

Before the
Federal Communications Commission
Washington, D.C. 20554

01/01/12

In the Matter of)
)
Connect America Fund) WC Docket No. 10-90
)
High-Cost Universal Service Support) WC Docket No. 05-337

FILED/ACCEPTED

To: The Commission

MAY 25 2012

Federal Communications Commission
Office of the Secretary

**PETITION FOR STAY
OF SILVER STAR TELEPHONE COMPANY, INC.**

Silver Star Telephone Company, Inc. (Silver Star),¹ by its attorneys, hereby requests that the Commission stay implementation of the Wireline Competition Bureau's (WCB's) *Regression Order*² and the benchmarking methodology and initial benchmarks contained therein, pursuant to section 1.43 of the Commission's Rules, 47 C.F.R. § 1.43. Silver Star requests a stay of the *Regression Order* until the Commission acts on Silver Star's Application for Review of the order, which is being filed simultaneously herewith, and all inaccuracies in the model are corrected.

I. Applicable Stay Standard

Based on the four part test used by the Commission to determine whether a stay is warranted, a petitioner must demonstrate that: (1) it is likely to prevail on the merits; (2) it will suffer irreparable harm if the stay is not granted; (3) other interested parties will not be harmed if

¹ Silver Star operates in Wyoming and Idaho in two study areas. For the purposes of this Petition for Stay, the impact of the regression model on Silver Star reflects the impact on both study areas combined.

² Connect America Fund, WC Docket No. 10-90, High-Cost Universal Service Support, WC Docket No. 05-337, Order, DA 12-646 (rel. Apr. 25, 2012) (*Regression Order*).

No. of Copies rec'd 0+1
List ABCDE

the stay is granted; and (4) the public interest favors granting a stay.³ As shown herein, Silver Star has met the four prongs of this test and, therefore, the Commission should grant this request.

II. Silver Star is Likely to Prevail on Merits

As shown in the Application for Review, the WCB's *Regression Order* and the model and inputs used in the model are fatally flawed in many respects. As a result, the *Regression Order* and the model adopted therein, is arbitrary and capricious.

Although the WCB has acknowledged that the TeleAtlas data is inaccurate for many companies and, in some cases, significantly so, the WCB refused to modify the study area boundaries before implementing the regression methodology. Based on its review of the model and inputs used by the WCB, Silver Star has found that the geographic data for Silver Star also is wildly inaccurate such that it paints an entirely false picture of Silver Star, its facilities, its cost structure, and its service territory. For example, the WCB data fails to include two of Silver Star's exchanges and excludes fully 15 percent of Silver Star's service area. In addition, the data used by the WCB shows a large portion of Silver Star's service area as undeveloped, with little or no telecommunications facilities, when it contains over 100 residential and commercial subdivisions that have been entirely built out by Silver Star as required by state commission rules and Silver Star's carrier of last resort obligation. These errors are then compounded through the model formulas and assumptions. For example, the model assumes that buried plant largely follows roadways and further assumes certain facility costs based on road crossings and intersections. By excluding two exchanges, 15 percent of Silver Star's service area and over 100

³ *Virginia Petroleum Jobbers Association v. FPC*, 259 F.2d 921, 925 (D.C. Cir. 1958); see also *Washington Metropolitan Area Transit Commission v. Holiday Tours, Inc.*, 559 F.2d 841, 843 (D.C. Cir. 1977).

residential and commercial subdivisions, the road miles, intersections and road crossing assumptions and the related cost assumptions in the model also are entirely wrong.

The WCB's attempt to justify its refusal to correct the inaccurate geographic data used in the model on the basis that it is the only available data and there is Commission precedent for its use fails in this case. According to the WCB, the TeleAtlas data was used in the Commission's hybrid cost proxy model and to create maps showing certain high cost support areas and areas with competitive carriers in response to requests for the U.S. House of Representatives.⁴ The maps provided to Congress, however, were of illustrative value and did not result in direct impacts to carriers. Further, the Commission's hybrid cost proxy model is not applied to rural rate-of return carriers, in part because of the Commission's finding that imprecision in the model would have a greater impact on such small carriers.⁵ Accordingly, the fact that the Commission has used the TeleAtlas data in these contexts does not justify its use in this case, where it is an important variable in a model that skews the results of the model for Silver Star and, most likely, other carriers, and that will have real, and significant, financial impacts on Silver Star and other small, rural carriers.

