

# **OPASTCO**

**End of Year Review  
2003**

**REGULATORY AFFAIRS**

**Organization for the Promotion and  
Advancement of Small Telecommunications Companies**

## OVERVIEW

The following pages list the formal documents that OPASTCO produced thus far during 2003 for consideration in various federal arenas. The list includes comments, letters, and *Ex Partes* OPASTCO filed at the Federal Communications Commission (FCC) and other government agencies.

OPASTCO is a member-run organization with a professional staff dedicated to advancing the small telecommunications carrier agenda that the membership establishes. There are several OPASTCO committees that address the various legislative and regulatory issues facing small telecommunications carriers. In addition to making presentations at the OPASTCO conventions, OPASTCO is also frequently called upon to make presentations to state associations and other industry groups. The Regulatory Affairs Department consists of Stuart Polikoff, Director of Government Relations; Stephen Pastorkovich, Director of Business Development/Senior Policy Analyst and Jeffrey Smith, Policy Analyst.

# FCC FILINGS

## **Facilitating the Provision of Spectrum-Based Services to Rural Areas and Promoting Opportunities for Rural Telephone Companies To Provide Spectrum-Based Services WT Docket No. 02-381**

**Type** OPASTCO and RTG Joint Comments

**Date** December 29, 2003

**Subject(s)** The Commission’s Notice of Proposed Rulemaking (NPRM) regarding spectrum-based services in rural areas.

**OPASTCO  
RTG** There are a number of specific measures that the Commission can take in order to facilitate the deployment of spectrum-based services in rural areas. Specifically, the FCC should: (1) define “rural area” as any county with a population density of 100 persons or fewer per square mile; (2) adopt a “keep what you use” approach to licensing in which rural carriers will have an opportunity to provide service to unused portions of geographic service areas; (3) relax power limitations in “rural” areas; (4) reserve at least one spectrum block in each newly-allocated wireless service for licensing in MSAs and RSAs; (5) create a stable regulatory environment in which the rights and responsibilities of rural carriers are more clearly defined; (6) eliminate the cellular cross-interest rule in all RSAs; (7) adopt rules to facilitate the deployment of software-defined radios; and (8) advocate for the abolition of unfunded government mandates for rural carriers.

## **Telephone Number Portability CC Docket No. 95-116**

## **CTIA Petitions for Declaratory Ruling on Wireline-Wireless Porting Issues**

**Type** OPASTCO, ITTA, and NTCA Emergency Joint Petition for Partial Stay and Clarification

**Date** November 21, 2003

**Subject(s)** The Commission’s November 7, 2003 Memorandum Opinion and Order related to wireline-to-wireless local number portability (LNP).

**OPASTCO** The FCC's November 7<sup>th</sup> Order imposed impossible obligations for small LECs, while providing little notice in which to comply with the November 24<sup>th</sup> deadline. **ITTA** While the Order provided for a transition for carriers outside of the top 100 **NTCA** Metropolitan Statistical Areas (MSAs), it failed to recognize that many rural carriers have some access lines in the top 100 MSAs. Additionally, it is essential for the FCC to resolve numerous rural deployment concerns, particularly those associated with the rating and routing of telephone calls to ported numbers. Consequently, the Commission should postpone the effective date of its wireline-to-wireless LNP Order for small carriers located within one of the top 100 MSAs, until it can clarify these rules and address those technical difficulties it failed to account for in its Order.

**Federal-State Joint Board on  
Universal Service  
CC Docket No. 96-45**

**AT&T Corporation Petition for Preemption,  
Pursuant to Section 253 of the Communications Act and  
Common Law Principles, of South Carolina Statutes  
that Established an Interim Local Exchange Carrier Fund  
DA 03-2641**

**Type** OPASTCO Comments

**Date** November 17, 2003

**Subject(s)** The Commission's Public Notice seeking comment on the petition for preemption filed by AT&T Corporation (AT&T).

**OPASTCO** The FCC should reject AT&T's request for preemption of the South Carolina statute which established the Interim LEC Fund (ILF). Contrary to AT&T's belief, the ILF is a rate rebalancing tool, not a universal service support program. In addition, the ILF does not discriminate against either new entrants or IXC's as claimed by AT&T. Lastly, it would be counterproductive for the Commission, as it seeks to reform intercarrier compensation, to prevent states from devising initiatives to reform intrastate access charges within their respective borders.

**In the Matter of National Exchange Carrier Association, Inc.  
2004 Modification of Average Schedule Universal Service Formulas  
DA 03-3275**

**Type** OPASTCO Comments

**Date** November 3, 2003

**Subject** OPASTCO comments regarding the National Exchange Carrier Association's (NECA) proposed modifications to the average schedule universal service formulas for 2004.

**OPASTCO** NECA's proposed Local Switching Support formula and Universal Service Fund expense adjustment formula both satisfy Parts 36, 54, and 69 of the Commission's rules. Therefore, the Telecommunications Access Policy Division should promptly approve the formulas so that small average schedule companies can receive reasonably accurate support payments.

**Vonage Holdings Corp. Petition for Declaratory  
Ruling Concerning an Order of the  
Minnesota Public Utility Commission  
WC Docket No. 03-211**

**Type** OPASTCO Comments

**Date** October 27, 2003

**Subject(s)** The Commission's Public Notice seeking comment on the Petition for Declaratory Ruling filed by Vonage Holdings Corporation (Vonage).

**OPASTCO** The Commission should deny Vonage's petition, and declare that its Voice over Internet Protocol (VoIP) service, which provides a direct substitute for traditional telephone service, should be classified as a telecommunications service. Services that are substitutable for one another should be treated equally, in order to maintain the principles of competitive and technical neutrality. Furthermore, as VoIP services such as the one offered by Vonage continue to proliferate, it is critical for the Commission to expand the base of contributors to the Universal Service Fund to include all facilities-based broadband Internet access providers.

**National Exchange Carrier Association, Inc.  
Petition to Amend Section 69.104 of the  
Commission's Rules  
RM No. 10603**

**Type** Joint Reply Comments

**Date** October 10, 2003

**Subject(s)** OPASTCO, ERTA, ITTA, JSI, Inc., Matanuska Telephone Association (MTA), NECA, NTCA, TDS Telecom, USTA, and Western Alliance petition requesting an interim waiver of Commission rules on the assessment of end-user charges for digital, high capacity T-1 interfaces.

**OPASTCO** The record in this proceeding strongly supports Commission approval of an  
**ERTA** interim waiver of its rules to permit the application of no more than five End User  
**ITTA** Common Line (EUCL) charges on customer-ordered exchange access service  
**JSI** provisioned using digital, high-capacity T-1 interfaces. This rule change would  
**MTA** more accurately reflect the existing common line costs that NECA pool members  
**NECA** incur in the provision of such circuits. It would also ensure that T-1 exchange  
**NTCA** access service is regulated in the same manner as functionally equivalent derived  
**TDS** channel services, such as Primary Rate Interface (PRI) Integrated Services Digital  
**USTA** Network (ISDN) services.  
**Western**  
**Alliance**  
**N. Pitt. Tel. Co.**  
**N. State Comm.**

**Annual Assessment of the Status of  
 Competition in the Market for the  
 Delivery of Video Programming  
 MB Docket No. 03-172**

**Type** OPASTCO Reply Comments

**Date** September 26, 2003

**Subject(s)** The Commission's Public Notice seeking comment on the status of competition in the market for the delivery of video programming.

**OPASTCO** At the present time, the provision of video services to consumers by small companies is hindered by restricted access to programming content and predatory pricing by large cable companies. In order to successfully enter the video marketplace, small local exchange carriers need equitable access to content and a fair competitive environment.

**Federal-State Joint Board on  
 Universal Service  
 CC Docket No. 96-45**

**Petition of the Minnesota Public Utilities Commission  
 For FCC Agreement to Redefine the Service Areas of  
 Twelve Minnesota Rural Telephone Companies  
 DA 03-2641**

**Type** OPASTCO Reply Comments

**Date** September 9, 2003

**Subject(s)** The Commission's Public Notice seeking comment on the Minnesota Public Utilities Commission (Minnesota PUC) petition requesting concurrence with its proposal to redefine the service areas of twelve rural telephone companies.

