

THE BALLER HERBST LAW GROUP

A PROFESSIONAL CORPORATION

2014 P STREET, N.W.

SUITE 200

WASHINGTON, D.C. 20036

(202) 833-5300

FAX: (202) 833-1180

www.baller.com

JAMES BALLER
TELEPHONE: (202) 833-1144
PORTABLE: (202) 441-3663
INTERNET: Jim@Baller.com

MINNEAPOLIS OFFICE
280N GRAIN EXCHANGE BUILDING
301 FOURTH STREET SOUTH
MINNEAPOLIS, MN 55415
(612) 339-2026

July 19, 2013

EX PARTE COMMUNICATION

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

RE: Notice of *Ex Parte* Communication in WCB Docket No. 10-90

Dear Ms. Dortch:

On July 18, 2013, Tim Nulty, Executive Director of ECFiber, Irv Thomae, Chairman of ECFiber's Executive Committee, and I met with Julie Veach, Carol Matthey, Michael Jacobs, Amy Bender, Alex Menard, and Tim Stelzig of the Wireline Competition Bureau to discuss the challenge processes for the forthcoming Phase I (second stage) and Phase II proceedings to distribute portions of the Connect America Fund (CAF).

Messrs. Nulty and Thomae opened the meeting by describing the ECFiber fiber-to-the-premises (FTTP) project in East Central Vermont and expressing their concern that the Commission might subsidize the incumbent price-cap carrier to deploy DSL in census blocks in which ECFiber intends to deploy far superior FTTP within the same time frame and without subsidies.

The discussion then turned to the kinds of evidence that a challenger must submit to demonstrate that areas for which a carrier seeks a CAF subsidy are served, or will be served within the relevant period, by an unsubsidized provider. The WCB officials noted that the Commission intends to be flexible in ruling on challenges and that challengers should provide as much relevant information as they can.

Sincerely,



James Baller