The WCB's provision of a streamlined, expedited waiver process for carriers affected by the benchmarks to correct errors in their study area boundaries also does not save the flawed model. The boundary data is an important variable in a model that seeks to compare similarly situated companies. There can be no confidence that the model results are accurate or that similarly situated companies have, in fact, been compared to each other, if the geographic data for all companies is not accurate. It is quite possible that if the correct data was used for all

⁴ *Order* at ¶25 and fn. 73.

⁵ *In the Matter of Federal-State Joint Board on Universal Service*, 12 FCC Rcd 8776, 8934, ¶291 (1997).

companies, there could be differences in the companies that exceed the 90th percentile, such that Silver Star would have no need for the WCB's expedited waiver.

The WCB model also lacks transparency, it is not plausible, and it does not reflect reality. When considering the adoption of the hybrid cost proxy model, the Commission established a number of parameters for consideration of a model, including all underlying data should be verifiable and outputs plausible and the model must include the capability to examine and modify the critical assumptions.⁶ Further, a model must reflect reality.⁷

Based on Silver Star's analysis of the model, none of these criteria are met. A number of examples of the model's counter-intuitive results are identified as follows. The model assumes that when the cost of burying plant exceeds a certain level, an "efficient" carrier must use aerial plant. Accordingly, the model penalizes carriers, like Silver Star, that bury plant in this circumstance. However, much of Silver Star's facilities are along the scenic byways of the Bridger-Teton and Caribou national forest land and the cities, counties and federal government, by regulation, prohibits Silver Star from placing aerial plant in these areas. These severe regulations, also require Silver Star to bury any existing aerial plant it may have.

Although the model assumes aerial plant should be installed in certain circumstances and acknowledges that aerial plant is more expensive to maintain than buried plant, the model applies a negative factor to operations expense for aerial plant, which reduces the reimbursement for this expense. Applying a negative factor here is contrary to reality.

The model assumes that buried plant largely follows roadways. However, by relying on inaccurate data, which excludes fully 15 percent of Silver Star's service territory, many miles of

⁶ *In the Matter of Federal-State Joint Board on Universal Service*, 12 FCC Rcd 8776, 8913, ¶250 (1997).

⁷ *American Iron & Steel Inst. v. EPA*, 115 F.3d 979, 1005 (D.C. Cir. 1997).

buried plant is excluded from the model for Silver Star. Further, because the number of intersections and road crossings also are considered in the model and are based on the number of road miles, this error is compounded in the model results for Silver Star.

The model considers the number of frost-free days experienced by a company as a factor in the cost of installing and maintaining plant. However, the model rewards carriers with more frost-free days by applying a positive factor in this circumstance which punishes carriers, like Silver Star, with more frost days. This does not reflect reality for Silver Star because it must undergo a finite amount of construction in a shorter period of time, often incurring greater costs as a result of overtime and engaging a greater number of construction crews.

The WCB's model also is unpredictable and insufficient, in violation of Section 254 of the Act. The changing nature of the model, coupled with the inaccurate data and methodologies discussed above, makes it difficult to determine with certainty the effects of the caps over time. The inability to predict the outcome of the model is compounded by the fact that outcomes are based on the actions of all carriers.

The WCB's benchmarking methodology also provides insufficient support for Silver Star. Silver Star has calculated that the projected impact of the regression model will result in a loss in universal service support for Silver Star of approximately \$2 million in 2012; \$1.7 million in 2013; \$1.9 million in 2014; and \$1.8 million in 2015.⁸ Even with the phase in for 2012 and 2013 adopted by the WCB, the projected loss of support for Silver Star in 2012 is approximately \$360,000 and \$841,000 in 2013. The per customer impact of the "phased in" 2012 regression

⁸ The changing nature of the model makes it difficult to determine with certainty the effects of the caps over time. However, in an effort to assess the potential effect of the caps in future years, Silver Star assumed the coefficients of the quantile regression model do not change.

model impact is over \$55 per customer. The per customer impact of the "phased in" 2013 regression model impact is almost \$130.