**OPASTCO** The Commission should stay consideration of the Minnesota PUC's petition pending the resolution of the current proceeding that is considering changes to the Commission's rules relating to high-cost support in competitive study areas as well as the process for designating eligible telecommunications carriers (ETCs). Should the Commission deem it necessary to address the petition prior to the resolution of this related proceeding, OPASTCO believes that it should reject the Minnesota PUC's proposal to fragment the 12 rural telephone company study areas, because the petition fails to provide a compelling rationale for such an action.

**Federal-State Joint Board on  
Universal Service  
CC Docket No. 96-45**

**NPCR, Inc. d/b/a Nextel Partners  
Petition for Designation as an  
Eligible Telecommunications Carrier  
In the State of Georgia  
DA 03-2621**

**Type** OPASTCO Comments

**Date** September 4, 2003

**Subject(s)** The Commission's Public Notice seeking comment on the NPCR, Inc. d/b/a Nextel Partners (Nextel) petition for designation as an eligible telecommunications carrier (ETC) in Georgia.

**OPASTCO** Nextel's application for ETC designation in the state of Georgia should be denied unless and until a more complete public interest showing can be made that takes into account both the public benefits and the public costs of granting ETC status to Nextel. Alternatively, Nextel's application should be stayed pending the resolution of the current proceeding that is considering changes to the Commission's rules relating to high-cost support in competitive study areas as well as the process for designating ETCs.

**National Exchange Carrier Association, Inc.  
Petition to Amend Section 69.104 of the  
Commission's Rules  
RM No. 10603**

**Type** Joint Petition for Expedited Waiver

**Date** August 19, 2003

**Subject(s)** OPASTCO, ERTA, ITTA, JSI, Inc., Matanuska Telephone Association (MTA), NECA, NTCA, TDS Telecom, USTA, and Western Alliance petition requesting an interim waiver of Commission rules governing the assessment of end-user charges related to digital, high capacity T-1 interfaces.

**OPASTCO** The Commission should grant an interim waiver of its rules to permit the  
**ERTA** application of no more than five End User Common Line (EUCL) charges, (i.e.  
**ITTA** Subscriber Line Charges (SLCs)), on customer-ordered exchange access service  
**JSI** provisioned using digital, high-capacity T-1 interfaces. This rule change would  
**MTA** more accurately reflect the existing common line costs that NECA pool members  
**NECA** incur in the provision of such circuits. It would also ensure that T-1 exchange  
**NTCA** access service is regulated in the same manner as functionally equivalent derived  
**TDS** channel services, such as Primary Rate Interface (PRI) Integrated Services Digital  
**USTA** Network (ISDN) services.  
**Western**  
**Alliance**

**Federal-State Joint Board on  
Universal Service  
CC Docket No. 96-45**

**Nextel Partners of Upstate New York, Inc.  
d/b/a Nextel Partners  
Petition for Designation as an  
Eligible Telecommunications Carrier  
In the State of New York  
DA 03-2329**

**Type** OPASTCO Comments

**Date** August 18, 2003

**Subject(s)** The Commission's Public Notice seeking comment on the Nextel Partners of Upstate New York, Inc. d/b/a Nextel Partners (Nextel) petition for designation as an eligible telecommunications carrier (ETC) in New York.

**OPASTCO** Nextel’s application for ETC designation in the state of New York should be denied unless and until a more complete public interest showing can be made that takes into account both the public benefits and the public costs of granting ETC status to Nextel. Alternatively, Nextel’s application should be stayed pending the resolution of the current proceeding that is considering changes to the Commission’s rules relating to high-cost support in competitive study areas as well as the process for designating ETCs.

**Federal-State Joint Board on Universal Service  
CC Docket No. 96-45**

**Federal-State Joint Board on Universal Service  
To Hold *En Banc* Hearing on the Portability  
Of High-Cost Universal Service Support  
And the ETC Designation Process**

**Type** OPASTCO Written Statement

**Date** July 21, 2003

**Subject(s)** OPASTCO written statement for participation on a panel at the Universal Service Joint Board’s *En Banc* hearing regarding the basis of support for CETCs.

**OPASTCO** Competitive eligible telecommunications carriers (CETCs) serving rural telephone company service areas should receive universal service support that is based on their own embedded network costs of providing the supported services. Unlike the present system of portability, this methodology would result in “sufficient” and “specific” support for CETCs, consistent with Section 254(b)(5) of the Telecommunications Act of 1996. It would also promote compliance with Section 254(e)’s requirement that support only be used for the provision, maintenance and upgrading of facilities and services for which the support is intended. This would provide greater assurance that consumers actually received some benefit from a competitor’s receipt of support.

In addition, basing CETCs’ support on their own actual costs would promote efficient competitive entry in high-cost areas, since competitive carriers would no longer have perverse incentives to seek ETC status merely to receive windfall support payments. Also, utilizing the same support calculation methodology for CETCs that is used for ILECs is consistent with the principle of competitive neutrality.

**Federal-State Joint Board on  
Universal Service  
CC Docket No. 96-45**

**NPCR, Inc. d/b/a Nextel Partners  
Petition for Designation as an  
Eligible Telecommunications Carrier  
In the State of Virginia  
DA 03-1959**

**Type** OPASTCO Reply Comments

**Date** July 21, 2003

**Subject(s)** The Commission's Public Notice seeking comment on the NPCR, Inc. d/b/a Nextel Partners (Nextel) petition for designation as an eligible telecommunications carrier (ETC) in Virginia.

**OPASTCO** Nextel's application for ETC designation in the state of Virginia should be denied unless and until a more complete public interest showing can be made that takes into account both the public benefits and the public costs of granting ETC status to Nextel. Alternatively, Nextel's application should be stayed pending the resolution of the current proceeding that is considering changes to the Commission's rules relating to high-cost support in competitive study areas as well as the process for designating ETCs.

**Federal-State Joint Board on  
Universal Service  
CC Docket No. 96-45**

**NPCR, Inc. d/b/a Nextel Partners  
Petition for Designation as an  
Eligible Telecommunications Carrier  
In the State of Pennsylvania  
DA 03-1929**

**Type** OPASTCO Reply Comments

**Date** July 14, 2003

**Subject(s)** The Commission's Public Notice seeking comment on the NPCR, Inc. d/b/a Nextel Partners (Nextel) petition for designation as an eligible telecommunications carrier (ETC) in Pennsylvania.

**OPASTCO** Nextel's application for ETC designation in the state of Pennsylvania should be denied unless and until a more complete public interest showing can be made that takes into account both the public benefits and the public costs of granting ETC status to Nextel. Alternatively, Nextel's application should be stayed pending the resolution of the current proceeding that is considering changes to the Commission's rules relating to high-cost support in competitive study areas as well as the process for designating ETCs.

**Federal-State Joint Board on  
Universal Service  
CC Docket No. 96-45**

**ALLTEL Communications, Inc.  
Petition for Designation as an  
Eligible Telecommunications Carrier  
In the State of Virginia  
DA 03-1881**

**Type** OPASTCO Reply Comments

**Date** July 14, 2003

**Subject(s)** The Commission's Public Notice seeking comment on the ALLTEL Communications, Inc. (ALLTEL) petition for designation as an eligible telecommunications carrier (ETC) in Virginia.

**OPASTCO** ALLTEL's application for ETC designation in the state of Virginia should be denied unless and until a more complete public interest showing can be made that takes into account both the public benefits and the public costs of granting ETC status to ALLTEL. Alternatively, ALLTEL's application should be stayed pending the resolution of the current proceeding that is considering changes to the Commission's rules relating to high-cost support in competitive study areas as well as the process for designating ETCs.

**Federal-State Joint Board on  
Universal Service  
CC Docket No. 96-45**

**ALLTEL Communications, Inc.  
Petition for Designation as an  
Eligible Telecommunications Carrier  
In the State of Alabama  
DA 03-1882**

**Type** OPASTCO Reply Comments

**Date** July 14, 2003

**Subject(s)** The Commission's Public Notice seeking comment on the ALLTEL Communications, Inc. (ALLTEL) petition for designation as an eligible telecommunications carrier (ETC) in Alabama.

**OPASTCO** ALLTEL's application for ETC designation in the state of Alabama should be denied unless and until a more complete public interest showing can be made that takes into account both the public benefits and the public costs of granting ETC status to ALLTEL. Alternatively, ALLTEL's application should be stayed pending the resolution of the current proceeding that is considering changes to the Commission's rules relating to high-cost support in competitive study areas as well as the process for designating ETCs.

