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October 27, 2011

VIA ECFS

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

Re: Notice of Written Ex Parte Presentation - WC Docket Nos. 11-42

Dear Ms. Dortch:

The Link Up for America Coalition (“Coalition”), through its attorneys, hereby provides its recommendation for the appropriate implementation timetable for any changes to the Commission’s Lifeline and Link Up rules as a result of the Commission’s Notice of Proposed Rulemaking and Public Notice.¹ To the extent that the Commission decides to modify the Lifeline and/or Link Up rules in a way that affects USAC disbursements to eligible telecommunications carriers (“ETCs”), the effective date of the new rules would need to be administratively workable.

Specifically, depending on what the new rules provide, Coalition members and other ETCs would need to have sufficient time, after new rules have been adopted, to modify their marketing and advertising, customer activation and order fulfillment processes and materials, and Lifeline and Link Up compliance processes and materials. ETCs may also need to analyze the impact of new rules on state requirements. Further, ETCs may need to renegotiate contracts with sales agents and other third party service providers and vendors in order to comply with, and account for, changes in the rules.

¹ See *Lifeline and Link Up Reform and Modernization; Federal-State Joint Board on Universal Service; Lifeline and Link Up*, Notice of Proposed Rulemaking, FCC 11-32 (rel. Mar. 4, 2011) and *Further Inquiry Into Four Issues in the Universal Service Lifeline / Link Up Reform and Modernization Proceeding*, Public Notice, DA 11-1346 (rel. Aug. 5, 2011) (“Link Up Public Notice”).

KELLEY DRYE & WARREN LLP

Marlene H. Dortch, Secretary
October 27, 2011
Page Two

Commission orders often provide that new rules are effective thirty days after publication in the Federal Register. The Coalition submits that, in order for the appropriate arrangements to be made by ETCs to accommodate any new rules, sixty days would be necessary after publication of the new rules in the Federal Register. In addition, since most ETCs file Link Up support claims with USAC on a monthly basis, and USAC disbursements are calculated and sent on a monthly basis,² the new rules should apply to any Lifeline/Link Up eligible sales as of the first of the month following the effective date of the rules. The existing rules should apply to all eligible sales before that day and the new rules should apply to all eligible sales after that day.

As an example, if Federal Register publication were to take place on December 15, 2011, the order should become effective on February 13, 2012 and the new rules should apply to all eligible sales after March 1, 2012. In that way, when an ETC receives its disbursement from USAC on February 29, 2012, it would include a true-up from December (based on the existing rules) and a USAC-generated projection for January (also based on the existing rules). The USAC disbursement on March 31, 2012 would include a true-up from January (based on the existing rules) and a USAC-generated projection for February (based on the existing rules). The USAC disbursement on April 30, 2012 would include a true-up from February (based on the existing rules) and a USAC-generated projection for March (based on the new rules). The USAC disbursement on May 31, 2012 would include a true up from March (based on the new rules) and a USAC-generated projection for April (based on the new rules).

To make changes to the Lifeline and Link Up rules that affect disbursements effective during the middle of the month would be administratively infeasible for both USAC and ETCs. Please feel free to contact the undersigned with any questions.

Respectfully submitted,



John J. Heitmann
Joshua T. Guyan

cc: Kim Scardino

² See *Inquiry Into Disbursement Process for the Universal Service Fund Low Income Program*, WC Docket Nos. 11-42, 03-109, Public Notice, DA 11-1593 (rel. Sept. 23, 2011).