



September 18, 2012

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

Re: *Connect America Fund; A National Broadband Plan for Our Future; Establishing Just and Reasonable Rates for Local Exchange Carriers; High-Cost Universal Service Support; Developing a Unified Intercarrier Compensation Regime; Federal-State Joint Board on Universal Service; Lifeline and Link-Up; Universal Service Reform – Mobility Fund, WC Docket Nos. 10-90, 07-135, 05-337, 03-109, CC Docket Nos. 01-92, 96-45, GN Docket No. 09- 51, WT Docket No. 10-208*

Dear Ms. Dortch:

On September 14, 2012, Scott Bergmann of CTIA-The Wireless Association (CTIA), David Cohen of the United States Telecom Association (USTelecom), Malena Barzilai of Windstream, Cathy Carpino and Mary Henze of AT&T, Jeff Lanning and Tiffany Smink (by telephone) of CenturyLink, and David Haga and Alan Buzacott of Verizon, met with Carol Matthey, Trent Harkrader, Alex Minard, Patrick Halley, and Ryan Yates of the Wireline Competition Bureau to discuss the Petition for Clarification and Reconsideration or, in the Alternative, For Waiver of CTIA and USTelecom (Petition) in the above-captioned proceeding.¹

In the meeting, we explained that the Commission should require only those ETCs that accept CAF Phase II support to file new five-year build out plans. As CTIA and USTelecom demonstrated in the Petition, no useful purpose would be served by requiring other ETCs to file new build out plans. CETCs whose support is being phased down, and incumbent LEC ETCs receiving CAF Phase I support, cannot develop accurate build out plans because their existing support is scheduled to be eliminated, and because they do not know how much funding they will receive from future programs or if they will choose to participate in those programs.

We also urged the Commission to clarify or, in the alternative, reconsider the broadband reporting requirements in section 54.313 of the Commission's rules. First, we explained that the Commission should make clear that CETCs whose support is being phased down are not required to provide any of the information or certifications described by sections 54.313(a)(1) through (a)(7) for broadband service, and are not required to provide the results of the network

¹ CTIA and United States Telecom Association Petition for Clarification and Reconsideration or, in the Alternative, For Waiver, *Connect America Fund, et al.*, WC Docket No. 10-90, *et al.*, (Jun. 25, 2012) ("Petition").

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performance tests contemplated by section 54.313(a)(11). The clarification sought by the Petition is consistent with the *Transformation Order*'s conclusion that "[c]ompetitive ETCs whose support is being phased down will not be required to submit any of the new information or certifications ... related solely to the new broadband public interest obligations..."²

Any new broadband reporting requirements should apply, if at all, only to carriers electing CAF Phase II support. As we pointed out in the meeting, the provisions of sections 54.313(a)(1) through (a)(7) would impose significant burdens on ETCs if applied to broadband service, as would the network testing requirements in section 54.313(a)(11). We noted, in particular, that ETCs do not currently track broadband service outages in the format contemplated by section 54.313(a)(2). We also noted that the Commission recently decided against imposing network outage reporting requirements on broadband Internet services, citing the need for further study of the technical issues.³

Furthermore, we explained that neither the section 54.313(a)(11) network performance testing nor the application of sections 54.313(a)(1) through (a)(7) to broadband service are necessary to ensure compliance with CAF Phase I obligations. Other provisions of section 54.313 impose sufficient reporting requirements for the Commission to monitor ETCs' compliance with the CAF Phase I program's specific obligations.⁴

Sincerely yours



David B. Cohen
Vice President, Policy
United States Telecom Association

cc: Carol Matthey
Trent Harkrader
Alex Minard
Patrick Halley
Ryan Yates

² Connect America Fund, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663, ¶ 583 (2011) ("US Transformation Order"), pets. for review pending sub nom. In re: FCC 11-161, No. 11-9900 (10th Cir. filed Dec. 8, 2011).

³ Proposed Extension of Part 4 of the Commission's Rules Regarding Outage Reporting to Interconnected Voice Over Internet Protocol Service Providers and Broadband Internet Service Providers, Report and Order, 27 FCC Rcd 2650, ¶¶ 9, 114 (2012).

⁴ 47 CFR §§ 54.313(b)-(c).