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Law Offices of Bennet & Bennet, PLLC

Maryland

6124 MacArthur Boulevard
Bethesda, Maryland 20816
Tel: (202) 371-1500
Fax: (202) 371-1558
www.bennetlaw.com

District of Columbia

10 G Street NE, Suite 710
Washington, DC 20002

Caressa D. Bennet

Michael R. Bennet

Marjorie G. Spivak*

Kenneth C. Johnson‡

Howard S. Shapiro

* Admitted in DC & PA Only
‡Admitted in DC & VA Only

Daryl A. Zakov^

Robert A. Silverman

Anthony K. Veach#

Of Counsel

Tara B. Shostek

^Admitted in DC & WA Only
#Admitted in DC & FL Only



August 13, 2013

Via Hand Delivery

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

**Re: Notice of *Ex Parte*
Request for Review by Cordova Wireless Communications, LLC of a
Decision of Universal Service Administrator; *High-Cost Universal Service
Support*; WC Docket No. 05-337, Federal-State Joint Board on Universal
Service, CC Docket No. 96-45**

Dear Ms. Dortch:

On August 12, 2013, Kenneth Johnson of Bennet & Bennet, PLLC, on behalf of Cordova Wireless Communications, LLC (“Cordova”), met with Amy Bender, Deputy Division Chief of the Wireline Competition Bureau’s Telecommunications Access Policy Division, via telephone, to discuss Cordova’s above-referenced Request for Review. Specifically, Mr. Johnson discussed the dire cash flow consequences for Cordova of any claw back of high-cost support and the record support for Cordova in this proceeding. He also referenced customer call records indicating activity on customer lines that USAC had erroneously concluded were inactive, and stated that these records would be filed today as part of this *ex parte* submission.

In the Request for Review, Cordova argued that the Universal Service Administrative Company (“USAC”) erred in denying high cost support to Cordova for certain lines based on USAC’s contention that there was no activity on such lines. Cordova argued that USAC had overstepped its bounds by interpreting the FCC’s definition of “working loop” – an unclear provision of the FCC’s rules – without first seeking guidance from the FCC, and that USAC’s interpretation was inconsistent with both the purpose of the high cost universal service rules and the public interest. In order to provide the Federal Communications Commission (“FCC” or “Commission”) with an additional basis for overturning USAC’s rejection of Cordova’s so-called “no activity” lines, Cordova has invested considerable time and effort into developing call records that demonstrate activity on the lines in question. As shown in the attached spreadsheet containing call records for an 18 month period between January 2010 and July 2011 for the

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█ lines initially questioned by USAC¹, all but █ lines showed activity during this period. Accordingly, USAC's rejection of █ lines based on its finding of no activity on these lines is factually incorrect.

In USAC's May 13, 2013 letter ("Denial Letter") denying Cordova's appeal of USAC's 2010 line count validation, USAC stated that "[i]f these individual lines were active, Cordova should be able to provide a year's worth of usage to show the random nature of the use of the phone."² In order to make clear once and for all that the lines in question were legitimate and eligible for support, Cordova has spent over 100 woman hours to develop the data presented herein. Because USAC never specifically identified the █ lines which it alleged showed no activity (nor did it describe its methodology for making such a determination), Cordova has examined call activity records for all of the █ lines initially questioned by USAC. Cordova has taken an 18 month "snapshot" of call activity to demonstrate the random nature of the phone use. As discussed above, only █ of the █ lines showed no activity during this 18 month period, and █ of these █ lines showed activity immediately following the 18 month period, again highlighting the periodic use of these phones.

As discussed in the July 17, 2013 *ex parte* meeting between Cordova and its counsel and FCC staff, the use of many of Cordova's phone lines is tied to the seasonal nature of the Cordova local economy. There is little activity at the local fish processing plant – the area's largest employer – during the winter months, and most employees leave the area and return in the spring. The snapshot of call activity apparently taken by USAC on or about September 30, 2010 would have revealed the expected lack of phone activity at the beginning of the seasonal winter hiatus. As discussed in the Request for Review and in the July 17 meeting, there are several other explanations for periodic activity on these lines. In addition to the seasonal use, many of the phones are "emergency only" phones. These phones include █ phones donated to schools for emergency classroom use. █ phones were donated to the local Little League for use in their emergency kits. Approximately █ to █ phones were donated to the Cordova Family Resource Center for use by abused spouses and children. Other phones were donated for "emergency only" use to police and firefighters. In addition to donated phones, many Cordova customers maintain wireless phones for emergency only use. Children keep them in their school backpacks. Hikers and backpackers keep them with them in the back country. Many Alaskans moved to Alaska because they have no desire to be "connected" 24 hours a day, but this does not mean that they do not recognize the value of subscribing to phone service for emergency use.

The large number of seasonal users in Cordova as well as those maintaining phones for emergency use explains the periodic and random nature of use of some of the lines in the attached spreadsheet. However, with the exception of █ lines, they *are* used, and those █ lines may well be relied upon for emergency use. For example, earlier this month, a Cordova customer called to ask why his phone was not working. It had been disconnected for lack of use. Unfortunately, the customer was injured while hiking in inclement weather, and though he had his emergency-only phone on him, was unable to call for help because his service had been cut

¹ USAC initially identified these █ lines as having no activity, and after the receipt of additional information from Cordova, subsequently changed the total of lines challenged for no activity to █. USAC did not identify which █ out of the initially specified █ lines it was referring to.

² Denial Letter at p. 3.

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off. Fortunately, he was able to limp to safety, but his “no activity” phone could have prevented potentially far more serious consequences.

In view of the arguments set forth in the Request for Review and the call data submitted herein, Cordova respectfully requests that the Commission act as expeditiously as possible to grant its Request for Review, and in the interim, to direct USAC to refrain from taking back support for the lines in question until after the FCC issues a decision in this matter.

Should you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

/s/ Michael R. Bennet

Michael R. Bennet

Attachment

cc: Amy Bender
Ryan Yates
Alex Goldman

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Attachment A