Annual impacts at this level threaten the viability of Silver Star. As Silver Star is the only voice and broadband carrier providing service throughout its service territory, these impacts also threaten the ability of Silver Star's customers to continue to obtain not only broadband service, but also basic voice service. Silver Star's ability to repay its RUS loans and to maintain and operate the facilities installed through the BTOP program also is threatened.

For these reasons, Silver Star is likely to prevail on the merits of its simultaneously filed Application for Review before this Commission.

III. Silver Star will be Irreparable Harmed Absent a Stay

Irreparable harm can be demonstrated "when monetary damages are difficult to ascertain or are inadequate"⁹ or where economic loss is coupled with the loss of goodwill or customers.¹⁰ Irreparable injury also can include loss of control of reputation, loss of trade, and loss of goodwill.¹¹ Silver Star will suffer irreparable harm for all of these reasons.

As shown, monetary damages are difficult to ascertain in the later years of the model because of the changing nature of the model, coupled with the inaccurate data and methodologies discussed herein. The inability to predict the outcome of the model is compounded by the fact that outcomes are based on the actions of all carriers.

The known impact of the model in 2012 and 2013 threatens Silver Star's ability to maintain its customer base and repay its loans. As shown, the per customer impact of the

⁹ *Multi-Channel TV Cable Co. v. Charlottesville Quality Cable Operating Co.*, 22 F.3d 546, 551-552 (4th Cir. Va. 1994), citing *Danielson v. Local 275*, 479 F.2d 1033, 1037 (2d Cir. 1973).

¹⁰ See *BellSouth Telecommunications, Inc. v. MCIMetro Access Transmission Services LLC*, 425 F.3d 964, 970 (11th Cir 2005)

¹¹ See *Ferrellas Partners, L.P. v. Barrow*, 143 Fed. App. 180, 190 (11th Cir 2005)

"phased in" 2012 regression model impact is over \$55 per customer. The per customer impact of the "phased in" 2013 regression model impact is almost \$130. This would require either a significant increase in rates charged to customers or a drastic reduction in services and maintenance of facilities. In either case, Silver Star would experience a reduction in customers and a loss of reputation and good will. The inability of Silver Star to repay its loans also would result in a loss of reputation and good will.

Finally, the future impact of the model, as projected by Silver Star and shown herein, threatens the very viability of the company. Accordingly, Silver Star has demonstrated that it will be irreparably harmed by the WCB's model.

IV. Interested Parties Are Not Harmed

No other interested parties will be injured by grant of the requested stay. The HCLS is a capped mechanism and, therefore, a stay of the benchmarks as applied to Silver Star will not require carriers, and ultimately consumers, to make additional universal service contributions. Further, universal service support amounts for other carriers are determined by separate mechanisms and, therefore, there will be no reduction in their universal service support.

V. The Public Interest Favors Grant of the Stay

Silver Star is a small incumbent local exchange carrier operating in rural areas of Wyoming and Idaho.¹² It serves 6,493 customer lines in approximately 2860 square miles, or approximately 2.3 customers per square mile. Silver Star's service territory is geographically isolated by two mountain ranges, Bridger Teton and Caribou, and US forest service land. Silver Star is the only carrier providing voice service throughout its service territory. Although

¹² Silver Star operates in Wyoming and Idaho in two study areas. For purposes of this Application for Review, the impact of the regression model on Silver Star reflects the impact on both study areas combined.

wireless service is available, due to the extreme terrain, it is limited and sporadic. In addition, Silver Star provides necessary transport services to and from the service area for all wireless carriers operating in this area, except one. Accordingly, the ability of wireless carriers to continue providing their services will be impacted as a result of the impacts to Silver Star from the model.

