



May 7, 2013

Ex Parte Notice

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

Re: *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*

Dear Ms. Dortch:

On Monday, May 6, 2013, the undersigned, on behalf of NTCA–The Rural Broadband Association (“NTCA”), together with Richard Askoff and Teresa Evert of the National Exchange Carrier Association (“NECA”), spoke via telephone with Alexander Minard and Christopher Cook of the Wireline Competition Bureau regarding high-cost universal service fund (“USF”) support reporting requirements and the ways in which rural rate-of-return-regulated local exchange carriers (“RLECs”) offer broadband services pursuant to USF policies long established by the Federal Communications Commission (the “Commission”) and rules still in place today in the wake of the *Transformation Order*.

With respect to reporting requirements, NTCA and NECA expressed positions consistent with their recent comments regarding Paperwork Reduction Act (“PRA”) compliance. *See* Paperwork Reduction Act Comments of NECA, NTCA, the Eastern Rural Telecom Association, the Independent Telephone and Telecommunications Association, and the United States Telecom Association, WC Docket Nos. 10-90 and 05-337, 78 Fed. Reg. 12750, OMB Control Number: 3060–0986 (filed April 26, 2013). In particular, NTCA and NECA urged the Commission to make clear at least which requirements would be applicable as of July 1, 2013 assuming PRA approval from the Office of Management and Budget (“OMB”) could be obtained before then, and to confirm that certain reporting requirements will not apply as of that date because the relevant information was not subject to an approved collection requirement in 2012.

Marlene H. Dortch

May 7, 2013

Page 2 of 2

We further discussed the need for clarification of the proposed Form 481 to address the manner in which many RLECs offer broadband consistent with and pursuant to long-standing and still-effective Commission rules and policies. Specifically, in accordance with the Commission's "no barriers" policy, many RLECs utilize USF support for the deployment and operation of "multi-use" networks that facilitate the offering of both voice and broadband services.¹ As noted in numerous prior filings,² pursuant to this policy that the Commission expressly chose to retain in 2005 and left in place in the *Transformation Order*, many RLECs tariff the transmission layer of broadband Internet access services as a Title II special access service, with Internet Service Provider ("ISP") affiliates or independent ISPs incorporating that transmission into a retail broadband offering to end users.

As these prior association filings highlight, this structure precludes the RLEC itself from reporting on any retail end-user consumer complaints, unfulfilled service requests, service offerings, or prices (to the extent such requirements were ultimately to be approved by OMB). As noted in the prior filings, each RLEC could report on Form 481 once approved with respect to such matters in connection with its own wholesale broadband transmission service offerings (which are inputs to the retail end-user service). Alternatively, the Commission should clarify how (and pursuant to what authority) Form 481 would capture the offerings to end users by an ISP affiliate of that RLEC. But, in any event, clarification is required to ensure that the proper information is collected and provided on the applicable reports, to the extent OMB approval is obtained.

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: Alexander Minard
Christopher Cook

¹ *Appropriate Framework for Broadband Access to the Internet over Wireline Facilities, et al.*, CC Docket No. 02- 33, *et al.*, Report and Order and Notice of Proposed Rulemaking, 20 FCC Rcd 14853, 14900-14903 (2005), at ¶¶ 89-95.

² *See e.g.*, Petition for Reconsideration of NECA, *et al.*, WC Docket No. 10-90, *et al.*, (filed Dec. 29, 2011), at 5 and n. 10 ("Among the many items that must be addressed prior to imposition of new service extension requirements is the nature of the 'broadband' service RLECs will be expected to provide. That is, while the *Order* defines certain technical characteristics of 'broadband service,' it does not address whether RLECs can satisfy these requirements by continuing to offer the common carrier *broadband transmission services* they currently provide to their ISP customers, or whether they must now begin offering *broadband Internet access services* directly to consumers in order to continue qualifying for high-cost USF support.") (emphasis in original); *see also* Comments of NECA, NTCA, *et al.*, GN Docket No. 10-127 (filed July 15, 2010) Comments of NECA, NTCA, *et al.*, WC Docket No. 10-90, *et al.*, at 22 (filed Jan. 18, 2012), at 35-36; Comments of NECA, NTCA, *et al.*, WC Docket No. 10-90, at 8 (Aug. 6, 2012); Comments of NECA, NTCA, *et al.*, WC Docket No. 10-90, at 7, 12 (filed Sept. 28, 2012).