

OPASTCO

2007

REGULATORY AFFAIRS

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

OVERVIEW

The following pages list the formal documents that OPASTCO has produced during 2007 for consideration in various federal arenas. The list includes comments, letters, and Ex Partes OPASTCO filed at the Federal Communications Commission (“FCC” or “Commission”) 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 currently consists of Stuart Polikoff, Director of Government Relations, Stephen Pastorkovich, Director of Business Development/Senior Policy Analyst, and Brian Ford, Policy Analyst.

FCC FILINGS

National Exchange Carrier Association, Inc.'s Proposed 2007 Modification of Average Schedule Formulas WC Docket No. 06-223

Type OPASTCO Comments

Date February 13, 2007

Subject(s) NECA's proposed modifications to the 2007 interstate average schedule formulas

OPASTCO Overall, NECA's proposed formula modifications would produce a 7.27 percent decrease in settlements to average schedule companies. The decline in settlements is due to reduced investment by average schedule companies and a restructure of the line haul distance sensitive formula. If NECA's proposed formula modifications are adopted, concurrent adoption of the proposed transition plan is critical to avoid adverse consequences for rural average schedule carriers and their customers. Adoption of NECA's proposed transition plan would give adversely affected average schedule companies a method by which they can absorb the significant reductions in settlements while avoiding the potentially devastating impact of a flash-cut to the new formulas.

Federal-State Joint Board on Universal Service Petition of Cingular Wireless, LLC for Designation as an Eligible Telecommunications Carrier in the State of Georgia CC Docket No. 96-45

Type OPASTCO Comments

Date February 20, 2007

Subject(s) Cingular Wireless petition for eligible telecommunications carrier (ETC) designation in the state of Georgia

OPASTCO The Commission should deny Cingular's petition for ETC designation in Georgia, as it is readily apparent that the costs of their designation would far outweigh any benefits to the public. Cingular's designation as an ETC in Georgia and other states could ultimately cause the High-Cost universal service program to reach an unsustainable level, thereby jeopardizing rural incumbent local exchange carriers' (ILECs) provision of affordable, high-quality, ubiquitous service to rural consumers throughout the nation. In

addition, if the FCC designates Cingular as an ETC in Georgia or elsewhere, it will lead to more multi-state and national wireless providers seeking ETC designation in numerous states. If the designation of Cingular as an ETC in one or more states does not, on its own, push the size of the High-Cost program past its breaking point, then the designation of other large wireless carriers most certainly will.

Absent the denial of Cingular's petition for ETC designation in Georgia, the public interest would be served by staying consideration of the petition until after the open proceeding on reform of the high-cost support mechanism has been completed. This would prevent the High-Cost program from growing to an unsustainable level while at the same time a thorough review of the rules concerning high-cost support calculations and ETC designations is underway. Finally, elimination of the identical support rule in rural service areas would target the root cause of the rapid and unnecessary growth in the rural High-Cost program.

**Developing a Unified Intercarrier Compensation Regime
Comment Sought on Amendments to the Missoula Plan Intercarrier Compensation
Proposal to Incorporate a Federal Benchmark Mechanism
CC Docket No. 01-92**

Type	OPASTCO comments
Date	March 19, 2007
Subject(s)	Public Notice seeking comment on a proposal to incorporate a Federal Benchmark Mechanism (FBM) as an amendment to the Missoula Plan for Intercarrier Compensation Reform (Missoula Plan)
OPASTCO	The original Missoula Plan filing recognized the need for an "Early Adopter Fund" to provide funding to states that have already reduced their intrastate access rates. The Plan's supporters worked with state commissions to develop the FBM, which would target additional funding to states with very high end-user rates and/or state universal service funds that are presumably the result of intrastate access charge reform. The FBM would also reduce the funding obligation of the Restructure Mechanism (RM) by shifting more of an ILEC's cost recovery to consumers in states that have retained low end-user rates. Thus, the FBM would not only promote equity for "early adopter" states but would also improve end-user rate comparability for customers across all states.

Now that work on the Early Adopter Fund has been completed, the Commission should proceed expeditiously with adoption of the Missoula Plan. Swift adoption of the Missoula Plan is necessary because it provides

carriers with a more rational and stable means of recovering network costs in an emerging broadband environment. However, the Plan contains certain “rural” distinctions and other provisions that are essential to it remaining beneficial to the customers of rural rate-of-return (RoR) ILECs. Most important among these provisions is the establishment of the RM, which is critical to rural carriers’ continued deployment of advanced services. The Commission should therefore adopt the RM, along with the rest of the Plan, without modification.

