

** PUBLIC COPY REDACTING CONFIDENTIAL MATERIAL SUBJECT TO
PROTECTIVE ORDER IN WC DOCKET NO. 09-133**

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May 24, 2013

ORIGINAL

EX PARTE PRESENTATION

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

Re: Sandwich Isles Communications, Inc., Petition for Declaratory
Ruling, WC Docket No. 09-133

Dear Ms. Dortch:

This letter is to inform you that on May 22, 2013, Regina McNeil, Jim Frame, Jeff Dupree, all of National Exchange Carrier Association, Inc. ("NECA"), and I, met separately with Nicholas Degani, Legal Advisor - Wireline, to Commissioner Pai, and Priscilla Delgado Argeris, Legal Advisor, to Commissioner Rosenworcel in the above-captioned matter.

In response to Mr. Degani's request, NECA informed new Commission staff about the issues in the above-captioned proceeding. NECA reiterated the positions that it has already placed in the record in the above-captioned proceeding as follows. The Wireline Competition Bureau issued an order which found that NECA had acted reasonably in limiting the costs to be included in the NECA traffic sensitive pool, but the Bureau exercised its equitable discretion under the used and useful doctrine to require NECA to include 50 percent of the disputed costs in the pool. NECA is complying with the Bureau order.

Sandwich Isles Communications, Inc. ("SIC") filed a petition for reconsideration of that Bureau order seeking an order requiring NECA to include 100 percent of the undersea cable and related costs in the NECA pool. AT&T, Inc. filed an application for review seeking to overturn the Bureau order and include none of these costs.

NECA indicated that Sandwich Isles currently is a net recipient of traffic-sensitive pool funds, including CAFICC, of approximately [REDACTED], approximately [REDACTED] of which represents the additional amounts that the Bureau order requires

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Law Offices of Gregory J. Vogt, PLLC

Marlene H. Dortch

May 24, 2013

Page 2

NECA to include in the pool, representing 50 percent of the "disputed amount", as that term is used in the order. This amount will increase in future years based on SIC's lease arrangements with Paniolo.

At the present time, if the Commission granted SIC's petition for reconsideration, thereby allowing 100 percent of SIC's submitted undersea cable and associated terrestrial network costs into the special access pool, rates for special access services, including broadband transport services (primarily DSL) and other special access services used by wireless and other carriers, would increase for all NECA carriers. If, on the other hand, the Commission granted AT&T's application for review, thereby reversing the Bureau's "50 percent of disputed amount" requirement, these same rates would decrease for all NECA carriers.

NECA reiterated that it will comply with any Commission order that is issued in this matter.

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

Sincerely,

/s/ Gregory J. Vogt

Gregory J. Vogt

Counsel for National Exchange Carrier Association, Inc.

cc: Nicholas Degani
Priscilla Delgado Argeris