



February 22, 2012

Ex Parte

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

Re: *Connect America Fund*, WC Docket No. 10-90; *A National Broadband Plan for Our Future*, GN Docket No. 09-51; *Establishing Just and Reasonable Rates for Local Exchange Carriers*, WC Docket No. 07-135; *High-Cost Universal Service Support*, WC Docket No. 05-337; *Developing an Unified Intercarrier Compensation Regime*, CC Docket No. 01-92; *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45; *Lifeline and Link-Up*, WC Docket No. 03-109; *Lifeline and Link Up Reform and Modernization*, WC Docket 11-42

Dear Ms. Dortch:

On Friday, February 10, I, on behalf of General Communication Inc., spoke with Randy Clarke and Doug Slotten of the Wireline Competition Bureau Pricing Policy Division. I raised the question of whether there is an inconsistency between Paragraph 801 of the *CAF Order*¹, and rule 51.909(a)(2). Paragraph 801 states that “for rate-of-return carriers, all terminating intrastate access rates will also be capped.” However, 47 C.F.R. § 51.909(a)(2) does not cap originating and terminating Dedicated Transport Access Service. As such, the rule on its face, but not the order, would permit certain access elements used for terminating access to increase if permitted to do so under state law. This could have an impact in those states that annually recalculate intrastate access revenue requirement.

Please contact me if you have any questions.

Sincerely,

John T. Nakahata
Counsel to General Communication Inc.

cc: Randy Clarke
Doug Slotten

¹ *Connect America Fund*, Report and Order and Further Notice of Proposed Rulemaking, WC Docket Nos. 10-90 et al., (rel. Nov. 18, 2011) (“*CAF Order*”).