**Implementation of the Cable Television Consumer Protection
and Competition Act of 1992**
Development of Competition and Diversity in Video Programming Distribution:
Section 628 (c)(5) of the Communications Act:
Sunset of Exclusive Contract Prohibition
MB Docket No. 07-29

Type	OPASTCO, ITTA comments
Date	April 2, 2007
Subject(s)	NPRM seeking comment on the exclusivity provision of Section 628 of the Communications Act and the Commission’s procedures for resolving program access disputes
OPASTCO ITTA	The Commission should extend the exclusivity provision of Section 628 of the Communications Act. This provision requires that satellite delivered video programming owned by programming vendors affiliated with cable companies be made available to competitors on fair and non-discriminatory terms and conditions. Most of the competition rural LECs face as video providers is from vertically integrated cable companies that have the incentive to restrict their smaller rivals’ access to content. Even those rural LECs that do not compete with vertically integrated cable companies would not be able to obtain access to content at affordable rates and under reasonable conditions if the exclusivity provision were permitted to sunset. This is because vertically integrated cable companies have little incentive to supply content to small markets that are insufficiently lucrative.

In addition, the Commission should address certain practices of large video providers such as forced carriage of unwanted programming, forced inclusion of programming in certain tiers, mandatory nondisclosure provisions, higher retransmission consent fees, and predatory pricing practices. These practices serve as barriers to rural LECs’ ability to deliver video services to their communities. Finally, the current program

access complaint process is inadequate, and the Commission should establish procedures for timely resolution of disputes.

Implementation of the Cable Television Consumer Protection and Competition Act of 1992

**Development of Competition and Diversity in Video Programming Distribution:
Section 628 (c)(5) of the Communications Act:
Sunset of Exclusive Contract Prohibition
MB Docket No. 07-29**

Type OPASTCO and the Coalition for Competitive Access to Content (CA2C) comments

Date April 2, 2007

Subject(s) NPRM seeking comment on the exclusivity provision of Section 628 of the Communications Act and the Commission's procedures for resolving program access disputes

**OPASTCO
CA2C** The Commission should extend the exclusivity provision of Section 628 of the Communications Act. This provision requires that satellite delivered video programming owned by programming vendors affiliated with cable companies be made available to competitors on fair and non-discriminatory terms and conditions. Despite cable industry assertions to the contrary, the level of vertical integration of programming vendors affiliated with cable companies and the "must have" programming these companies control continues to be a significant barrier to competitive entry into the video market. Incumbent cable operators have demonstrated their willingness to use program access as a weapon to inhibit competition. In addition, the current program access complaint process is inadequate, and the Commission should adopt a 120-day deadline for resolving program access complaints.

**Federal-State Joint Board on Universal Service Seeks Comments on the Merits of
Using Auctions to Determine High-Cost Universal Service Support
WD Docket No. 05-337**

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

Type OPASTCO written ex parte presentation

Date April 10, 2007

Subject(s) OPASTCO written ex parte presentation expressing support for AT&T's interim plan to stabilize the High-Cost universal service program

OPASTCO AT&T's interim stabilization plan would immediately halt the approval of new competitive ETCs, impose a freeze on the number of lines for which wireless CETCs receive support, and reduce the support that wireless CETCs receive through support mechanisms that were intended to replace access charges. AT&T's plan is a well-reasoned, easy-to-implement method by which the Joint Board and FCC can immediately gain control over the excessive and unnecessary growth in the High-Cost program while it continues to consider more long-term reforms. In particular, AT&T's plan should be adopted because it: (a) targets the source of virtually all of the growth in the High-Cost program – i.e., wireless CETCs, (b) is equitable, and (c) would not adversely impact the provision of service to consumers in rural areas.

Implementation of the Cable Television Consumer Protection and Competition Act of 1992

**Development of Competition and Diversity in Video Programming Distribution:
Section 628 (c)(5) of the Communications Act:
Sunset of Exclusive Contract Prohibition
MB Docket No. 07-29**

Type OPASTCO and CA2C reply comments

Date April 16, 2007

Subject(s) NPRM seeking comment on the exclusivity provision of Section 628 of the Communications Act and the Commission's procedures for resolving program access disputes

OPASTCO The Commission should extend the exclusivity provision of Section 628 of the Communications Act. Contrary to assertions made by the cable industry, the video market is not fully competitive. The level of vertical integration of programming vendors affiliated with cable companies and the "must have" programming these companies control provides them with the same ability to impair competition that they had when the exclusivity provision was previously extended. In addition, the Commission has the authority to establish procedures for adjudicating program access complaints, and the Commission should adopt a 120-day deadline for resolving those complaints.

