

October 10, 2011

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

RE: Notice of *Ex Parte* presentation in: WC Docket Nos. 10-90, 7-135, 05-337, 03-109  
GN Docket No. 09-51  
CC Docket No. 01-92, 96-45

Dear Ms. Dortch:

On October 10, 2011, Harold Feld, Legal Director, Public Knowledge (PK), spoke with Zach Katz, Advisor to Chairman Genachowski, with regard to the above captioned proceedings.

1. With regard to PK/Benton proposals on self-provisioning, PK clarified that the language submitted by New America, PK, and Benton on October 5, 2011, Title II recipients of USF would need to interconnect with Title I information providers in unserved areas.
2. With regard to ICC, PK stated that ICC is a complex area where all parties benefit from the involvement of state PUCs. The Commission should therefore resist the urging of some industry participants to exercise broad preemption. To the extent the FCC preempts local authority at all, it should be limited as narrowly as possible to those cases where state obligations would explicitly conflict with Commission goals.
3. With regard to the SLCs and the rate charged between carriers for ICC, PK agreed that it is better to have subsidies be open and acknowledged through SLCs rather than hidden in the ICC rates and thus subject to fraud and arbitrage. At the same time, however, PK cautioned that the ABC proposal to simply substitute SLCs for existing ICC subsidies, while preempting state oversight, would be profoundly anti-consumer.

In particular, the Commission must be alert to the concerns of consumer groups that in many places consumers do not have a choice of carrier, and that preempting local authority as suggested by the ABC plan is an invitation to carriers to exercise market power in those markets where voice service remains less than fully competitive. Even if the Commission accepts the dubious premise of the ABC plan that competition in major markets will limit the ability of carriers to raise the SLCs to the maximum allowed, the Commission has a responsibility to all rate payers in all markets – especially where it is invited to use its preemption authority to eliminate the possibility of local relief. In balancing these choices, the wisest course may therefore be to preserve a robust role for the states.

In accordance with the FCC's *ex parte* rules, this document is being electronically filed in the above-referenced dockets today.

Sincerely,

\_\_\_\_\_/s/\_\_\_\_\_  
Harold Feld  
Legal Director  
Public Knowledge

CC: Zach Katz