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October 19, 2011

**Via ECFS**

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

**Re: Notice of Ex Parte Presentation**

**Connect America Fund, WC Docket No. 10-90**  
**A National Broadband Plan for Our Future, GN Docket No. 09-51**  
**High-Cost Universal Service Support, WC Docket No. 05-337**  
**Federal-State Joint Board on Universal Service, CC Docket No. 96-45**

Dear Ms. Dortch:

On October 19, 2011, Tony Veach and the undersigned of Bennet & Bennet, PLLC on behalf of Panhandle Telecommunication Systems, Inc. (“PTSI”) contacted Patrick Halley by phone to discuss concerns over an expected waiver process for universal service fund (“USF”) support pursuant to any new rules adopted by the Federal Communications Commission (“FCC” or “Commission”).

On October 13, 2011, PTSI met with FCC staff regarding the provision of vital mobile telecommunications services in high-cost rural regions and how the loss of sufficient high-cost support would lead to a degradation of rural wireless networks and the economic need to turn down certain cell sites.<sup>1</sup> PTSI reminded the Commission that absent sufficient high-cost support, even basic mobile services, not just 3G or 4G services, would be at risk.

In its February notice of proposed rulemaking, the FCC proposed reducing the interim cap for competitive eligible telecommunications carrier support, but allowing for waivers or exceptions to address those instances in which the availability of affordable mobile wireless

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<sup>1</sup> Letter from Kenneth C. Johnson, Counsel for PTSI, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 05-337, et. al (Oct. 17, 2011).

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service in an area would be jeopardized by the transition to a new Connect America Fund.<sup>2</sup> PTSI agrees with the Commission that a waiver must be available for any carrier that will lose a significant amount of support under the new rules, and as a result, will have to shut off part of its mobile wireless network. PTSI urges the FCC to adopt rules for a waiver process that are specific and meaningful. Procedurally, PTSI urged Mr. Halley to adopt rules that allow a mobile wireless carrier that files a waiver with the Commission to continue receiving the level of USF support at its then current support level until the Commission acts on the waiver. This will allow the carrier to remain whole until the Commission makes a determination based on cost support data provided by the carrier and analyzed by the Commission. Because the waiver process takes time, the carrier should not be penalized during a potentially protracted waiver process. Alternatively, PTSI requests the FCC to adopt a rule that requires the FCC to expeditiously review the petition for waiver and act on the USF waiver petition within 90 days of it being filed with the Commission.

The Commission has already identified rural areas where people live, work, and travel that lack basic mobile voice coverage and mobile broadband coverage. Without the waiver process described above, the Commission risks intensifying this problem.

Should you have any questions concerning this matter, please contact the undersigned.

Respectfully submitted,

By: */s/ Caressa D. Bennet*

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Caressa D. Bennet

cc: Patrick Halley (via email)

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<sup>2</sup> *Connect America Fund, et al.*, WC Docket No. 10-90, Notice of Proposed Rulemaking and Further Notice of Proposed Rulemaking, ¶250 (Feb. 9, 2011). The Commission also proposed a waiver process for wireless carriers to continue receiving their current amount of support if they could demonstrate that the continued support would allow them to build out coverage in areas presently unserved by mobile voice and/or mobile broadband. *Id.*