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February 19, 2014

Via ECFS

Marlene Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: *Ex Parte* Filing of the American Cable Association (ACA) on Special Access for Price Cap Local Exchange Carriers (WC Docket No. 05-25, RM-10593), the Connect America Fund Program (WC Docket No. 10-90), Modernizing the E-rate Program for Schools and Libraries (WC Docket No. 13-184), and Technology Transitions (GN Docket No. 13-5)

Dear Ms. Dortch:

On February 14, 2014, Ross Lieberman (ACA) and the undersigned, Thomas Cohen (Kelley Drye & Warren LLP, Counsel to ACA), met with Daniel Alvarez, Legal Advisor, Wireline, Public Safety, and Homeland Security, to Chairman Wheeler. They began the meeting by discussing the following matters: the Paperwork Reduction Act (PRA) review by the Office of Management and Budget of the mandatory special access data collection;¹ the upcoming release by the Wireline Competition Bureau of the Connect America Fund Phase II cost model and the Bureau's initiation of the challenge process to determine eligible areas;² and the Commission's Notice of Proposed Rulemaking on modernizing the E-rate program.³ All points raised by ACA were consistent with its filings in these proceedings, including as follows:

¹ See *Special Access for Price Cap Local Exchange Carriers et al.*, WC Docket No. 05-25 et al., Report and Order and Further Notice of Proposed Rulemaking, FCC 12-253 (Dec. 18, 2012); Report and Order, DA 13-1909 (Sept. 18, 2013).

² See *Connect America Fund et al.*, WC Docket No. 10-90 et al., Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161 (Nov. 18, 2011); Public Notice, DA 12-2075 (Dec. 27, 2013).

³ See *Modernizing the E-rate Program for Schools and Libraries*, WC Docket No. 13-184, Notice of Proposed Rulemaking, FCC 13-100 (rel. July 23, 2013).

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Paperwork Reduction Act Review of the Mandatory Special Access Data Collection – ACA does not oppose the collection of data to examine special access markets, but aspects of the proposed data collection are excessive for smaller cable operators and violates the PRA. ACA proposes that the collection only require these operators to provide data they collect in the normal course of business. *See e.g.*, ACA’s January 8, 2014 comments to the Office of Management and Budget, available at: <http://apps.fcc.gov/ecfs/document/view?id=7521065032>.

Connect America Fund Phase II Program – ACA’s chief concerns are that the program not provide support to price cap local exchange carriers (LECs) in areas where unsupported, competitive providers have built qualifying broadband service and, where support is provided, the amount is the minimum required to meet the Commission’s public interest requirements. In addition, competitive providers should be given the opportunity to receive support in eligible areas in states where price cap LECs refuse support since competitive providers often can deploy broadband service more efficiently and effectively than the price cap LECs. As part of enabling participation by competitive providers, the Commission should ensure that the Eligible Telecommunications Carrier designation process for new applicants is reasonable and predictable. *See e.g.*, ACA’s January 18, 2012 comments on the Further Notice of Proposed Rulemaking in WC Docket No. 10-90 et al., available at: <http://apps.fcc.gov/ecfs/document/view?id=7021754220>; and ACA’s February 19, 2013 comments on the Public Notice in WC Docket No. 10-90 on Phase II eligible areas, available at: <http://apps.fcc.gov/ecfs/document/view?id=7022123104>.

Modernizing the E-rate Program – In commenting in this proceeding, ACA advocated and provided support for the following policies: require schools and libraries to use existing facilities of service providers to the maximum extent before constructing their own facilities; simplify and amend the application process to facilitate and encourage service provider participation; phase-out non-broadband related services from the Eligible Services List; and increase matching funds requirements, particularly in non-rural areas that have lower costs for providing service. *See* ACA’s Comments and Reply Comments in WC Docket No. 13-184, available at: <http://apps.fcc.gov/ecfs/document/view?id=7520943994>, <http://apps.fcc.gov/ecfs/document/view?id=7520957213>.

Finally, Mr. Lieberman and Mr. Cohen commented briefly on the Commission’s recently adopted Next Generation Network Experiments in Rural America.⁴ ACA supports this program. It believes it has the potential to demonstrate that high-cost, rural areas can receive much higher-speed broadband service sooner and more efficiently than provided under the current CAF program for price cap LECs. ACA is encouraging its members to participate, including by filing expressions of interest.

⁴ *See Technology Transition et al.*, GN Docket No. 13-5 et al., Order, Report and Order and Further Notice of Proposed Rulemaking et al., FCC 14-5 (rel. Jan 31, 2014).

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This letter is being filed electronically pursuant to section 1.1206 of the Commission's rules.

Sincerely,

A handwritten signature in blue ink that reads "Thomas Cohen".

Thomas Cohen
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Counsel for the American Cable Association

cc: Daniel Alvarez