



March 7, 2013

Ex Parte Notice

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Connect America Fund, WC Docket No. 10-90; High-Cost Universal Service Support, WC Docket No. 05-337; AT&T Petition to Launch a Proceeding Concerning the TDM-to-IP Transition; Petition of the National Telecommunications Cooperative Association for a Rulemaking to Promote and Sustain the Ongoing TDM-to-IP Evolution, GN Docket No. 12-353; Technology Transitions Policy Task Force, GN Docket No. 13-5; Establishing Just and Reasonable Rates for Local Exchange Carriers, WC Docket No. 07-135; Developing a Unified Inter-carrier Compensation Regime, CC Docket No. 01-92; Petitions for Waiver of Commission’s Rules Regarding Access to Numbering Resources, CC Docket 99-200

Dear Ms. Dortch:

On Wednesday, March 6, 2013, the undersigned, on behalf of NTCA–The Rural Broadband Association (“NTCA”), spoke via telephone with Michael Steffen, Legal Advisor to Chairman Genachowski, and Lisa Gelb and Travis Litman of the Wireline Competition Bureau to discuss matters in the above-referenced proceedings.

During that conversation, NTCA expressed positions consistent with prior pleadings in certain of the above-referenced proceedings regarding the grant of any waiver by the Federal Communications Commission (the “Commission”) that would permit an entity to obtain direct access to telephone numbers without accepting the accountability and all of the responsibilities associated with operation as a regulated carrier. *See, e.g.*, Comments of NTCA, CC Docket No. 99-200 (filed Aug. 23, 2012); *Ex Parte Letter* of Michael R. Romano, Senior Vice President – Policy, NTCA, to Marlene H. Dortch, Secretary, Commission, WC Docket No. 10-90, *et al.* (filed July 19, 2012); *Ex Parte Letter* of Michael R. Romano, Senior Vice President – Policy, NTCA, to Marlene H. Dortch, Secretary, Commission, WC Docket No. 10-90, *et al.* (filed May 31, 2012). NTCA further noted that many of the fundamental questions surrounding regulatory processes and constructs (or lack thereof) implicated by the waiver requests are comparable to those teed up in NTCA’s IP evolution petition and the similar petition filed by AT&T (as well as the issues to be evaluated by the Technology Transitions Task Force), such that consideration of these questions and issues should be properly coordinated with those proceedings.

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NTCA also explained that the Commission should proceed with extreme caution in considering the effects of any potential waiver on areas served by rural local exchange carriers (“RLECs”). As an initial matter, section 251(f) of the Communications Act of 1934, as amended, captures a congressional intent to ensure that the effects of competitive entry and use of rural networks are coordinated with the objectives of universal service. Given that there has been no examination of how any proposed waiver would affect the public interest or universal service specifically in rural areas pursuant to section 251(f) or otherwise, the Commission should ensure that waivers are carefully targeted to avoid implicating such concerns.

Moreover, as explained further in recent *ex parte* submissions, NTCA highlighted that the Commission’s universal service distribution rules still compel consumers in RLEC-served areas to purchase regulated local exchange service (“POTS”) from the RLEC in order to obtain reasonably priced broadband services as well. *See, e.g., Ex Parte Letter* of Michael R. Romano, Senior Vice President – Policy, NTCA, to Marlene H. Dortch, Secretary, Commission, WC Docket No. 10-90, *et al.* (filed Feb. 22, 2013). Thus, any waiver that would provide direct access to telephone numbers to an “over-the-top” non-carrier VoIP provider should not apply in RLEC-served areas unless and until the Commission also ensures that predictable and sufficient universal service support will remain available for the underlying broadband-capable network should a consumer decide to cease procuring POTS and procure such an “over-the-top” VoIP service instead. Put another way, the Commission’s goals of promoting broadband access and competition would be undermined if the broadband-capable network that actually enables the VoIP provider’s offering were to lose universal service support simply because the consumer in question is no longer procuring POTS service (and is instead only procuring broadband) from the RLEC. NTCA therefore urges the Commission to move quickly to make the technical fixes to its rules necessary to support standalone broadband provided by RLECs, and NTCA objects to the grant of any waiver that would apply in RLEC-served areas in the absence of predictable and sufficient universal service support for the broadband-capable networks that make it possible to offer VoIP services in the first instance.

Pursuant to Section 1.1206 of the Commission’s rules, a copy of this letter is being filed via ECFS. If you have any questions, please do not hesitate to contact the undersigned.

Sincerely,

/s/ Michael R. Romano

Michael R. Romano

Senior Vice President – Policy

cc: Michael Steffen
Lisa Gelb
Travis Litman