Silver Star provides broadband services to 4753 customers, which represents a penetration rate of 73 percent. Of these customers, 4516 have access to broadband speeds of less than 4M/ 1M. Substantial investment will be required to upgrade the broadband speed of these customers.

Silver Star is the only carrier providing voice and broadband service throughout its service territory. Accordingly, as Silver Star's ability to continue to provide high quality service is impacted by the model, customers will not be able to continue to obtain broadband and voice service in the remote, geographically isolated part of Wyoming and Idaho served by Silver Star. Further, Silver Star's ability to upgrade existing broadband service and deploy service to new areas will be hindered by the application of the model. Accordingly, grant of the application is in the public interest.

VI. Conclusion

As shown herein, Silver Star has met the four prongs stay standard applied by the Commission. Accordingly, Silver Star requests a stay of the *Regression Order* until the Commission acts on Silver Star's Application for Review of the order, which is being filed simultaneously herewith, and all inaccuracies in the model are corrected.

Respectfully submitted,
**SILVER STAR TELEPHONE
COMPANY, INC.**

By: Mary J. Sisak / ST
Benjamin H. Dickens, Jr.
Mary J. Sisak

Blooston, Mordkofsky, Dickens
Duffy & Prendergast, LLP
2120 L Street, NW, Suite 300
Washington, DC 20037
(202) 659-0830

Dated: May 25, 2012

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Connect America Fund)	WC Docket No. 10-90
)	
High-Cost Universal Service Support)	WC Docket No. 05-337

**DECLARATION OF
ALLEN R. HOOPES**

1. My name is Allen R. Hoopes. I currently serve as Chairman and Chief Executive Officer of Silver Star Telephone Company, Inc. (Silver Star). I am submitting this Declaration on behalf of Silver Star, in support of the information provided concerning the company and the impacts of the regression analysis formulas adopted by the Wireline Competition Bureau and the resulting caps on capital and operating expenses that may be supported through the High-Cost Loop Support (“HCLS”) component of the Federal Universal Service Fund (“USF”).

2. **BRIEF BACKGROUND ON PERSON** I, Allen R. Hoopes, am Chairman and CEO of Silver Star Communications, an ILEC providing broadband and voice service, which serves approximately 6,493 ILEC customers in Wyoming and Idaho. I currently serve as a board member of the Rural Telephone Finance Cooperative. I am past President of the Idaho Telephone Association, a past board member for OPASTCO (Organization for the Promotion and Advancement of Small Telecommunications Companies), and the past Chairman of the OPASTCO Video and Broadband Committee. I received a B.S. in Finance and Marketing from Brigham Young University. I then served as Vice President of Operations and General Manager of Silver Star Communications and Columbine Telephone Company, a Colorado based company, from 1992 to 1997. Prior to serving as Vice President I served as Assistant Manager of Silver Star Communications from 1986 to 1992.

3. I have reviewed the foregoing Petition for Stay of Silver Star Telephone Company, Inc.

I declare under penalty of perjury that the facts and statements concerning Silver Star contained in the foregoing Petition for Stay of Silver Star Telephone Company, Inc. are true and correct to the best of my knowledge, information and belief.

ALLEN R. HOOPES

[Printed Name]

5-24-2012

Date

Allen R. Hoopes

Allen R. Hoopes, Chairman/CEO
Silver Star Communications

Certificate of Service

The undersigned hereby certifies that on the 25th day of May, 2012, a copy of the forgoing **Petition for Stay of the Silver Star Telephone Company, Inc.** was served via U.S. Mail, postage prepaid, to the following:

Sharon E. Gillett, Chief
Wireline Competition Bureau
445 12th Street, SW
Washington, DC 20554
sharon.gillett@fcc.gov

James S. Blaszak
For Ad Hoc Telecommunications Users Committee
Levine, Blaszak, Block, and Boothby, LLP
2001 L St. NW, Suite 900
Washington, DC

Stephen L. Goodman
Counsel for ADTRAN, Inc.
Butzel Long Tighe Patton, PLLC
1747 Pennsylvania Ave, NW, Suite 300
Washington, DC 20006