CA2C

**Petition for Clarification or, in the Alternative, Waiver of Section 76.1204(a), (b) of
the Commission's Rules
Implementation of Section 304 of the Telecommunications Act of 1996
Commercial Availability of Navigation Devices
CS Docket No. 97-80**

Type OPASTCO and NTCA petition

Date May 4, 2007

Subject(s) Petition for clarification regarding compliance with Commission rules that require separate navigation and security functions in video providers' set top devices

OPASTCO Commission rules that require Multichannel Video Programming
NTCA Distributors (MVPDs) to separate navigation and security functions in video devices located at the customers' premises were primarily designed with regard to traditional coaxial cable technology. Since the original publication of the rule, Internet Protocol Television (IPTV) technology has become increasingly viable. As a result, a degree of uncertainty has arisen regarding how to determine whether devices based on IPTV technology are in compliance with Commission rules. Therefore, the Associations respectfully request that the Commission explicitly clarify that IPTV products using downloadable security are compliant. Further, the Commission should clarify that those devices and software packages that work with another vendor's product(s), or are available for licensing, also comply with the rules. In the absence of such clarifications, the Commission should grant a waiver of the rules as they apply to rural LECs serving as MVPDs until such time as the Commission addresses these issues.

**Assessment and Collection of Regulatory Fees for Fiscal Year 2007
MD Docket No. 07-81**

Type OPASTCO, NECA, NTCA, and WTA reply comments

Date May 11, 2007

Subject(s) NPRM seeking comment on the Commission's authority to impose regulatory fees on interconnected Voice over Internet Protocol (VoIP) providers

OPASTCO The Commission has the authority to impose regulatory fees on
NECA interconnected VoIP providers pursuant to Section 9 of the
NTCA Communications Act of 1934 and the Commission's Title I ancillary

WTA jurisdiction. The associations support consistent treatment for all providers of services that are the functional equivalent of traditional telecommunications services, including the assessment of regulatory fees and similar intercarrier compensation obligations. Collecting regulatory fees will fund increased enforcement actions and speed resolution of consumer complaints. In addition, the Commission should confirm that interconnected VoIP services are telecommunications services and that access charges are applicable to VoIP calls that use the public switched network. Interconnected VoIP providers offering the functional and marketplace equivalents of traditional telecommunications services should not be permitted to avoid intercarrier compensation obligations simply on the basis of using a different technology.

**Applications Filed for the Transfer of Certain Spectrum Licenses and Section 214 Authorizations in the States of Maine, New Hampshire, and Vermont from Verizon Communications Inc. and its Subsidiaries to FairPoint Communications, Inc.
WC Docket No. 07-22**

Type	OPASTCO comments
Date	May 14, 2007
Subject(s)	Applications for the transfer of certain spectrum licenses and Section 214 authorizations in the States of Maine, New Hampshire, and Vermont from Verizon Communications Inc. and its subsidiaries to FairPoint Communications
OPASTCO	OPASTCO believes that Commission approval of the proposed transaction would serve the public interest. Sales of rural exchanges by large carriers to smaller ones – as contemplated by Verizon and FairPoint in Maine, New Hampshire, and Vermont – are growing increasingly common and have been routinely approved by the Commission. The Commission has found almost categorically that such transactions are unlikely to raise the potential of competitive harm. These transactions allow both the transferee and the transferor to pursue their individual business strategies, to the benefit of their respective customer bases. In addition, these types of transactions ultimately bring substantial benefit to the rural and small urban communities affected. Rural ILECs have a strong track record in completing these sales successfully and in providing benefits to consumers. This is most evident with respect to broadband deployment. By approving this transaction without undue delay, the Commission will help extend these and other benefits to consumers in rural markets.

