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May 2, 2013

EX PARTE

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

Re: *Dell Telephone Cooperative Petition for Waiver of Section 54.302 of the Commission's Rules and the Impact of Limiting Capital and Corporate Operations Expenses on Receipt of High-Cost Universal Service Support*, WC Docket No. 10-90 and WT Docket No. 10-208

Dear Ms. Dortch:

On April 30, 2013, the undersigned, as counsel for Dell Telephone Cooperative ("Dell Telephone"), spoke separately by telephone with Matthew Berry and Nicholas Degani, Chief of Staff and Wireline Legal Advisor, respectively, for Commissioner Ajit Pai regarding the above-referenced proceeding.

During these calls, we discussed Dell Telephone's petition for waiver of certain of the Commission's new universal service rules. I explained Dell Telephone's position that it had met the standard for a waiver established by the Commission in the *USF/ICC Transformation Order.*[1] We also discussed the Texas statute that permits an incumbent local exchange carrier to petition the Texas Public Utility Commission to increase rates or obtain state universal service funds "[i]n the event of a Federal Communications Commission order, rule, or policy, the effect of which is to change the federal universal service fund revenues of an ILEC or change costs or revenues assigned to the intrastate jurisdiction ...."[2] I explained Dell Telephone's position that the availability of relief under state law should not impact the company's eligibility for a waiver of the Commission's universal service reforms.

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1 *Connect America Fund*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663, 17861-62, ¶ 613 (2011) ("*USF/ICC Transformation Order*"), *pets. for review pending sub nom. In re: FCC*, 11-161, No. 11-9900 (10th Cir. filed Dec. 8, 2011).

2 TEX. ADMIN. CODE § 26.406(b)(2).

I also noted concern about disqualifying Dell Telephone for a waiver after its petition had been pending for almost a year based on a state law enacted in 2005.

Pursuant to 47 C.F.R. § 1.1206, please include this ex parte filing in the above-referenced docket.

Sincerely,

Bennett L. Ross

cc: Matthew Berry
Nicholas Degani