



April 15, 2013

**Ex Parte**

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Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> 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 April 11, 2013, David Cohen and Jonathan Banks of USTelecom, Malena Barzilai of Windstream, Jeff Lanning and Tiffany Smink (via telephone) of CenturyLink, Cathy Carpino of AT&T, Mark Montano and Alan Buzacott of Verizon, and Mike Skrivan of Fairpoint (via telephone) met with Alex Minard and Chris Cook of the Wireline Competition Bureau to discuss the draft Form 481 and ETCs' reporting obligations under section 54.313 of the Commission's rules.

In the meeting, we asked the Commission to clarify which reporting obligations are effective for the upcoming July 1, 2013 filings. In particular, we asked the Commission to make clear that ETCs would not be required to file the broadband information specified in sections 54.313(a)(1)-(a)(7) or the tribal engagement information specified in section 54.313(a)(9). Because the Commission has not obtained approval from the Office of Management and Budget (OMB) for those information collections, carriers were not required to collect that information in 2012 and, consequently, cannot be required to report that information in their July 1, 2013 reports. Thus, the Commission should make clear that, even if it obtains approval from OMB for the proposed Form 481 before July 1, carriers' 2013 reports are not required to include (1) the number of unfulfilled service requests for broadband; (2) the number of complaints per 1,000 customers for broadband; (3) company price offerings for broadband; or (4) Tribal lands reporting.

We also discussed the service quality and consumer protection certification on page 4 of the Form 481 and the emergency functionality certification on page 5 of the Form 481. As is discussed in US Telecom's April 4, 2013 Petition, the Commission should revise the format of the Form 481 to allow carriers to simply attach their certifications to the form.

In addition, we also recommended the following changes to Form 481:

*Voice Offerings:* We explained that the Commission should make clear that incumbent LEC ETCs filing price information for voice offerings pursuant to section 54.313(a)(7) are only required to

report pricing for flat-rate local exchange service, not measured service (unless the incumbent LEC has no flat-rate offering) or bundled service offerings. We also explained that the Commission should clarify that incumbent LECs filing pursuant to 54.313(a)(7) should not be required to provide the “residential local service charge effective date” on line 702. Finally, we explained that ETCs should have the flexibility to report prices at a consolidated geographic level rather than report the same information for every town and exchange.

*Broadband Offerings:* We noted that USTelecom’s petitions for reconsideration asked the Commission to reconsider requiring ETCs whose support is being eliminated to report *any* broadband data in their annual reports. We urge the Commission to grant USTelecom’s requests. At a minimum, we ask the Commission to revise the instructions for the Form 481 to make clear that carriers are not required to report rates for every broadband offering. Rather, any broadband price reporting should be limited to services that are relevant to the broadband service obligations to which the reporting ETC is subject. The *USF/ICC Transformation Order* requires only that ETCs “submit the price and capacity range (if any) for the broadband offering that meets the relevant speed requirement.”<sup>1</sup>

*Confidentiality:* We asked the Commission to make clear that ETCs can file a redacted Form 481 with states and Tribal governments that do not have protections to prevent the public disclosure of confidential information.

*Definition of affiliate:* We asked the Commission to clarify that the term “affiliate” in section 54.311(a)(8) refers only to affiliated ETCs, not to non-ETC affiliates. Given that the purpose of the rule is to “simplify[] the process of determining the total amount of public support received by each recipient, regardless of corporate structure,”<sup>2</sup> there is no need for the Commission to require ETCs to report information about affiliates that do not receive “public support,” i.e., non-ETC affiliates.

*One Officer Signature:* We asked the Commission to revise the draft Form 481 to permit an officer to sign this form just once, which we believe is consistent with the *USF/ICC Transformation Order*.<sup>3</sup>

This letter is being filed electronically pursuant to Section 1.1206 of the Commission’s rules. Please contact me if you have any questions.

Sincerely,



cc: Alex Minard  
Chris Cook

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<sup>1</sup> *Connect America Fund*, WC Docket No. 10-90 *et al.*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663, ¶ 594 (2011) (*USF/ICC Transformation Order*).

<sup>2</sup> *Id.* at ¶ 603.

<sup>3</sup> *Id.* at ¶ 581 (“We will also require that an officer of the company certify to the accuracy of the information provided and make the certifications required by new section 54.313 . . .”).