Cathy Carpino
AT&T Services, Inc.
1120 20th Street NW, Suite 1000
Washington, D.C. 20036

Rich Redman, General Manager
ATC COMMUNICATIONS
225 West North Street
Albion, ID 83311

Patrick Sherrill, President and CEO
Accipiter Communications Inc.
2238 W. Lone Cactus Dr., Suite 100
Phoenix, AZ 85027

Leonard A. Steinberg
ALASKA COMMUNICATIONS SYSTEMS
600 Telephone Avenue
Anchorage, Alaska 99503

Shannon M. Heim
Counsel for Alaska Rural Coalition
Dorsey & Whitney LLP
1031 West 4th Avenue, Suite 600
Anchorage, AK 99501

Alexicon Telecommunications Consulting
3210 E. Woodmen Rd, Suite 210
Colorado Springs, CO 80920

Thomas Cohen
Counsel for American Cable Association
Kelley Drye & Warren LLP
3050 K Street, NW, Suite 400
Washington, DC 20007

Blue Valley Telecommunications
1559 Pony Express Hwy
Home, KS 66438-9762

David A. LaFuria
Counsel for C SPIRE WIRELESS
LUKAS, NACE, GUTIERREZ & SACHS, LLP
8300 Greensboro Drive, Suite 1200
McLean, Virginia 22102

Sunne Wright McPeak, President and CEO
California Emerging Technology Fund (CETF)
5 Third Street, Suite 320
San Francisco, CA 94103

Michael F. Altschul, Senior VP & General Counsel
CTIA-The Wireless Association
1400 16th Street, NW, Suite 600
Washington, DC 20036

Samuel L. Feder
Counsel for Charter Communications, Inc.
JENNER & BLOCK LLP
1099 New York Ave., NW, Suite 900
Washington, D.C. 20001

Ernest C. Cooper
Counsel for Cablevision Systems Corp.
MINTZ, LEVIN, P.C.
701 Pennsylvania Avenue, N.W., Suite 900
Washington, D.C. 20004

Kirby Smith, Director of Finance
Calveras Telephone Company
513 Main Street
Copperopolis, CA 95228

Frank R. Lindh
Attorney for California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

Tom Shoemaker, Vice-President
Cambridge Telephone Company
613 Patterson
Cambridge, NE 69022

Gerard J. Waldron
Counsel for Carriers for Progress in Rural America
Covington & Burling LLP
1201 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Caressa D. Bennet
Counsel for Central Texas Telephone Cooperative
Bennet & Bennet, PLLC
4350 East West Highway, Suite 201
Bethesda, MD 20814

Jeffrey S. Lanning
Counsel for Centurylink
1099 New York Avenue, N.W., Suite 250
Washington, DC 20001

Cathleen A. Massey
Vice President Regulatory Affairs & Public Policy
Clearwire Corporation
1250 Eye St., NW, Suite 901
Washington, DC 20005

Fred Goldstein, Consultant
Coalition for Rational Universal Service and
Intercarrier Reform
PO Box 610251
Newton MA 02461

David Dengel, CEO/General Manager
Copper Valley Telephone Cooperative, Inc
Box 337
Valdez, AK 99686

Mike Lattin, President
EAGLE TELEPHONE SYSTEM, INC.
Post Office Box 178
Richland, OR 97870

Kathleen Abernathy Chief Legal Officer
Frontier Communications
2300 N St. NW, Suite 710
Washington, DC 20037

Jeffrey H. Smith, Vice-President
GVNW Consulting, Inc.
8050 SW Warm Springs Street, Suite 200
Tualatin, Oregon 97062

John T. Nakahata
Counsel for General Communications, Inc.
WILTSHIRE & GRANNIS LLP
1200 Eighteenth Street, N.W.
Washington, D.C. 20036

Tom W. Davidson, Esq.
Counsel for Gila River Telecommunications, Inc.
Akin Gump Strauss Hauer and Feld LLP
1333 New Hampshire Avenue, NW
Washington, DC 20036

Robert Hunt, Vice President, Regulatory Affairs
Guadalupe Valley Telephone Cooperative, Inc.
36101 FM 3159
New Braunfels, TX 78132