**Telephone Number Portability  
CC Docket No. 95-116**

**CTIA Petition for Declaratory Ruling on  
Local Number Portability Implementation Issues  
DA 03-1753**

**Type** OPASTCO Comments

**Date** June 13, 2003

**Subject(s)** The Commission's Public Notice seeking comment on the Cellular Telecommunications & Internet Association (CTIA) petition for declaratory ruling, which asks the Commission to clarify carrier obligations related to the implementation of local number portability.

**OPASTCO** CTIA's petition is correct to the extent that clarification is needed. This is because many OPASTCO members are currently receiving invalid "bona fide request" forms for local number portability from commercial mobile radio service

(CMRS) providers who do not have interconnection agreements with these rural LECs. The receipt of these invalid forms causes small LECs to expend considerable time to research and respond to these requests. Therefore, it is imperative for the Commission to explicitly rule that 1) interconnection agreements must be in force in order for a “bona fide request” for portability to be valid, and 2) numbers cannot be ported outside of a rural carrier’s rate center.

**Federal-State Joint Board on Universal Service  
CC Docket No. 96-45**

**Federal-State Joint Board on Universal Service  
Seeks Comment on Certain of the Commission’s  
Rules Relating to High-Cost Universal Service  
Support and the ETC Designation Process**

**Type** OPASTCO Reply Comments

**Date** June 3, 2003

**Subject(s)** The Joint Board’s Notice seeking comment on the Commission’s rules relating to high-cost universal service support and the ETC designation process.

**OPASTCO** Numerous commenters agree that support for competitive eligible telecommunications carriers (CETCs) in rural service areas should be calculated based on their own actual embedded costs. There is simply no connection between the costs incurred by a rural ILEC and the costs incurred by a CETC. Unlike the present system of portability, this methodology would result in “sufficient” and “specific” support for CETCs, consistent with section 254(b)(5) of the 1996 Act.

Additionally, the vast majority of commenters oppose limiting high-cost support to a single connection to the end user. The 1996 Act mandates that high-cost support be used for infrastructure investment, which would be threatened if a primary line restriction did not provide sufficient support to recover a carrier’s network costs.

OPASTCO agrees with commenters who recommended that, as a prerequisite to obtaining ETC status in a rural service area, a carrier must be able and willing to adhere to the same service obligations and regulatory standards imposed on ILECs. The Joint Board should recommend the adoption of the public interest principles and standardized criteria proposed in OPASTCO’s white paper, *Universal Service: A Congressional Mandate At Risk*, in order to guide state commissions and the FCC in their consideration of ETC applications for rural service areas.

**Federal-State Joint Board on Universal Service  
CC Docket No. 96-45**

**Federal-State Joint Board on Universal Service  
Seeks Comment on Certain of the Commission's  
Rules Relating to High-Cost Universal Service  
Support and the ETC Designation Process**

**Type** OPASTCO Comments

**Date** May 5, 2003

**Subject(s)** The Joint Board's Notice seeking comment on the Commission's rules relating to high-cost universal service support and the ETC designation process.

**OPASTCO** The Joint-Board's recommendations must encourage infrastructure investment in rural areas so that rural consumers continue to have the same access to high-quality services and affordable prices that are offered in urban areas. High-cost support for competitive eligible telecommunications carriers (CETCs) in rural service areas should be calculated based on their own actual embedded costs. This would result in support for CETCs that is "specific" and "sufficient," but not more so, and would better ensure that the support they receive is being used for the purposes for which it is intended. This change in methodology should be made as soon as the FCC can develop cost reporting requirements for these carriers.

High-cost support for all ETCs in rural service areas should support network costs, not "primary lines." Limiting support to primary lines would stifle investment, since there would be no certainty as to how much support a carrier would receive and whether that support would be sufficient for it to recover its network costs.

Lastly, the public interest principles and standardized criteria proposed in OPASTCO's white paper, *Universal Service: A Congressional Mandate At Risk*, should be adopted to guide state commissions and the FCC in their consideration of ETC applications for rural service areas. This is essential to securing the long-term sustainability of the High-Cost program.

**Federal-State Joint Board on Universal Service  
CC Docket No. 96-45**

**Type** OPASTCO Reply Comments

**Date** April 28, 2003

**Subject(s)** The Commission’s Notice of Proposed Rulemaking (NPRM) seeking comment on the Recommended Decision of the Federal-State Joint Board on Universal Service regarding the definition of services supported by universal service.

**OPASTCO** Commenting parties in this proceeding have demonstrated that adding equal access to the universal service definition would not be inconsistent with Section 332(c)(8) of the 1996 Act. This is because a general exemption from a regulatory requirement cannot be equated to conditions that attach only to carriers that voluntarily seek designation as eligible telecommunications carriers (ETCs). Commenters also agreed that all ETCs – regardless of the technology they employ – should make equal access available to consumers since any ETC may become a rural market’s sole local service provider. Lastly, the record shows that the addition of equal access meets all four of the statutory criteria for inclusion in the definition of supported services.

**Federal-State Joint Board on  
Universal Service  
CC Docket No. 96-45**

**1998 Biennial Regulatory Review -  
Streamlined Contributor Reporting  
Requirements Associated with Administration  
of Telecommunications Relay Service, North  
American Numbering Plan, Local Number  
Portability, and Universal Service Support  
Mechanisms  
CC Docket No. 98-171**

**Telecommunications Services for Individuals  
with Hearing and Speech Disabilities, and the  
Americans with Disabilities Act of 1990  
CC Docket No. 90-571**

**Administration of the North American  
Numbering Plan and North American  
Numbering Plan Cost Recovery Contribution  
Factor and Fund Size  
CC Docket No. 92-237  
NSD File No. L-00-72**

**Number Resource Optimization  
CC Docket No. 99-200**

**Telephone Number Portability  
CC Docket No. 95-116**

**Truth-in-Billing and Billing Format  
CC Docket No. 98-170**

<b>Type</b>	NRTA and OPASTCO Comments
<b>Date</b>	April 18, 2003
<b>Subject(s)</b>	The Commission's Notice seeking comment on a staff study relating to the alternative methodologies for calculating contributions to the federal universal support mechanisms.
<b>OPASTCO NRTA</b>	NRTA and OPASTCO indicated that, based on the staff study's estimated relative share of contributions from the various industry segments under each of the "connections-based" proposals, only the proposal which splits "connections-based" contributions between switched transport and access providers would result in "equitable and nondiscriminatory contributions" from all interstate

carriers. Moreover, the staff study also indicates that the two remaining “connections-based” proposals are not rational standards for assessing “every carrier providing interstate telecommunications services.”

The Associations indicated that these two methods would shift a disproportionately large amount of the contribution burden away from both interexchange carriers (IXCs) and Commercial Mobile Radio Service (CMRS) providers, who collectively provide the lion’s share of true state-to-state telecommunications services. Consequently, NRTA and OPASTCO urged that the Commission to abandon these two alternatives and focus its energies on developing a lawful “connections-based” methodology which would equitably split contributions between all switched transport and access providers.

**Federal-State Joint Board on  
Universal Service  
CC Docket No. 96-45**

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CC Docket No. 95-116**

**Truth-in-Billing and Billing Format  
CC Docket No. 98-170**

<b>Type</b>	NRTA and OPASTCO Joint Reply Comments
<b>Date</b>	April 18, 2003
<b>Subject(s)</b>	The Commission's Second Further Notice of Proposed Rulemaking (SFNPRM) seeking comment on three proposals that would base universal service contributions on the number and capacity of "connections" provided to a public network.
<b>OPASTCO NRTA</b>	NRTA and OPASTCO indicated that comments in response to the Commission's SFNPRM overwhelmingly confirm the Associations' earlier conclusion that both the "CoSUS" proposal with a mandatory minimum contribution obligation and

the telephone number-based methodology are inherently unlawful and should be discarded. Moreover, a number of commenters agreed with NRTA and OPASTCO that only the proposal for splitting “connections-based” contributions between exchange access and interstate transport providers would comply with the requirement set forth in the 1996 Act that calls for “equitable and nondiscriminatory” contributions from all interstate telecommunications carriers. Lastly, NRTA and OPASTCO agreed with those commenters that urged the Commission to require all facilities-based broadband Internet access providers to contribute, regardless of what contribution methodology it ultimately decides upon.