**Inquiry Concerning the Deployment of Advanced Telecommunications Capability
to All Americans in a Reasonable and Timely Fashion, and Possible Steps to
Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications
Act of 1996
GN Docket No. 07-45**

Type OPASTCO comments

Date May 16, 2007

Subject(s) Notice of Inquiry (NOI) concerning the deployment of advanced telecommunications capability to all Americans

OPASTCO Deployment of advanced services by rural ILECs is occurring in a reasonable and timely manner in spite of higher costs and other challenges. A recent survey of OPASTCO members found that virtually all respondents offer broadband Internet access, and on average can offer the service to over 90 percent of their customers. In order to accelerate deployment of advanced services in areas served by rural ILECs, the Commission should: (a) move rapidly to make video content accessible to rural ILECs attempting to enter the video market using broadband technologies, because it is widely recognized that bundling video services with broadband services increases broadband penetration; (b) lift the caps on high-cost loop support (HCLS), as they impede rural carriers' efforts to make broadband available to the most expensive regions of their service areas; and (c) ensure that rural ILECs have affordable, nondiscriminatory access to Internet backbone facilities, because rural ILECs' higher backbone expenses risk making faster bandwidth speeds unaffordable to end users.

Regarding the Commission's definition of "advanced services," establishing a definition that recognizes that advanced services are constantly evolving is preferable to a definition based upon a fixed data speed. This is because technological advancements and marketplace demands will likely render any one speed inappropriate. In addition, a speed-based definition risks rapid obsolescence, as new applications and compression technology change the dynamics of how consumers will utilize broadband.

**Federal-State Joint Board on Universal Service
Comment Invited on the Petition of Alenco Communications, Inc., et al., for a
Declaratory Ruling and for Preemption of an Order by the Public Utility
Commission of Texas
CC Docket No. 96-45**

Type OPASTCO Comments

Date May 25, 2007

Subject(s) Petition of Alenco Communications, Inc., et al., for a Declaratory Ruling and for Preemption of an ETC Designation Order of the Public Utility Commission of Texas

OPASTCO The Texas Public Utility Commission’s designation of DialToneServices, L.P. as an ETC should be preempted. DialToneServices is a pure reseller of satellite services with none of its own network facilities other than customer premises equipment. Section 214(e) limits federal high-cost universal service support to a carrier that provides the supported services using its own facilities or a combination of its own facilities and resale of another carrier’s services. Furthermore, the FCC has previously determined that the term “facilities” refers to those that are used in the transmission or routing of the supported services. Therefore, the Commission should grant Alenco’s petition and affirm that under its existing rules, customer premises equipment is not within the definition of “facilities” as used in Section 214(e) of the Communications Act of 1934.

**Federal-State Joint Board on Universal Service Seeks Comments on Long Term,
Comprehensive High-Cost Universal Service Reform
WC Docket No. 05-337**

Type OPASTCO comments

Date May 31, 2007

Subject(s) Public Notice seeking comment on long term, comprehensive high-cost universal service reform

OPASTCO The high-cost support mechanism for rural ILECs, based on their embedded network costs, has a proven track record of effectively and efficiently achieving the statutory universal service goals in rural service areas without placing undue strain on the High-Cost program. The identical support rule in rural service areas has been responsible for all of the excessive growth in the rural High-Cost program and is threatening its sustainability. The Joint Board should maintain the embedded cost-based

support mechanism for rural ILECs and focus its efforts on abandoning the identical support rule and basing support for competitive ETCs in rural service areas on their own costs.

The Joint Board should reject the use of reverse auctions for rural ILECs, as they would place at significant risk the continued availability of “reasonably comparable” services and rates to consumers in rural service areas. Also, rural ILECs should not be required to have their support based on network cost models, since it is doubtful that one could be adopted that would provide reasonably accurate estimates of costs for all rural telephone companies. Should the Joint Board recommend a more granular support calculation methodology for certain rural ILECs, the additional support received by these carriers should not be permitted to negatively affect the high-cost support received by other rural telephone companies. In addition, disaggregation of support should remain optional for rural ILECs.

Finally, broadband should be added to the list of services supported by universal service. In rural service areas, broadband should be supported via the existing High-Cost program, which will enable rural carriers to continually upgrade their broadband networks. However, the cap on the HCLS mechanism will need to be lifted in order to provide sufficient support for rural ILECs to make broadband available throughout their service areas.

