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September 13, 2012

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**BY ELECTRONIC COMMENT FILING SYSTEM**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, D.C. 20554

Re: Ex Parte Notice – WC Docket No. 06-122 (USF Contribution Reform) and GN Docket No. 09-51  
(National Broadband Plan)

Dear Ms. Dortch:

On September 11, 2012, Mark A. Stachiw, Vice Chairman, Secretary & General Counsel of MetroPCS Communications, Inc. (“MetroPCS”), along with Carl W. Northrop and Andrew Morentz of Telecommunications Law Professionals PLLC (“TLP”), met separately to discuss the MetroPCS positions on reforming the contribution system for the Universal Service Fund (“USF”) with the following Federal Communications Commission (“FCC” or “Commission”) staff: (i) Michael Steffen of Chairman Genachowski’s office and Vickie Robinson of the Wireline Competition Bureau; and (ii) Christine Kurth of Commissioner McDowell’s office. The presentations were consistent with the filings MetroPCS previously has made in the above-referenced proceedings, as supplemented below.

MetroPCS commended the Commission for taking the important first steps to reform the USF contribution methodology and promote efficiency, sustainability and fairness in the USF system. As part of these reforms, MetroPCS identified for the Commission several areas as ripe for immediate reform, where the record demonstrates broad agreement among a variety of stakeholders. Specifically, MetroPCS urged the Commission to promptly: (i) determine that SMS messaging revenues are exempt from USF assessment, and will remain so until all competing services (such as iMessage, Facebook messaging, and Google’s GChat, among others) are required to contribute, in order to prevent competitive imbalance; (ii) determine that revenues from MPLS and other enterprise services are assessable for USF contribution purposes; (iii) reduce the frequency with which the USF contribution factor is revised from quarterly to annually, or at the very most semi-annually; (iv) create a system where carriers can seek informal guidance on USF contribution matters, perhaps in a manner similar to the Internal Revenue Services’ private letter ruling process; and (v) extend the time for carriers to seek refunds on USF contribution overpayments and eliminate the asymmetry between a carrier’s ability to file for a refund and the Commission’s ability to recoup past underpayments, as the current system artificially encourages carriers to be more aggressive in their revenue classification positions..

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In order to provide the most efficient path to reform, MetroPCS also urged the Commission to convene an industry advisory committee, under the Federal Advisory Committee Act,<sup>1</sup> to make recommendations to the Commission on a comprehensive reform proposal. A review of the record in this proceeding reveals that there are many complex and difficult issues that need to be resolved in order for a comprehensive reform proposal to emerge. Resolution of these complex issues would benefit from thoughtful consideration by a broad cross-section of industry representatives and interested parties with detailed knowledge of the manner in which networks and service plans operate, how services are accounted for and how consumers will likely react. Indeed, the types of technical, valuation and accounting questions necessary to enact comprehensive USF contribution reform bear a greater resemblance to the types of engineering issues for which advisory group guidance is frequently sought<sup>2</sup> than they do to the types of policy matters that typically are decided through notice-and-comment rulemaking proceedings. The advisory committee would be given specific and narrowly-tailored instructions on how to proceed, and would be given a 6-to-8 month deadline to produce its final recommendation. At that point, the committee's final proposal would be submitted for public comment, so that all members of the industry can assess the proposal's relative strengths and weaknesses.

In order to provide the advisory committee with a focused and attainable goal, MetroPCS advocated that the Commission make a provisional determination that it will retain the current revenues-based USF contribution system, which has the benefits of familiarity to carriers and the built-in backstop of generally accepted accounting principles ("GAAP"). In addition, the Commission should instruct the advisory committee as to which service providers are to be included within the contributor base (e.g., broadband providers, enterprise providers, edge providers, along with traditional wireless and wireline service providers, among others). Determining the outer bounds of the contributor base would enable the Commission to most appropriately design the advisory committee, and ensure that each stakeholder is adequately represented at the table. By allowing cross-industry collaboration on these complex USF contribution methodology issues, the Commission will be able to leverage the collective experience of service providers in order to reach the best possible resolution in the most efficient manner.

Please direct any questions in connection with this notification to the undersigned.

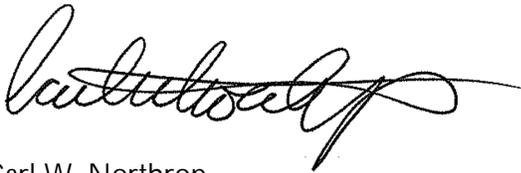
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<sup>1</sup> Federal Advisory Committee Act, 5 U.S.C. Appendix – Federal Advisory Committee Act; 86 Stat. 770, as amended.

<sup>2</sup> See, e.g., FCC Announces Membership of the Communications Security, Reliability, and Interoperability Council, Public Notice, DA 11-1321 (rel. Aug. 8, 2011); Notice of Appointment of Members to the Commercial Mobile Service Alert Advisory Committee, Public Notice, DA 06-2474 (rel. Dec. 5, 2006).

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Sincerely,

A handwritten signature in black ink, appearing to read "Carl W. Northrop", with a large, sweeping flourish extending to the right.

Carl W. Northrop  
of TELECOMMUNICATIONS LAW PROFESSIONALS PLLC

cc (via email): Michael Steffen  
Christine Kurth  
Vickie Robinson