**Federal-State Joint Board on Universal Service  
CC Docket No. 96-45**

<b>Type</b>	OPASTCO Comments
<b>Date</b>	April 14, 2003
<b>Subject(s)</b>	The Commission’s Notice of Proposed Rulemaking (NPRM) seeking comment on the Recommended Decision of the Federal-State Joint Board on Universal Service regarding the definition of services supported by universal service.
<b>OPASTCO</b>	<p>OPASTCO indicated that it is in agreement with those members of the Joint Board that supported adding equal access to interexchange service to the list of services supported by the universal service fund (USF). Adding equal access to the universal service definition would not be inconsistent with Section 332(c)(8) of the 1996 Act. This is because a general exemption from a regulatory requirement cannot be equated to conditions that attach only to carriers that voluntarily seek designation as eligible telecommunications carriers (ETCs).</p> <p>OPASTCO also stated that the inclusion of equal access in the definition would serve the public interest. The inclusion of equal access would not reduce competition from wireless providers in rural and high-cost areas. Moreover, adding equal access would help to foster a competitive long distance market for rural consumers, in accordance with the pro-competitive goals of the Act. OPASTCO went on to state that equal access is also critical to facilitating long distance service options and rates in rural areas that are reasonably comparable to those available in urban areas. Lastly, OPASTCO noted that now is the time for the Commission to begin establishing regulatory parity for all carriers that seek to receive limited high-cost support.</p>

**Federal-State Joint Board on  
Universal Service  
CC Docket No. 96-45**

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CC Docket No. 99-200**

**Telephone Number Portability  
CC Docket No. 95-116**

**Truth-in-Billing and Billing Format  
CC Docket No. 98-170**

<b>Type</b>	NRTA and OPASTCO Joint Comments
<b>Date</b>	February 28, 2003
<b>Subject(s)</b>	The Commission's Second Further Notice of Proposed Rulemaking (SFNPRM) seeking comment on three proposals that would base universal contributions on the number and capacity of "connections" provided to a public network.
<b>OPASTCO NRTA</b>	NRTA and OPASTCO indicated that, of the three contribution methodologies outlined in the SFNPRM, only the proposal for splitting "connections-based" contributions between switched access and interstate transport providers would comply with the requirement in the 1996 Act that calls for "equitable and

nondiscriminatory” contributions from all interstate telecommunications carriers. The Associations went on to note that the remaining “connections-based” assessment methodologies suffer from serious deficiencies.

Even with the inclusion of a mandatory minimum contribution obligation, the “CoSUS” proposal does not meet the Act’s requirement that contributions be equitable and nondiscriminatory. Similarly, using telephone numbers assigned to end users would not accurately identify the correct universe of contributors to assess on an equitable and nondiscriminatory basis. Consequently, NRTA and OPASTCO urged the Commission to discard these unlawful proposals.

NRTA and OPASTCO indicated that if the Commission decides to use capacity-based charges as part of a “connections-based” methodology, then it must structure any tiered system for determining such assessments so as to minimize possible marketplace distortions. Lastly, NRTA and OPASTCO noted that the Commission cannot reasonably ensure its goal of stabilizing the USF for the long-term unless it requires all facilities-based broadband Internet access providers to contribute as part of any further revisions to its contribution methodology.

**Federal-State Joint Board on  
Universal Service  
CC Docket No. 96-45**

**1998 Biennial Regulatory Review -  
Streamlined Contributor Reporting  
Requirements Associated with Administration  
of Telecommunications Relay Service, North  
American Numbering Plan, Local Number  
Portability, and Universal Service Support  
Mechanisms  
CC Docket No. 98-171**

**Telecommunications Services for Individuals  
with Hearing and Speech Disabilities, and the  
Americans with Disabilities Act of 1990  
CC Docket No. 90-571**

**Administration of the North American  
Numbering Plan and North American  
Numbering Plan Cost Recovery Contribution  
Factor and Fund Size  
CC Docket No. 92-237  
NSD File No. L-00-72**

**Number Resource Optimization  
CC Docket No. 99-200**

**Telephone Number Portability  
CC Docket No. 95-116**

**Truth-in-Billing and Billing Format  
CC Docket No. 98-170**

<b>Type</b>	OPASTCO, NECA, and NTCA Joint Petition for Interim Waiver
<b>Date</b>	February 28, 2003
<b>Subject(s)</b>	The Commission's Report and Order which made certain interim modifications to its existing revenues-based universal service contribution methodology.
<b>OPASTCO NECA NTCA</b>	The Associations requested that the Commission grant a temporary waiver from new rules regarding the end-user recovery of USF contributions. The Associations asserted that granting an interim waiver will avoid the need for rural carriers to make multiple changes to their billing systems to meet the April 1, 2003, deadline for compliance with the new rules and/or any subsequent changes to the

Commission's rules which may emerge from petitions of reconsideration that are pending.

**Telephone Number Portability  
CC Docket No. 95-116**

**CTIA Petition for Declaratory Ruling that  
Wireline Carriers Must Provide Portability to  
Wireless Carriers Operating Within Their Service Areas  
DA 03-211**

**Type** OPASTCO Comments

**Date** February 26, 2003

**Subject(s)** The Commission's Public Notice seeking comment on CTIA's petition for declaratory ruling.

**OPASTCO** OPASTCO recommended that the Commission deny CTIA's request for a requirement that wireline carriers provide number portability to wireless carriers operating within their service areas. OPASTCO believes that CTIA's petition is without merit for several reasons: 1) it offers no alternative to the vital functions performed by rate centers; 2) it offers no legitimate rationale for equating metropolitan trading areas with rate centers for the purpose of number portability; 3) it is an unjustified attempt to obtain location portability, contrary to the Commission's earlier decision; 4) it would establish only inequitable one-way portability; and 5) it fails to account for the different circumstances of rural LECs.

**Facilitating the Provision of Spectrum-Based  
Services to Rural Areas and Promoting  
Opportunities for Rural Telephone Companies  
to Provide Spectrum-Based Services  
WT Docket No. 02-381**

**Type** OPASTCO and RTG Joint Reply Comments

**Date** February 19, 2003

**Subject(s)** The Commission's Notice of Inquiry (NOI) regarding spectrum-based services in rural areas.

**OPASTCO  
RTG** OPASTCO and RTG pointed out that commenters representing the rural carrier industry have urged the Commission to modify its policies related to the auction of spectrum licenses so that spectrum is made available at both the Metropolitan

Statistical Area (MSA) and Rural Service Area (RSA) levels. Additionally, many commenters agreed that there should be stricter rural buildout requirements, and that specific bidding credits for rural telephone companies should be made available. By implementing such policies in the future, OPASTCO and RTG indicated that the Commission can help to ensure that meaningful wireless coverage exists in all regions of America, not just those urban areas and highways served by large carriers.

**Federal-State Joint Board on Universal Service  
CC Docket No. 96-45**

**Application for Review of Orders  
Designating Eligible Telecommunications  
Carriers in the State of Alabama  
DA 03-45**

<b>Type</b>	OPASTCO Comments
<b>Date</b>	February 10, 2003
<b>Subject(s)</b>	The Commission's Public Notice seeking comment on applications for review of orders designating RCC Holdings, Inc. and Cellular South License, Inc. as eligible telecommunications carriers (ETCs) in Alabama.
<b>OPASTCO</b>	<p>OPASTCO agreed with the Alabama Rural Local Exchange Carriers that the FCC should temporarily set aside the ETC designations of RCC and Cellular South in the rural service areas of Alabama. In its ETC designation Orders, the Wireline Competition Bureau applied policies and rules that the Commission has directed the Federal-State Joint Board on Universal Service to assess, and possibly modify. Since all of the issues that the Commission has referred to the Joint Board will have a direct effect on both the designation of competitive ETCs and on the standards applied to these ETCs, it would be premature to grant ETC designations to RCC and Cellular South at this time.</p> <p>Additionally, OPASTCO believes that the FCC should refrain from considering other competitive ETC applications for rural service areas pending the resolution of the issues raised in the FCC's referral to the Joint Board, including the development of appropriate policy guidelines for the review of ETC applications for rural service areas.</p>

**Facilitating the Provision of Spectrum-Based  
Services to Rural Areas and Promoting  
Opportunities for Rural Telephone Companies  
to Provide Spectrum-Based Services  
WT Docket No. 02-381**

**Type** OPASTCO and RTG Joint Comments

**Date** February 3, 2003

**Subject(s)** The Commission’s Notice of Inquiry (NOI) regarding spectrum-based services in rural areas.

**OPASTCO  
RTG** OPASTCO and RTG indicated that there are six basic ways in which the FCC can ensure that rural America is no longer on the wrong side of the “spectrum divide”: 1) Make more licensed spectrum available on a Metropolitan Statistical Area (MSA)/Rural Statistical Area (RSA) basis; 2) Impose stricter buildout requirements along the lines of the cellular model (i.e., “build it or lose it”); 3) Ensure nondiscriminatory roaming arrangements that do not leave rural carriers incapable of survival; 4) Allow rural wireless carriers to invest their resources in infrastructure and spectrum rather than compliance with unfunded government mandates, by urging congressional appropriation of funds to meet these mandates; 5) Establish rules and policies that will create stability so that rural financial institutions continue to invest in rural wireless carriers; and 6) Encourage the development of new technologies such as software-defined radios to be deployed in rural America. By following these steps, OPASTCO and RTG indicated that the Commission can ensure that rural customers receive *meaningful* wireless coverage and services.

