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December 12, 2011

**VIA ECFS**

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

Re: Notice of Oral Ex Parte Presentation - WC Docket Nos. 11-42, 10-90, 07-135, 05-337, 03-109, GN Docket No. 09-51, CC Docket Nos. 01-92, 96-45 and WT Docket No. 10-208

Dear Ms. Dortch:

On Thursday, December 8, 2011, the undersigned counsel, on behalf of the members of the Link Up for America Coalition (“Coalition”), participated in a brief telephone conversation with Kim Scardino and Garnet Hanly of the Wireline Competition Bureau to discuss the implications of the Connect America Fund order<sup>1</sup> on the Commission’s Low Income Universal Service program and proposed reforms to that program.

During the call, we raised concerns regarding the potential impact of the CAF Order’s revision of Section 54.101 of the Commission’s rules on the ability of facilities-based resellers to meet the facilities requirement by providing directory assistance, operator services or interexchange services. Related to this discussion, we also discussed the Bureau’s December 7, 2011 *ex parte* notification regarding a teleconference it had conducted with participants from state public utility commissions and the National Association of Regulatory Utility Commissioners.<sup>2</sup> We also raised additional concerns regarding the potential impact of the rule change on existing state ETC designations and Lifeline customers.

<sup>1</sup> See *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) (“CAF Order”).

<sup>2</sup> See Notice of Oral *Ex Parte* of the Wireline Competition Bureau, WC Docket No. 11-42 et al. (filed Dec. 7, 2011).

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Finally, we discussed the Commission's ETC facilities forbearance orders and the relationship of Link Up eligibility to customary charges, rather than to facilities.

These same issues were further discussed with Ms. Scardino and Trent Harkrader of the Wireline Competition Bureau in a subsequent telephone conversation the same day.

In accordance with the Commission's rules, this letter is being filed electronically for inclusion in the public record of the above-referenced proceedings. Please feel free to contact the undersigned with any questions.

Respectfully submitted,



John J. Heitmann  
Joshua T. Guyan

cc: Trent Harkrader  
Kim Scardino  
Garnet Hanly