



December 8, 2011

EX PARTE

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

Re: WC Docket No. 11-42, Lifeline and Link Up Reform and Modernization; CC Docket No. 96-45, Federal-State Joint Board on Universal Service; WC Docket No. 03-109, Lifeline and Link Up

Dear Ms. Dortch:

On December 8, 2011, Dale Schmick, Chairman of the Board of COMPTEL and Chief Strategy Officer of YourTel America, Inc., and the undersigned met with Angela Kronenberg, Commissioner Clyburn's wireline legal advisor, regarding the above-captioned Lifeline/Link Up reform proceedings. We relayed a concern about the lack of clarity in the meaning of "voice telephony" and "facilities-based" for purposes of Section 214(e)(1) of the Communications Act in light of the Commission's recent amendment of the definition of services designated for support in Section 54.101 of the Commission's rules.¹ We explained that the concern was exacerbated by a December 7, 2011 *Ex Parte* filed in the above-captioned dockets by the Chief of the Wireline Competition Bureau which stated that Commission staff had informed the ETC State Coordinating Group that "once this amendment to Section 54.101 takes effect on December 29, 2011, a carrier seeking Lifeline-only ETC designation could not meet the facilities requirement of Section 214(e)(1) if it only has facilities used for operator and directory

¹ *In the Matter of Connect America Fund*, WC Docket No. 10-90, *et al.*, Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161 (rel. Nov. 18, 2011) at ¶78 and n. 114.

Ms. Marlene Dortch

December 8, 2011

Page 2

assistance, and such ETC applicants would be required first to seek forbearance from the facilities-based requirement from the Commission.”²

Under the current version of Section 54.101, operator services and directory assistance services are included in the definition of services designated for support and Lifeline ETCs are required to provide their customers access to operator services and access to directory assistance services. The amendment to Section 54.101 eliminates operator and directory assistance services from the definition of supported services. To the extent that carriers have already been designated as ETCs by state commissions based on the use of a combination of their own facilities, including those used to provide operator services and directory assistance services, and the resale of another carrier’s services, those ETC designations should not be jeopardized by the change in the Commission’s rules. Nor should such ETCs’ eligibility for Lifeline reimbursement be adversely affected by the change in the Commission’s rules. While COMPTTEL supports the Commission’s efforts to modernize and reform the universal service programs, it must do so on a manner that does not penalize the low income beneficiaries of the Lifeline program who receive service from a carrier designated as an ETC under the existing rules.

If you have any questions or need additional information, kindly contact the undersigned.

Respectfully submitted,

/s/

Mary C. Albert

cc: Angela Kronenberg

² December 7, 2011 Letter from Sharon E. Gillett to Marlene H. Dortch filed in WC Docket Nos. 11-42, 03-109 and CC Docket No. 96-45.