**Tier III Coalition for Wireless E911  
Petition for Forbearance From E911  
Accuracy Standards Imposed on Tier III  
Carriers  
WT Docket No. 02-377  
DA 02-3470**

**Type** OPASTCO Comments

**Date** January 24, 2003

**Subject(s)** The Petition for Forbearance from E911 accuracy standards filed by the Tier III Coalition for Wireless E911.

**OPASTCO** OPASTCO supported the Tier III Coalition’s Petition for Forbearance, which requested temporary relief for Tier III carriers from compliance with the wireless enhanced 911 (“E911”) Phase II accuracy standards for locating wireless

subscribers as set forth in the Commission's Rules. The Tier III Coalition's Petition seeks to encourage Tier III carriers to deploy available Phase II solutions by insulating them, for a limited time period, from potential enforcement proceedings if that deployment falls short of the strict accuracy standards imposed by the Commission's Rules. OPASTCO indicated that the petition represents a good faith effort to balance existing public safety needs with the concerns of rural carriers who seek to avoid enforcement action.

**National Exchange Carrier Association, Inc.  
Proposed Modifications to the 2003-2004  
Interstate Average Schedule Formulas  
WC Docket No. 03-9**

**Type** OPASTCO Comments

**Date** January 24, 2003

**Subject(s)** NECA's proposed modifications to the average schedule formulas for the period July 1, 2003, through June 30, 2004.

**OPASTCO** OPASTCO stated that the Pricing Policy Division should promptly approve NECA's proposed modifications for July 1, 2003, and that they should also consider the need for transitional support for any company that demonstrates a hardship from the settlement changes. OPASTCO believes that NECA's proposed average schedule formulas would simulate the disbursements that would be received by a representative cost company.

**AT&T Petition for Declaratory Ruling that  
AT&T's Phone-to-Phone IP Telephony  
Services are Exempt from Access Charges  
WC Docket No. 02-361**

**Type** OPASTCO Reply Comments

**Date** January 15, 2003

**Subject(s)** The Petition for Declaratory Rulemaking filed by AT&T, seeking an exemption for its phone-to-phone IP telephony services from access charges.

**OPASTCO** OPASTCO noted that the clear majority of commenters agreed that phone-to-phone IP telephony services indisputably bear the characteristics of telecommunications services and should not be exempt from access charges. Moreover, the use of IP technology does not reduce ILECs' costs of originating or terminating these calls. Accordingly, the record in this proceeding provides the

Commission with the information it needs to deny AT&T's petition and find that both originating and terminating access charges apply to phone-to-phone IP telephony services.

# EX-PARTE MEETINGS

- Date** October 3, 2003
- Subject** Representatives from OPASTCO met with staff from the office of Commissioner Michael Copps to discuss OPASTCO's views related to the Joint Board's proceeding on high-cost universal service support and the eligible telecommunications carrier designation process.
- Attendance** Jessica Rosenworcel (FCC)  
Herb Bivens (OPASTCO)  
James Cabaniss (OPASTCO)  
John Rose (OPASTCO)  
Stuart Polikoff (OPASTCO)
- Date** October 1, 2003
- Subject** Representatives from OPASTCO met with staff members for the Federal-State Joint Board on Universal Service to discuss OPASTCO's views related to the Joint Board's proceeding on high-cost universal service support and the eligible telecommunications carrier designation process.
- Attendance** Bill Scher (FCC)  
Paul Garnett (FCC)  
Vickie Byrd (FCC)  
Elizabeth Yockus (FCC)  
Greg Fogleman (Florida PSC)  
Joel Shifman (Maine PUC)  
Larry Stevens (Iowa Utilities Board)  
Peter Bluhm (Vermont Public Service Board)  
John Duda (OPASTCO)  
Glenn Brown (OPASTCO)  
Roger Nishi (OPASTCO)  
John Rose (OPASTCO)  
Stuart Polikoff (OPASTCO)
- Date** October 1, 2003
- Subject** Representatives from OPASTCO met with staff from the office of Chairman Michael Powell to discuss OPASTCO's views on wireless competition in rural areas, issues being considered in the Universal Service Joint Board's portability proceeding, and petitions for eligible telecommunications carrier status that are pending before the Commission.

**Attendance** Chris Libertelli (FCC)  
John Duda (OPASTCO)  
Glenn Brown (OPASTCO)  
John Rose (OPASTCO)  
Stuart Polikoff (OPASTCO)

**Date** September 29, 2003

**Subject** Representatives from OPASTCO, RTG, NTCA, and Blooston Law met with Commissioner Kevin Martin and staff to discuss the issues associated with the implementation of wireless local number portability for rural telecommunications carriers.

**Attendance** Commissioner Kevin Martin (FCC)  
Sam Feder (FCC)  
Jeffrey Smith (OPASTCO)  
Jill Canfield (NTCA)  
Greg Whiteaker (RTG)  
Robert Jackson (Blooston, Mordkofsky, Dickens, Duffy & Prendergast)

**Date** September 17, 2003

**Subject** Representatives from OPASTCO, RTG, NTCA, and Blooston Law met with staff from the office Commissioner Kathleen Abernathy to discuss the issues associated with the implementation of wireless local number portability for rural telecommunications carriers.

**Attendance** Jennifer Manner (FCC)  
Jeffrey Smith (OPASTCO)  
Jill Canfield (NTCA)  
Greg Whiteaker (RTG)  
Robert Jackson (Blooston, Mordkofsky, Dickens, Duffy & Prendergast)

**Date** September 17, 2003

**Subject** Representatives from OPASTCO, RTG, NTCA, and Kurtis & Associates met with staff from the office of Commissioner Michael Copps to discuss certain issues associated with the implementation of wireless E-911 for rural telecommunications carriers.

**Attendance** Paul Margie (FCC)  
Jeffrey Smith (OPASTCO)  
Jill Canfield (NTCA)

Carri Bennet (RTG)  
Michael Kurtis (Kurtis & Associates)

**Date** September 17, 2003

**Subject** Representatives from OPASTCO, RTG, NTCA, and Kurtis & Associates met with staff from the office of Commissioner Jonathan Adelstein to discuss certain issues associated with the implementation of wireless E-911 for rural telecommunications carriers.

**Attendance** Barry Ohlson (FCC)  
Jeffrey Smith (OPASTCO)  
Jill Canfield (NTCA)  
Carri Bennet (RTG)  
Michael Kurtis (Kurtis & Associates)

**Date** September 17, 2003

**Subject** Representatives from OPASTCO, RTG, NTCA, and Kurtis & Associates met with staff from the office of Commissioner Kevin Martin to discuss certain issues associated with the implementation of wireless E-911 for rural telecommunications carriers.

**Attendance** Jason Williams (FCC)  
Jeffrey Smith (OPASTCO)  
Jill Canfield (NTCA)  
Carri Bennet (RTG)  
Michael Kurtis (Kurtis & Associates)

**Date** September 16, 2003

**Subject** Representatives from OPASTCO, RTG, NTCA, and Kurtis & Associates met with staff from the offices of Chairman Michael Powell and Commissioner Kathleen Abernathy to discuss certain issues associated with the implementation of wireless E-911 for rural telecommunications carriers.