Carroll Onsaec, President/General Manager
Hopi Telecommunications, Inc.
5200 E. Courtland Boulevard E200
Flagstaff, Arizona 86004

Genevieve Morelli
ITTA
1101 Vermont Ave., NW Suite 501
Washington, D.C. 20005

James D. Atterholt, Chairman
Indiana Utility Regulatory Commission
101 West Washington Street, Suite 1500 E
Indianapolis, In 46204

Vince Jesaitis
Director, Government Relations
Information Technology Industry Council
1101 K Street, Nw Suite 610
Washington, Dc 20005

Randy Wilson, General Manager
INTERBEL TELEPHONE COOPERATIVE, INC.
PO Box 648
Eureka, MT 59917

James J. Kail, President/CEO
Laurel Highland Telephone Company
Yukon-Waltz Telephone Company
4157 Main Street
Stahlstown, PA 15687

Maneesh Pangasa
3562 South 18th Avenue
Yuma, AZ 85365-3937

Godfrey Enjady
Mescalero Apache Telecom, Inc.
75 Carrizo Canyon Road
Mescalero, NM 88340

Steve Child, CEO
Midvale Telephone Exchange
2205 Keithley Creek Road
Midvale, ID 83645

Chad A. Duval, Principal
Counsel to the Moss Adams Companies
MOSS ADAMS LLP
601 W. Riverside Ave., Suite 1800
Spokane, WA 99201

Charles Acquard, Executive Director
NASUCA
8380 Colesville Road, Suite 101
Silver Spring, MD 20910

William C. Black, Deputy Public Advocate
Maine Office of Public Advocate
SHS#112
Augusta, ME 04333

Stefanie A. Brand, Director
Division of Rate Counsel
P.O. Box 46005
Newark, NJ 07101

Regina Costa
TURN
115 Sansome St., Suite 900
San Francisco, CA 94104

Richard A. Askoff
Attorney for NECA
80 South Jefferson Road
Whippany, NJ 07981

Donald J. Evans
Counsel for NTCH, Inc.
Fletcher, Heald & Hildreth, PLC
1300 North 17th Street, 11th Floor
Arlington, VA 22209

Rick Chessen
National Cable & Telecommunications Association
25 Massachusetts Avenue, NW – Suite 100
Washington, DC 20001-1431

Darrell Gerlaugh, Chairman
National Tribal Telecommunications Association
519 Tennessee Avenue
Alexandria, VA 22305
Shana Knutson, Staff Attorney
The Nebraska Public Service Commission
300 The Atrium Building
1200 N Street
Lincoln, NE 68508

Sarah J. Morris
Open Technology Initiative
New America Foundation
1899 L Street, NW, 4th Floor
Washington, DC 20036

Danielle Frappier
Counsel to Nexus Communications, Inc
Davis Wright Tremaine LLP
1919 Pennsylvania Avenue, N.W., Suite 800
Washington, D.C. 20006-3401

Michael Sheard, General Manager
NORTHERN TELEPHONE COOPERATIVE
P.O. Box 190
Sunburst, MT 59482

Michael T. N. Fitch, President and CEO
PCIA
901 N. Washington Street, Suite 600
Alexandria, VA 22314

David C. Blessing, Principal
Parrish, Blessing & Associates
3975 University Drive, Suite 215
Fairfax, VA 22030

Joseph K. Witmer, Esq., Assistant Counsel,
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, P A 17120

Sandra J. Paske, Secretary
Public Service Commission of Wisconsin
610 N Whitney Way
PO Box 7854
Madison, WI 53707-7854

William L. Wright
PUBLIC UTILITIES COMMISSION OF OHIO
180 East Broad Street, 6th Floor
Columbus, OH 43215-3793

Steven K. Berry
RCA
805 Fifteenth Street, N.W., Suite 401
Washington, DC 20005

Gregg C. Vanderheiden, Ph.D.
Principal Investigator, RERC-IT
Trace R&D Center
University of Wisconsin-Madison
1550 Engineering Dr.
Madison, WI 53706