**Interior Telephone Company Petition for Declaratory Ruling Clarifying the Scope
and Requirements of Section 51.715 of the Commission’s Rules
WC Docket No. 07-102**

Type	OPASTCO and WTA Comments
Date	May 31, 2007
Subject(s)	Petition for declaratory ruling clarifying the scope and requirements of Section 51.715 of the Commission’s rules
OPASTCO WTA	The Commission should issue the declaratory ruling requested by Interior Telephone Company that Section 51.715 of the FCC’s rules does not require ILECs to provide “interim interconnection” when they are in the process of negotiating non-price interconnection terms pursuant to Section 252 of the Communications Act. While Section 51.715 does provide for interim transport and termination rates when state commissions have not established them, the rule does not allow (as GCI claims) immediate interim interconnection while most of the non-price details of an interconnection agreement are still being negotiated.

**High-Cost Universal Service Support
WC Docket No. 05-337
Federal-State Joint Board on Universal Service
CC Docket No. 96-45**

Type OPASTCO comments

Date June 6, 2007

Subject(s) NPRM seeking comment on the Federal-State Joint Board on Universal Service's recommendation that the Commission impose an interim, emergency cap on the amount of high-cost support that competitive ETCs may receive

OPASTCO OPASTCO strongly supports the Joint Board's recommendation to immediately impose an interim cap on the high-cost support received by competitive ETCs and urges the Commission to adopt it without modification. As a result of the excessive growth in support being received by competitive ETCs, the High-Cost program is in serious jeopardy of becoming unsustainable. While support to ILECs has been flat or even declined since 2003, competitive ETC support over the last six years grew from \$15 million to almost \$1 billion. In addition, limiting the interim cap only to competitive ETCs is equitable. Since 1993, caps have limited the amount of support available to rural ILECs from the HCLS mechanism.

OPASTCO agrees that the duration of the interim cap should be one year from the date of any Joint Board recommended decision on comprehensive high-cost universal service reform. OPASTCO also agrees with the Joint Board's recommendation to impose a cap on competitive ETC support for each state. Finally, the interim cap in each state should be set at the level of support actually distributed to competitive ETCs in that state in 2006.

**Development of Nationwide Broadband Data to Evaluate Reasonable and Timely
Deployment of Advanced Services to All Americans, Improvement of Wireless
Broadband Subscribership Data, and Development of Data on Interconnected
VoIP Subscribership
WC Docket No. 07-38**

Type OPASTCO comments

Date June 15, 2007

Subject(s) NPRM seeking comment on the development of nationwide broadband data to evaluate reasonable and timely deployment of advanced services to all Americans

OPASTCO OPASTCO agrees that the Commission needs accurate data regarding the availability and deployment of broadband services in order to make informed decisions. Furthermore, OPASTCO appreciates that the Commission is attempting to strike a balance between obtaining improved data while at the same time avoiding the imposition of burdensome requirements that would inadvertently impede further broadband deployment. The Commission can achieve this balance by requiring each Form 477 filer to report the number of residences they can provide broadband services to, and how many subscribe, on a per-Zip Code basis. The collection of more granular data beyond this level would impose burdens on rural ILECs that far outweigh the benefits, and would be detrimental to further broadband deployment and upgrades in rural areas.

High-Cost Universal Service Support
WC Docket No. 05-337
Federal-State Joint Board on Universal Service
CC Docket No. 96-45

Type OPASTCO reply comments

Date June 21, 2007

Subject(s) NPRM seeking comment on the Federal-State Joint Board on Universal Service's recommendation that the Commission impose an interim, emergency cap on the amount of high-cost support that competitive ETCs may receive

OPASTCO The support in the record for an interim cap on the high-cost funding received by competitive ETCs is substantial and diverse. Many commenters agree that without immediate action to restrain the growth in competitive ETC funding, the High-Cost program is in dire jeopardy of becoming unsustainable. Wireless carrier arguments that an interim cap on competitive ETC support is not competitively neutral generally ignore the fact that the Commission has already imposed caps on the HCLS received by rural ILECs. Suggestions from some wireless carrier interests to impose a cap on the support received by all ETCs, including rural ILECs, should be rejected. Further limiting rural ILECs' high-cost support would seriously threaten these carriers' ability to fulfill their obligations as carriers of last resort, and to continue offering affordable, high-quality communications services throughout their service areas. On the other hand, an interim cap on competitive ETC support would not

harm these carriers' ability to provide service to their existing customers. Finally, an interim cap on competitive ETC support does not, as some wireless carrier interests argue, avoid addressing the long-term issues facing the High-Cost program. It simply provides time for the FCC to consider the options for high-cost reform, without the ongoing concern of the explosive growth of the fund.