**Attendance** Sheryl Wilkerson (FCC)  
Jennifer Manner (FCC)  
Jeffrey Smith (OPASTCO)  
Jill Canfield (NTCA)  
Carri Bennet (RTG)  
Michael Kurtis (Kurtis & Associates)

**Date** September 9, 2003

**Subject** Representatives from OPASTCO and NTCA, along with economist Dale Lehman, PhD, met with staff members for the Federal-State Joint Board on Universal Service to discuss views presented in Lehman's white paper, "*Universal Service and the Myth of the Level Playing Field.*"

**Attendance** Bill Scher (FCC)  
Cara Voth (FCC)  
Vickie Byrd (FCC)  
Elizabeth Yockus (FCC)  
Earl Poucher (Florida PSC)  
Joel Shifman (Maine PUC)  
Larry Stevens (Iowa Utilities Board)  
Mary Newmeyer (Alabama PSC)  
Stuart Polikoff (OPASTCO)  
Marie Guillory (NTCA)  
Dan Mitchell (NTCA)

**Date** September 9, 2003

**Subject** Representatives from OPASTCO, RTG, NTCA, and Blooston Law met with staff from the office of Chairman Michael Powell to discuss the issues associated with the implementation of wireless local number portability for rural telecommunications carriers.

**Attendance** Sheryl Wilkerson (FCC)  
Trey Hanbury (FCC)  
Jeffrey Smith (OPASTCO)  
Jill Canfield (NTCA)  
Greg Whiteaker (RTG)  
Robert Jackson (Blooston, Mordkofsky, Dickens, Duffy & Prendergast)

**Date** September 4, 2003

**Subject** Representatives from OPASTCO, RTG, NTCA, and Blooston Law met with Commissioner Michael Copps and staff to discuss the issues associated with the implementation of wireless local number portability for rural telecommunications carriers.

**Attendance** Commissioner Michael Copps (FCC)  
Paul Margie (FCC)  
Jeffrey Smith (OPASTCO)  
Jill Canfield (NTCA)

Greg Whiteaker (RTG)  
Robert Jackson (Blooston, Mordkofsky, Dickens, Duffy & Prendergast)

**Date** September 4, 2003

**Subject** Representatives from OPASTCO, RTG, NTCA, and Blooston Law met with Commissioner Jonathan Adelstein and staff to discuss the issues associated with the implementation of wireless local number portability for rural telecommunications carriers.

**Attendance** Commissioner Jonathan Adelstein (FCC)  
Barry Ohlson (FCC)  
Jeffrey Smith (OPASTCO)  
Jill Canfield (NTCA)  
Greg Whiteaker (RTG)  
Robert Jackson (Blooston, Mordkofsky, Dickens, Duffy & Prendergast)

**Date** July 31, 2003

**Subject** Representatives from OPASTCO, RTG, and NTCA met with representatives from the Wireless Telecommunications Bureau to discuss the need for specific rural wireless guidelines and practices for local number portability.

**Attendance** John Muleta (FCC)  
Jared Carlson (FCC)  
Jennifer Salhaus (FCC)  
Catherine Seidel (FCC)  
Jennifer Tomchin (FCC)  
Steve Pastorkovich (OPASTCO)  
Jeffrey Smith (OPASTCO)  
Michael Kurtis (Kurtis & Associates)  
Carri Bennet (RTG)  
Greg Whiteaker (RTG)  
Mark Hulshart (Hulshart & Associates)  
Douglas Everette (Blooston, Mordkofsky, Dickens, Duffy & Prendergast)  
Jill Canfield (NTCA)

**Date** July 31, 2003

**Subject** Representatives from OPASTCO met with Billy Jack Gregg of the Consumer Advocate Division of the Public Service Commission of West Virginia to discuss OPASTCO's views related to the Joint Board's proceeding on high-cost universal service support and the eligible telecommunications carrier designation process.

**Attendance** Billy Jack Gregg (West Virginia PSC)  
Gene Johnson (OPASTCO)  
Wendy Thompson-Fast (OPASTCO)  
Ken Pfister (OPASTCO)  
Glenn Brown (OPASTCO)  
Stuart Polikoff (OPASTCO)

**Date** July 28, 2003

**Subject** Representatives from OPASTCO met with met with Commissioner Kathleen Abernathy and staff to discuss OPASTCO's views related to the Joint Board's proceeding on high-cost universal service support and the eligible telecommunications carrier designation process.

**Attendance** Commissioner Kathleen Abernathy (FCC)  
Matthew Brill (FCC)  
Herb Bivens (OPASTCO)  
John Duda (OPASTCO)  
John Rose (OPASTCO)  
Stuart Polikoff (OPASTCO)

**Date** July 15, 2003

**Subject** Representatives from OPASTCO spoke via telephone with Commissioner Nanette Thompson and staff from the Regulatory Commission of Alaska (RCA) to discuss OPASTCO's views related to the Joint Board's proceeding on high-cost universal service support and the eligible telecommunications carrier designation process.

**Attendance** Commissioner Nanette Thompson (RCA)  
Lori Kenyon (RCA)  
John Rose (OPASTCO)  
Stuart Polikoff (OPASTCO)

**Date** July 11, 2003

**Subject** Representatives from OPASTCO met with met with Commissioner Kevin Martin and staff to discuss OPASTCO's views related to the Joint Board's proceeding on high-cost universal service support and the eligible telecommunications carrier designation process.

**Attendance** Commissioner Kevin Martin (FCC)  
Daniel Gonzalez (FCC)  
Michael Grey (FCC)

Herb Bivens (OPASTCO)  
John Rose (OPASTCO)  
Stuart Polikoff (OPASTCO)

**Date** July 11, 2003

**Subject** Representatives from OPASTCO met with a staff member from the office of Commissioner Jonathan Adelstein to discuss OPASTCO's views related to the Joint Board's proceeding on high-cost universal service support and the eligible telecommunications carrier designation process.

**Attendance** Scott Bergmann (FCC)  
John Rose (OPASTCO)  
Stuart Polikoff (OPASTCO)

**Date** July 10, 2003

**Subject** Representatives from OPASTCO met with Chairperson Lila Jaber and staff from the Florida Public Service Commission to discuss OPASTCO's views related to the Joint Board's proceeding on high-cost universal service support and the eligible telecommunications carrier designation process.

**Attendance** Chairperson Lila Jaber (Florida PSC)  
David Dowds (Florida PSC)  
Greg Fogleman (Florida PSC)  
John Duda (OPASTCO)  
Glenn Brown (OPASTCO)

**Date** July 9, 2003

**Subject** Representatives from OPASTCO met with Commissioner Thomas Dunleavy and staff from the New York Public Service Commission to discuss OPASTCO's views related to the Joint Board's proceeding on high-cost universal service support and the eligible telecommunications carrier designation process.

**Attendance** Commissioner Thomas Dunleavy (NY PSC)  
Commissioner James Bennett (NY PSC)  
Stacy Harwood (NY PSC)  
Carl Johnson (NY PSC)  
John Duda (OPASTCO)  
Glenn Brown (OPASTCO)

**Date** June 25, 2003

**Subject** Representatives from OPASTCO and Western Wireless Corporation participated together in a presentation and informal debate before staff members for the Federal-State Joint Board on Universal Service. OPASTCO and Western Wireless discussed their respective positions taken in the proceeding on high-cost universal service support and the eligible telecommunications carrier designation process.

**Attendance** Carol Matthey (FCC)  
Eric Einhorn (FCC)  
Bill Scher (FCC)  
Paul Garnett (FCC)  
Vickie Byrd (FCC)  
Katie King (FCC)  
Nicole Stach (FCC)  
Katherine Tofigh (FCC)  
Cara Voth (FCC)  
Elizabeth Yockus (FCC)  
Rose Crellin (FCC)  
David Dowds (Florida PSC)  
Carl Johnson (New York PSC)  
Mike Lee (Montana PSC)  
Phil McClelland (Pennsylvania Office of Consumer Advocate)  
Barb Meisenheimer (Missouri Office of Public Counsel)  
Earl Poucher (Florida Office of the Public Counsel)  
Jeff Pursley (Nebraska PSC)  
Joel Shifman (Maine PUC)  
Larry Stevens (Iowa Utilities Board)  
John Rose (OPASTCO)  
Stuart Polikoff (OPASTCO)  
David Sieradzki (Western Wireless)  
Gene DeJordy (Western Wireless)  
Mark Rubin (Western Wireless)

**Date** June 20, 2003

**Subject** Representatives from OPASTCO and NTCA met with Commissioner Michael Cops and staff to discuss the importance of adding equal access to interexchange service to the list of services supported by the high-cost universal service fund.

**Attendance** Commissioner Michael Cops (FCC)  
Jessica Rosenworcel (FCC)  
John Rose (OPASTCO)  
Jeffrey Smith (OPASTCO)

Marie Guillory (NTCA)

**Date** June 6, 2003

**Subject** Representatives from OPASTCO and NTCA met with Commissioner Jonathan Adelstein and staff to discuss the importance of adding equal access to interexchange service to the list of services supported by the high-cost universal service fund.