T.W. Patch, Chairman
Regulatory Commission of Alaska
701 West 8th Avenue, Suite 300
Anchorage, AK 99501

Rural Telecommunications Group, Inc.
Caressa D. Bennet
Bennet & Bennet, PLLC
4350 East West Highway, Suite 201
Bethesda, MD 20814

Larry E. Sevier, Chief Executive Officer
Rural Telephone Service Company, Inc.
145 N. Main
PO Box 158
Lenora, KS 67645

Sacred Wind Communications
5901-J Wyoming Blvd., NE
Box 266
Albuquerque, NM 87109

Jeffrey H. Blum, Senior Vice-President
DISH NETWORK L.L.C.
1110 Vermont Avenue NW, Suite 750
Washington, DC 20005

Keven Lippert, Vice President
Broadband Services Division
VIASAT, INC.
6155 El Camino Real
Carlsbad, CA 92009

Dean A. Manson
ECHOSTAR TECHNOLOGIES L.L.C.
HUGHES NETWORK SYSTEMS, LLC
11717 Exploration Lane
Germantown, MD 20876

Jerry Isaac, President and Chairman
Tanana Chiefs Conference
Chief Peter John Tribal Building
122 First Avenue, Suite 600
Fairbanks, Alaska 99701-4897

Pete Holland
Chillicothe Telephone Company
68 East Main Street
Chillicothe OH 45601

Paul M. Schudel
The Nebraska Rural Independent Companies
Woods & Aitken LLP
301 South 13th Street, Suite 500
Lincoln, NE 68508

Matthew A. Brill
Time Warner Cable, Inc.
LATHAM & WATKINS LLP
555 Eleventh Street, NW, Suite 1000
Washington, DC 20004

Todd D. Daubert
Counsel for the USA Coalition
SNR DENTON US LLP
1301 K Street, N.W.
East Tower, Suite 600
Washington, DC 20005

David A. LaFuria
Counsel For United States Cellular Corporation
Lukas, Nace, Gutierrez & Sachs, Llp
8300 Greensboro Drive, Suite 1200
McLean, Virginia 22102

David Cohen
Counsel To The United States Telecom Association
607 14th Street, NW, Suite 400
Washington, D.C. 20005

Christopher M. Miller
Counsel to Verizon
1320 North Courthouse Road, Ninth Floor
Arlington, VA 22201-2909

George E. Young, Esq.
Vermont Public Service Board
112 State Street
Montpelier VT 05620-2701

Betty Buckley
Washington Independent Telecommunications
Association
2112 Black Lake Blvd. SW
Olympia, WA 98512

Brant Wolf
Oregon Telecommunications Association
777 13th St. SE, Suite 120
Salem, Oregon 97301-4038

Molly Steckel
Idaho Telecom Alliance
P.O. Box 1638
Boise, Idaho, 83701-1638

Geoffrey Feiss
Montana Telecommunications Association
208 North Montana Avenue, Suite 105
Helena, Montana 59601

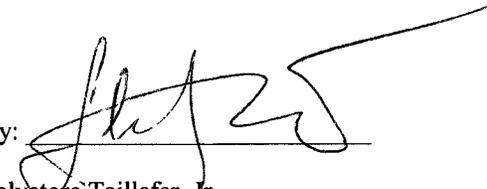
Peter Kirchhof
Colorado Telecommunications Association
225 E. 16th Avenue, Suite 260
Denver, CO 80203

Archie Macias
Wheat State Telephone, Inc.
106 West First Street
P.O. Box 320
Udall, Kansas 67146-0320

Malena F. Barzilai
Windstream Communications, Inc.
1101 17th St., N.W., Suite 802
Washington, DC 20036

Stephen E. Coran
Counsel to the Wireless Internet Service Providers
Association
Rini Coran, PC
1140 19th Street, NW, Suite 600
Washington, DC 20036

By:


Salvatore Taillefer, Jr.

Blooston, Mordkofsky, Dickens, Duffy, &
Prendergast, LLP
2120 L Street NW, Suite 300
Washington, DC
20037