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*NOT ADMITTED IN VA

March 22, 2012

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W., Room TW-B204
Washington, DC 20554

**Re: Notice of *Ex Parte* in WC Docket Nos. 02-60
Brazos Valley Council of Governments**

Madam Secretary:

In accordance with Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, we hereby provide notice of an oral *ex parte* presentation in connection with the above captioned proceeding. On March 20, 2012, Tom Wilkinson, Executive Director of the Brazos Valley Council of Governments ("BVCOG"), Michael Parks, Assistant Executive Director of BVCOG, Lou Lehrman of Fabiani & Company, and undersigned counsel met with Michael Steffen, Legal Advisor to Chairman Genachowski and, from the Wireline Competition Bureau, Sharon Gillett, Bureau Chief, Patrick Halley, Policy Advisor, Attorney Advisors Linda Oliver, and Christy Barnhart from the Telecommunications Access Policy Division, and Lisa Hone, Senior Advisor in the Competition Policy Division.

We discussed a number of issues relating to the Commission's Rural Health Care Program ("RHCP") *Notice of Proposed Rulemaking* in the above-referenced docket (FCC 10-125, rel. Jul. 15, 2010) and urged the Commission to move forward quickly to complete this reform effort.¹ Specifically, we discussed the urgent need for affordable, health care grade broadband in the Brazos Valley region of Texas. Addressing this need will benefit the region by increasing health care availability and helping to reduce costs through increased utilization of telehealth and telemedicine. We discussed a planned health network to be built and managed by

¹ We note that the Universal Service Administrative Company ("USAC") recently advised the Commission that twelve months was needed to make the administrative changes necessary to implement significant RHCP reforms. See Letter from Craig Davis, Vice President, Rural Health Care Division, USAC, to Sharon Gillett, Chief, Wireline Competition Bureau, Federal Communications, Commission, at 8 (March 14, 2012) (filed in WC Docket 02-60). Because the RHCP funding year begins July 1 each year, the Commission would need to issue an order by July 2012 in order to provide USAC the 12 months it has requested to implement RHCP reforms that would be effective for the funding year beginning July 1, 2013. USAC's filing suggests that the Commission's failure to meet this time frame could push the effective date of a reformed RHCP to July 1, 2014.

Brazos 2020 Vision, Inc., a non-profit corporation which could be funded through the Commission's proposed RHCP Health Infrastructure Program.² For decades BVCOG has provided strong oversight and centralized leadership in administering funding in a variety of federal programs and, with rights-of-way already secured from the Texas Department of Transportation, Brazos 2020 Vision, Inc. is well positioned to provide this needed connectivity beginning as soon as 12 months from when funding is committed. Not only could such a network be implemented quickly, but it would require a one-time universal service fund investment rather than a perpetual subsidy thus helping to ensure effective use of scarce universal service funding.

We discussed how a reformed Rural Health Program is critical to meeting national goals for increasing access and reducing the costs of health care through Health Information Technology. We discussed how the lack of broadband connectivity sufficient to support advanced health care applications in this region of Texas will make it difficult if not impossible in the near term to meet those goals. We strongly believe the planned Brazos 2020 Vision network is the only viable solution that can meet those needs in a timely and cost effective way. We also discussed issues related to the use of potential excess capacity on such a network and discussed examples of RHCP Pilot Projects that successfully utilized self-funded excess capacity to help sustain their networks while providing local retail service providers with opportunities to use this excess capacity to reach more customers and provide better services in rural areas.

If you have any questions or require any additional information, please contact undersigned counsel directly.

Sincerely,



Jeffrey A. Mitchell
Counsel for Brazos Valley
Council of Governments

Enclosures

cc: Michael Steffen, Esq.
Sharon Gillett, Esq.
Patrick Halley, Esq.
Linda Oliver, Esq.
Christy Barnhart, Esq.
Lisa Hone, Esq.

² See *Rural Health Care Universal Service Support Mechanism*, CC Docket No. 02-60, Notice of Proposed Rulemaking, 25 FCC Rcd 9371, 9378-9406, FCC 10-125 (2010).