**Federal-State Joint Board on Universal Service Seeks Comments on Long Term,
Comprehensive High-Cost Universal Service Reform
WC Docket No. 05-337**

Type OPASTCO reply comments

Date July 2, 2007

Subject(s) Public Notice seeking comment on long term, comprehensive high-cost universal service reform

OPASTCO The Joint Board should recommend retaining the embedded cost-based support mechanism for rural ILECs, which is effectively and efficiently achieving the statutory universal service objectives in rural service areas. As the majority of commenters in this proceeding advise, the identical support rule for competitive ETCs should be abandoned. High-cost support for competitive ETCs in rural service areas should be based on their own costs, which would encourage network buildout by these carriers and establish a greater degree of competitive neutrality with rural ILECs.

The record in this proceeding overwhelmingly rejects the use of reverse auctions for the distribution of high-cost support in rural service areas. Reverse auctions would discourage network investment and pose serious risks to rural ILECs' continued provision of high-quality service throughout their territories. Commenters also express concern about mandating the use of network cost models for determining rural ILEC high-cost support. Were a model to significantly underestimate the true cost of serving a rural service area, it would hamper a rural ILEC's ability to continue investing in its network. In addition, commenters recommend that disaggregation of support remain optional for rural ILECs.

Finally, broadband should be made a supported service, and in rural service areas the existing High-Cost program should be used to support it. In addition, the cap on HCLS should be lifted in order to provide all rural ILECs with sufficient funding to achieve broadband ubiquity and to continue upgrading their networks to support the services and applications of the future.

**Broadband Industry Practices
WC Docket No. 07-52**

Type OPASTCO reply comments

Date July 11, 2007

Subject(s) NOI seeking comment on broadband market industry practices

OPASTCO OPASTCO supports the Commission’s 2005 Policy Statement on an appropriate framework for wireline broadband Internet access. In particular, consumers should be able to access and utilize the online content, applications, services, and devices of their choice. However, in order for this to occur in rural service areas, rural ILECs must have access to Internet backbone facilities at affordable rates and under reasonable terms and conditions.

Specifically, rural ILECs should have access to the Internet backbone at the same rates and under the same terms and conditions as backbone providers’ retail affiliates and subsidiaries. The Commission should be able to review the rates, terms, and conditions stipulated by backbone providers on a confidential basis. This would ensure that discriminatory practices are not being hidden behind non-disclosure provisions in contracts that rural ILECs are often forced to agree to in order to secure backbone access.

**Request for Review of Decision by the Universal Service Administrative Company,
or For Waiver of the Interstate Common Line Support “True-Up” Rules
CC Docket No. 96-45
CC Docket No. 00-256**

Type OPASTCO, WTA, and ITTA comments

Date July 27, 2007

Subject(s) Centennial Communications Corporation’s (CCC) request for review and reversal of a Universal Service Administrative Company (USAC) true-up and reduction of CCC’s Interstate Common Line Support (ICLS) for 2004

OPASTCO The Commission should deny the request of CCC to keep most or all of
WTA the ICLS that it initially received for 2004 based on the ICLS distributions
ITTA made to the incumbent carrier. This request is made despite the fact that those distributions to the incumbent carrier that served as the basis for CCC’s support were later substantially reduced. By filing this petition, CCC is not seeking the same portable per-line ICLS received by the

incumbent in order to achieve some sort of alleged “competitive neutrality.” Instead, CCC is requesting a much larger portable per-line ICLS payment without reference to “competitive neutrality” or any other public policy justification, but rather because CCC simply wants to keep the money it initially received. Not only should CCC’s request be denied, the identical support rule should be eliminated.

Implementation of the Telecommunications Act of 1996
Telecommunications Carriers’ Use of Customer Proprietary Network Information
and Other Customer Information
CC Docket No. 96-115
IP-Enabled Services
WC Docket No. 04-36

Type OPASTCO, NTCA, and ITTA comments

Date August 6, 2007

Subject(s) Petition for Reconsideration regarding the Commission’s recently released Customer Proprietary Network Information (CPNI) Order

OPASTCO The Commission should reconsider or clarify its recently released rules
NTCA that create a presumption that carriers have failed to take “reasonable
ITTA measures” in all instances of unauthorized access to CPNI. This rule,
which requires a carrier to demonstrate that the steps it took to protect its
customers’ CPNI are reasonable, impermissibly places the burden of proof
on carriers to prove their adherence to the rules in enforcement
proceedings. The Administrative Procedure Act, the Communications
Act, and Commission and court precedent place the burden of proof in
enforcement proceedings on the Commission. The fact that a pretexter has
successfully obtained CPNI through fraud or misrepresentation is not
indicative of how the information was obtained or of the carrier’s role in
disclosure. There is no reason to infer that a carrier has not satisfied its
legal obligation to protect CPNI simply because a pretexter has been
successful.