**Attendance** Commissioner Jonathan Adelstein (FCC)  
Lisa Zaina (FCC)  
John Rose (OPASTCO)  
Stuart Polikoff (OPASTCO)  
Daniel Mitchell (NTCA)

**Date** June 6, 2003

**Subject** Representatives from OPASTCO and NTCA met with Commissioner Kevin Martin and staff to discuss the importance of adding equal access to interexchange service to the list of services supported by the high-cost universal service fund.

**Attendance** Commissioner Kevin Martin (FCC)  
Daniel Gonzalez (FCC)  
John Rose (OPASTCO)  
Stuart Polikoff (OPASTCO)  
Daniel Mitchell (NTCA)

**Date** June 6, 2003

**Subject** Representatives from OPASTCO and NTCA met with a representative from Commissioner Michael Copps' office to discuss the importance of adding equal access to interexchange service to the list of services supported by the high-cost universal service fund.

**Attendance** Jessica Rosenworcel (FCC)  
John Rose (OPASTCO)  
Stuart Polikoff (OPASTCO)  
Daniel Mitchell (NTCA)

**Date** June 4, 2003

**Subject** Representatives from OPASTCO and NTCA met with a representative from Chairman Michael Powell's office to discuss the importance of adding equal access to interexchange service to the list of services supported by the high-cost universal service fund.

**Attendance** Christopher Libertelli (FCC)  
John Rose (OPASTCO)  
Jeffrey Smith (OPASTCO)  
Marie Guillory (NTCA)

**Date** June 4, 2003

**Subject** Representatives from OPASTCO and NTCA met with representatives from the Wireline Competition Bureau to discuss the importance of adding equal access to interexchange service to the list of services supported by the high-cost universal service fund.

**Attendance** William Maher (FCC)  
Carol Matthey (FCC)  
Eric Einhorn (FCC)  
Narda Jones (FCC)  
Diane Law Hsu (FCC)  
Elizabeth Yockus (FCC)  
John Rose (OPASTCO)  
Jeffrey Smith (OPASTCO)  
Marie Guillory (NTCA)

**Date** March 24, 2003

**Subject** Representatives from OPASTCO, NTCA, and RTG met with a representative from Commissioner Michael Copps' office to discuss the FCC's recent Notice of Inquiry related to enhancing the provision of spectrum-based services in rural areas.

**Attendance** Paul Margie (FCC)  
Jeffrey Smith (OPASTCO)  
Jill Canfield (NTCA)  
Richard Schadelbauer (NTCA)  
Carri Bennet (RTG)  
Ken Johnson (RTG)  
Sean Farrell (NTCH)  
John Prendergast (Blooston, Mordkofsky, Dickens, Duffy & Prendergast)

Michael Kurtis (Kurtis & Associates)  
Jerry Wilke (Hickory Tech)

**Date** March 14, 2003

**Subject** Representatives from OPASTCO, NECA, NRTA, NTCA, and USTA met with representatives from the Wireline Competition Bureau to discuss issues associated with the implementation of certain aspects of the FCC's Multi-Association Group (MAG) Order and the regulatory classification of wireline broadband services.

**Attendance** Jane Jackson (FCC)  
Carol Matthey (FCC)  
Ted Burmeister (FCC)  
Jeff Dygert (FCC)  
Eric Einhorn (FCC)  
Narda Jones (FCC)  
William Scher (FCC)  
Douglas Sloten (FCC)  
John Rose (OPASTCO)  
Stuart Polikoff (OPASTCO)  
Jim Frame (NECA)  
Ken Levy (NECA)  
Margot Humphrey (NRTA)  
Marie Guillory (NTCA)  
Dave Cohen (USTA)  
Larry Sarjeant (USTA)

**Date** March 14, 2003

**Subject** Representatives from OPASTCO, NRTA, and NTCA met with a representative from Chairman Michael Powell's office to discuss issues associated with the implementation of local number portability (LNP) in rural areas.

**Attendance** Christopher Libertelli (FCC)  
Stephen Pastorkovich (OPASTCO)  
Margot Humphrey (NRTA)  
Ed Gustafson (Bixby Tel. Co.)  
Dan Mitchell (NTCA)

**Date** March 14, 2003

**Subject** Representatives from OPASTCO, NRTA, and NTCA met with a representative from Commissioner Jonathan Adelstein's office to discuss issues associated with the implementation of local number portability (LNP) in rural areas.

**Attendance** Lisa Zaina (FCC)  
Stephen Pastorkovich (OPASTCO)  
Margot Humphrey (NRTA)  
Ed Gustafson (Bixby Tel. Co.)  
Dan Mitchell (NTCA)

**Date** March 14, 2003

**Subject** Representatives from OPASTCO, NRTA, and NTCA met with a representative from Commissioner Kevin Martin's office to discuss issues associated with the implementation of local number portability (LNP) in rural areas.

**Attendance** Dan Gonzalez (FCC)  
Stephen Pastorkovich (OPASTCO)  
Margot Humphrey (NRTA)  
Ed Gustafson (Bixby Tel. Co.)  
Dan Mitchell (NTCA)

**Date** March 14, 2003

**Subject** Representatives from OPASTCO, NRTA, and NTCA met with a representative from Commissioner Kathleen Abernathy's office to discuss issues associated with the implementation of local number portability (LNP) in rural areas.

**Attendance** Matthew Brill (FCC)  
Stephen Pastorkovich (OPASTCO)  
Margot Humphrey (NRTA)  
Ed Gustafson (Bixby Tel. Co.)  
Dan Mitchell (NTCA)

**Date** March 6, 2003

**Subject** OPASTCO staff met with representatives from the Wireline Competition Bureau of the FCC to discuss universal service portability issues and the regulatory classification of wireline broadband services.

**Attendance** William Maher (FCC)

Eric Einhorn (FCC)  
William Scher (FCC)  
Narda Jones (FCC)  
Diane Griffin (FCC)  
John Rose (OPASTCO)  
Stuart Polikoff (OPASTCO)

**Date** March 6, 2003

**Subject** OPASTCO members and staff met with Commissioner Jonathan Adelstein to discuss universal service portability issues and the regulatory classification of wireline broadband services.

**Attendance** Commissioner Jonathan Adelstein (FCC)  
Lisa Zaina (FCC)  
Herb Bivens (OPASTCO)  
John Rose (OPASTCO)  
Stuart Polikoff (OPASTCO)

**Date** March 6, 2003

**Subject** OPASTCO members and staff met with a representative from Commissioner Kathleen Abernathy's office to discuss universal service portability issues and the regulatory classification of wireline broadband services.

**Attendance** Matthew Brill (FCC)  
Herb Bivens (OPASTCO)  
John Rose (OPASTCO)  
Stuart Polikoff (OPASTCO)

**Date** February 21, 2003

**Subject** OPASTCO members and staff met with Commissioner Michael Copps to discuss universal service issues and the regulatory classification of wireline broadband services.

**Attendance** Commissioner Michael Copps (FCC)  
Jordan Goldstein (FCC)  
Herb Bivens (OPASTCO)  
Archie Macias (OPASTCO)  
John Rose (OPASTCO)  
Stuart Polikoff (OPASTCO)

**Date** February 21, 2003

**Subject** OPASTCO members and staff met with Commissioner Kevin Martin to discuss universal service issues and the regulatory classification of wireline broadband services.

**Attendance** Commissioner Kevin Martin (FCC)  
Daniel Gonzalez (FCC)  
Herb Bivens (OPASTCO)  
Archie Macias (OPASTCO)  
John Rose (OPASTCO)  
Stuart Polikoff (OPASTCO)

**Date** January 31, 2003

**Subject** Representatives from OPASTCO, NECA, NTCA, and USTA met with the Commission's Pricing Policy Division of the Wireline Competition Bureau to discuss NECA's Petition for Rulemaking which requests that "channelized" T-1 services receive the same regulatory treatment as functionally-equivalent PRI ISDN services.

