 ex parte letter. On behalf of Michigan, Chairman Isiogu noted that the FCC did not appear to have gathered data to support the \$25 and \$30 consumer rate benchmarks it is considering. The KCC representatives also discussed the \$25 and \$30 rate caps proposed in the ABC Plan. Finally, they urged the FCC not to directly or indirectly reverse

the FCC's 2010 Declaratory Ruling confirming that state universal service funds may assess the intrastate revenues of nomadic VoIP providers.¹

If you have any questions or would like more information, please contact the undersigned.

Regards,



James H. Lister

cc:

Commissioner Copps
Margaret McCarthy
Commissioner McDowell
Christine Kurth

Chairman Mark Sievers
Sandy Reams
Chairman Isiogu

¹ *Petition of Nebraska Public Service Commission and Kansas Corporation Commission for Declaratory Ruling or, in the Alternative, Adoption of Rule Declaring that State Universal Service Funds May Assess Nomadic VoIP Intrastate Revenues*, 25 FCC Rcd. 15651, ¶¶ 1, 14-16 (2010).