Implementation of the Telecommunications Act of 1996
Telecommunications Carriers’ Use of Customer Proprietary Network Information
and Other Customer Information
CC Docket No. 96-115
IP-Enabled Services
WC Docket No. 04-36

Type OPASTCO reply comments

Date August 7, 2007

Subject(s) Further Notice of Proposed Rulemaking (FNPRM) seeking comment on additional rules to safeguard telecommunications carriers' use of CPNI

OPASTCO The Commission should withhold any expansion of its recently enacted CPNI rules until it has had an opportunity to observe the effectiveness of those new rules. The Commission should not require rural ILECs to maintain audit trails, because the cost of compliance for these carriers would far outweigh any benefits for rural consumers. Few, if any, rural ILECs have built into their systems the capacity to create audit trails, and obtaining the capacity to do so would require rural ILECs to make substantial software upgrades and conduct extensive customer service training that would divert resources from network upgrades. In addition, if the Commission decides to adopt limits on data retention, it must take into account existing state and federal data retention requirements and balance the need for consumer privacy with these considerations.

**Federal-State Joint Board on Universal Service: Petition of TDS
Telecommunications Corp., Fairpoint Communications, Inc., and Burke's Garden
Telephone Company for Revocation of Sprint Nextel's ETC Designation in Virginia,
or, in the Alternative, Motion to Show Cause
CC Docket No. 96-45**

Type OPASTCO, ITTA, WTA comments

Date August 8, 2007

Subject(s) Petition for revocation of Sprint Nextel's ETC designation in Virginia, or, in the alternative, motion to show cause

OPASTCO Petitioners have compiled extensive data in support of their claim that
ITTA Sprint/Nextel has failed to meet the commitments made in its ETC
WTA application. Petitioners argue that the rural areas in which Sprint/Nextel provides service are limited to those that intersect with major highways. The data presented leads to the question of how (or whether) the high-cost support received by Sprint/Nextel is being used to reach out to areas that it does not currently serve. Accountability of all parties receiving support is imperative to the efficient operation of the High-Cost program. The Commission should revoke Sprint/Nextel's ETC designation if they have not met the commitments made in their application.

**Carriage of Digital Television Broadcast Signals: Amendment to Part 76 of the
Commission’s Rules
CS Docket No. 98-120**

Type OPASTCO reply comments

Date August 16, 2007

Subject(s) Second FNPRM seeking comment on the obligations of MVPDs after the transition from analog to digital television (DTV) broadcasting.

OPASTCO The Commission should not impose a new bit-based standard of what constitutes “material degradation” of a video signal. Instead, the Commission should retain its current “parity obligation” standard, which requires MVPDs to provide the same signal quality as consumers watching over-the-air broadcasts. OPASTCO concurs with commenters that the picture received by the viewer, not the number of bits transmitted, should remain the FCC’s paramount consideration even after the digital transition.

Requiring small MVPDs to transmit all bits of a video signal could impair their ability to deploy innovative compression technology or utilize techniques to ensure that consumers can receive video signals in a more efficient manner. This would impede the greater availability of broadband-based video services and slow the deployment of additional and more robust broadband services.