**Attendance** Jay Atkinson (FCC)  
Gene Gold (FCC)  
Jeremy Marcus (FCC)  
Judith Nitsche (FCC)  
Tamara Preiss (FCC)  
Douglas Slotten (FCC)  
Jeffrey Smith (OPASTCO)  
Bill Cook (NECA)  
Colin Sandy (NECA)  
Brian O'Hara (NTCA)  
Robin Tuttle (USTA)

## OTHER FILINGS

- Type** OPASTCO Written Statement to the Federal Communications Commission
- Date** December 15, 2003
- Subject(s)** It is imperative that the regulatory treatment of Voice over Internet Protocol (VoIP) service should not be detrimental to the underlying network. Since VOIP provides a direct substitute for traditional telephone service, it should be subject to the same regulatory treatment as traditional telecommunications service. Services that are substitutable for one another should be treated equally, in order to maintain the principles of competitive and technical neutrality.
- Type** Petition for Review to the U.S. Court of Appeals for the District of Columbia Circuit
- Date** December 15, 2003
- Subject(s)** OPASTCO and NTCA requested that the Court review the FCC's wireline-to-wireless LNP requirements as they pertain to small, rural LECs. Such a review is necessary because the Commission failed to comply with the Regulatory Flexibility Act and the Administrative Procedure Act before imposing the requirements contained in its November 7, 2003 ruling. Furthermore, as presently written, these new LNP requirements will have especially significant adverse economic impacts on small LECs.
- Type** Written *Ex Parte* Presentation to the Federal Communications Commission
- Date** November 12, 2003
- Subject(s)** OPASTCO, ITTA, NTCA, USTA, and the Western Alliance expressed their strong and unanimous opposition to a primary line limitation on universal service support for high-cost carriers serving rural and insular areas. Such a restriction would only serve to inhibit investment in rural infrastructure, thereby defeating the very purpose of the high-cost universal service program. Consequently, the Universal Service Joint Board should abandon any such proposal as it develops a recommended decision in the proceeding on high-cost support portability.

**Type** Written *Ex Parte* Presentation to the Federal Communications Commission

**Date** August 25, 2003

**Subject(s)** The Rural Wireless Working Group (RWWG), which consists of OPASTCO, the National Telecommunications Cooperative Association, the Rural Telecommunications Group (RTG), and the law offices of Kurtis & Associates, Blooston, Mordkofsky, Dickens, Duffy & Prendergast, and Bennet & Bennet, developed and filed with the FCC, a set of guidelines for rural carriers to employ in the implementation of wireless local number portability (WLNP). These guidelines recognize and incorporate the realities and specific challenges of providing WLNP in rural areas.

**Type** Written *Ex Parte* Presentation to the Federal Communications Commission

**Date** August 12, 2003

**Subject(s)** OPASTCO and NTCA filed a white paper with the Commission entitled “Universal Service and the Myth of the Level Playing Field,” authored by economist Dale Lehman, PhD. The white paper responds to a document submitted by Western Wireless in the Universal Service Portability Proceeding. The paper elaborates on four points: 1) Economic efficiency for its own sake is not the goal of Universal Service; 2) It is erroneous to conclude that a change in the rules to provide funding for ETCs on the basis of forward-looking costs will check unwarranted growth in the fund; 3) The use of embedded costs and rate of return regulation achieves universal service policy goals; 4) Wireless carriers’ support should be based on their own costs, not on the ILECs costs.

**Type** Friends of the Court Brief to the United States Supreme Court

**Date** June 2, 2003

**Subject(s)** OPASTCO, ITTA, NTCA, and USTA filed a joint brief with the U.S. Supreme Court supporting a petition by the Nebraska Telecommunications Association and the Nebraska Cable Communications Association. The petition asked the high court to overturn a Nebraska Supreme Court ruling that threw out a state law prohibiting the City of Lincoln, Nebraska, from selling intrastate telecommunications services.

**Type** Written Testimony Submitted to the Committee on Commerce, Science, and Transportation, U.S. Senate

**Date** April 2, 2003

**Subject(s)** OPASTCO indicated that the sustainability of the universal service fund is severely threatened by the ease in which some state commissions have approved universal service support for wireless Competitive Eligible Telecommunications Carriers (CETCs). A key factor that has led to a swollen USF has been the significant growth in support going to wireless carriers. In fact, since 1999, universal service support allocated to wireless CETCs has increased dramatically from \$500,000 in 1999 to a projected \$100 million in 2003.

Consequently, OPASTCO urged Congress to reaffirm its strong admonition about competition when it crafted section 214(e) of the Act. In enacting this section of the law governing the designation of multiple ETCs, Congress recognized that supported competition would not always be in the "public interest" of areas served by rural telephone companies. Sadly, some state commissions and the FCC have ignored the intent of Congress and designating additional ETCs without thoughtfully considering the factors that determine the public interest. The result of state commission-sponsored uneconomic competition in rural service areas has been a swollen Universal Service Fund that has put the entire universal service program at great risk.

OPASTCO also indicated that it is possible that the FCC will adopt a "connections-based" proposal for revising the universal service contribution methodology that does not comply with the Telecommunications Act of 1996's requirement that every interstate telecommunications provider contribute to the Fund on an "equitable and nondiscriminatory basis." Therefore, it is essential that the committee direct the FCC to follow the law and ensure that interstate carriers continue to contribute their fair share to the Fund. We also believe the FCC should be strongly encouraged to take action that would broaden the base of contributors to universal service.

**Type** Written Testimony Submitted to the Subcommittee on Agriculture, Rural Development and Related Agencies, Committee on Appropriations, U.S. Senate

**Date** March 18, 2003

**Subject(s)** OPASTCO submitted this testimony in order to seek the Subcommittee's support for FY 2004 loan levels for the telecommunications loans program and Rural Telephone Bank (RTB) program administered by the Rural Utilities Service (RUS) in the following amounts:

% hardship loans:	\$145 million
Treasury Rate loans:	\$250 million
Guaranteed loans:	\$100 million
RTB loans:	\$175 million

In addition, OPASTCO requested the following action by the Subcommittee: (1) a prohibition of the transfer of unobligated RTB funds to the general fund of the

Treasury; (2) funding of the distance learning / telemedicine and broadband grant and loan programs at sufficient levels; and (3) removal of the prohibition on rural communities located in standard metropolitan statistical areas from participating in the broadband loan program.

**Type** Written Testimony Submitted to the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies, Committee on Appropriations, U.S. House of Representatives

**Date** March 17, 2003

**Subject(s)** OPASTCO submitted this testimony in order to seek the Subcommittee's support for FY 2004 loan levels for the telecommunications loans program and Rural Telephone Bank (RTB) program administered by the Rural Utilities Service (RUS) in the following amounts:

5% hardship loans:	\$145 million
Treasury Rate loans:	\$250 million
Guaranteed loans:	\$100 million
RTB loans:	\$175 million

In addition, OPASTCO requested the following action by the Subcommittee: (1) a prohibition of the transfer of unobligated RTB funds to the general fund of the Treasury; (2) funding of the distance learning / telemedicine and broadband grant and loan programs at sufficient levels; and (3) removal of the prohibition on rural communities located in standard metropolitan statistical areas from participating in the broadband loan program.

**Type** Written *Ex Parte* Presentation to the Federal Communications Commission

**Date** February 6, 2003

**Subject(s)** OPASTCO and the Independent Telephone & Telecommunications Alliance (ITTA) submitted an *Ex Parte* letter to the FCC regarding unbundled network element (UNE) obligations of incumbent local exchange carriers. The Associations stated that if the FCC decides to eliminate any UNEs based on the conditions in a large market, OPASTCO and ITTA believe that the same UNE should be eliminated for all incumbents, including small-and midsized carriers.

**Type** Written *Ex Parte* Presentation to the Federal Communications Commission

**Date** January 28, 2003

**Subject(s)** OPASTCO submitted this written *Ex Parte* letter, along with its recently released white paper “*Universal Service in Rural America: A Congressional Mandate at Risk*,” to both the members and staff of the Federal-State Joint Board on Universal Service and to each FCC Commissioner. The paper outlines OPASTCO’s views on universal service, in general, and more specifically, the issues surrounding the availability of high-cost funding to multiple carriers in rural service areas.

**Type** Written *Ex Parte* Presentation to the Federal Communications Commission

**Date** January 19, 2003

**Subject(s)** OPASTCO submitted this written *Ex Parte* letter, along with its recently released white paper “*Universal Service in Rural America: A Congressional Mandate at Risk*,” to staff members of the FCC’s Wireline Competition Bureau and its Office of Plans and Policy. The paper outlines OPASTCO’s views on universal service, in general, and more specifically, the issues surrounding the availability of high-cost funding to multiple carriers in rural service areas.