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November 26, 2013

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

Dear Ms. Dortch:

On November 25, 2013, Alex Hoehn-Saric of Charter Communications, Inc., Mary McManus of Comcast Corporation, Barry Ohlson of Cox Enterprises, Inc., Terri Natoli of Time Warner Cable, Inc., and Steve Morris and I of the National Cable & Telecommunications Association (NCTA), met with Julie Veach, Carol Mattey, Alex Minard, Ryan Yates, and Mike Jacobs of the Wireline Competition Bureau to discuss the challenge process in the latest round of Connect America Fund (CAF) Phase I incremental support.

NCTA and our member company representatives discussed the burden the challenge process has imposed on cable operators that have nothing to gain from the process other than protecting their service areas from universal service fund-subsidized competition. Given that CAF Phase I incremental support was meant to be an interim funding source to bring broadband to unserved areas, and that it was made available only to price cap-regulated incumbent local exchange carriers (LECs), we urged the Bureau to ensure that this support goes only to areas where a price cap LEC clearly demonstrates that a competitive provider is not providing broadband service. To the extent conflicting evidence is submitted in the record by both a price cap LEC seeking funding for an area and an unsubsidized provider arguing that it is capable of serving that area, the Bureau should not award CAF Phase I incremental support. We explained that the Bureau should focus on the availability of service, not the provision of service, because, as the Commission recognized in denying a similar request from ITTA, "a provider may have no customers in a particular census block, even though it offers service there."[1]

[1] *Connect America Fund*, WC Docket No. 10-90 *et al.*, Second Order on Reconsideration, 27 FCC Rcd 4648, 4652, ¶ 13 (2012).

We also explained that the Bureau should not award support to a price cap LEC to overbuild a competitor based on the title or status of the individual that certifies an area is served, nor should the Bureau provide funding based on the results of inquiries made via website marketing tools. Finally, we reiterated that the Bureau should place no weight in price cap LEC evidence that shows only that a portion of a census block is not served by an unsubsidized provider. The Commission has denied price cap carriers' attempts to receive CAF Phase I incremental support in partially served census blocks based on evidence that some locations are unserved.[2]

Respectfully submitted,

/s/ Jennifer K. McKee

Jennifer K. McKee

cc: J. Veach
C. Mattey
A. Minard
R. Yates
M. Jacobs

[2] *Id.* at 4651-52, ¶¶12-13.