**Implementation of Section 304 of the Telecommunications Act of 1996;
Commercial Availability of Navigation Devices
CS Docket No. 98-120
Compatibility Between Cable Systems and Consumer Electronics Equipment
PP Docket No. 00-67**

Type OPASTCO, NTCA, ITTA, WTA reply comments

Date September 10, 2007

Subject(s) Third FNPRM seeking comment on proposed standards to ensure bidirectional compatibility of cable television systems and consumer electronics equipment

OPASTCO Rural and mid-sized LECs that serve as MVPDs using broadband should
NTCA not be subject to rule on bidirectional compatibility of cable television
ITTA systems and consumer electronics equipment (“two-way plug and play”)

WTA at this time. The proposed rules were crafted specifically for traditional cable companies, not MVPDs using broadband technologies. The application of inappropriate rules to rural and mid-sized LEC broadband MVPDs would impede broadband penetration and investment, contrary to the Commission's goals. In addition, proposals from the Consumer Electronics Association (CEA) and the National Cable and Telecommunications Association for a two-way plug and play solution should be rejected. Neither of the submitted proposals is appropriate for LEC broadband MVPDs because they fail to present a technologically viable option for IPTV architectures. Also, the Alliance for Telecommunications Industry Solutions (ATIS) efforts to develop standards for IPTV environments should be allowed to come to full fruition before bidirectional rules for rural and mid-sized LEC broadband MVPDs are considered.

**Wireless E911 Location Accuracy Requirements
PS Docket No. 07-114**

**Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911
Emergency Calling Systems: Association of Public-Safety Communications
Officials-International, Inc. Request for Declaratory Ruling**

CC Docket No. 94-102

911 Requirements for IP-Enabled Service Providers

WC Docket No. 05-196

Type OPASTCO reply comments

Date September 18, 2007

Subject(s) NPRM seeking comment on various aspects of the Commission's Enhanced 911 (E911) location accuracy standards

OPASTCO For most rural wireless carriers, compliance with the Commission's Phase II wireless E911 location accuracy standards are not reasonably achievable. Rural wireless carriers using network-based E911 solutions cannot meet current location accuracy standards absent extraordinary expenditures that may force them to abandon certain rural markets. For rural wireless carriers using handset-based E911 solutions, the limitations of Global Positioning System (GPS) technology makes compliance with the E911 standards technically difficult in many instances.

Therefore, OPASTCO urges the Commission to adopt the transition plan proposed by the Rural Telecommunications Group (RTG). This transition plan would establish a handset-based E911 location accuracy standard and require all wireless carriers to adopt a handset-based solution. This, in turn, would incent handset manufacturers to make GPS-capable Global

System for Mobile Communications (GSM) handsets widely available to meet the new demand. Most importantly, this transition plan would be coupled with an industry forum comprised of interested stakeholders tasked with developing E911 location accuracy standards that are realistically achievable for wireless carriers of all sizes.

**DTV Consumer Education Initiative
MB Docket No. 07-148**

Type OPASTCO and NTCA reply comments

Date October 1, 2007

Subject(s) NPRM seeking comment on proposed DTV education initiatives

OPASTCO The Commission should not require MVPD and telephone service
NTCA providers, in addition to broadcasters, to include inserts in their customer bills notifying the public of the transition to DTV. Such inserts will likely confuse consumers who may believe that their telephone or MVPD service may be impacted by the DTV transition, when in fact, it will not. Requiring MVPD and telephone service providers to include these inserts also exceeds the Commission's authority and is contrary to law and public policy. The Commission should tailor its mandate to achieve its goal of educating the public about the DTV transition in a way that will cause the least amount of confusion for the public and impose the least amount of cost on companies that are neither impacted by, nor involved in, the transition.

**VCI Company Apparent Liability for Forfeiture
FCC 07-148**

Type OPASTCO, CTIA, NTCA, and USTelecom Amicus Curiae Comments

Date October 1, 2007

Subject(s) Notice of Apparent Liability for Forfeiture and Order against VCI company

OPASTCO The Commission's recent decision to treat late-filed or inaccurate forms
CTIA (including forms 497 and 499 regarding the Universal Service Fund
NTCA (USF)) as "continuing violations" is inconsistent with Section 503(b) of
USTelecom the Communications Act as interpreted by the courts and the Commission. By treating a late-filed or inaccurate form as a continuing violation, a company or a person who failed to file or filed an inaccurate form 30 years

ago could be subject to a notice of apparent liability for forfeiture today if the Commission suddenly discovers the violation. Therefore, the Commission should continue to treat late-filed or inaccurate forms as one-time, non-continuing violations for which the statute of limitations begins to run on the date when a filing deadline is missed or an inaccurate form is submitted. For similar reasons, the Commission should also conclude that receipt of excess USF support or the failure to pay USF contributions is not a separate violation from the underlying submission of a late or inaccurate form, and in no event should these occurrences be considered continuing violations.

**Jurisdictional Separations and Referral to the Federal-State Joint Board
CC Docket No. 80-286**

Type OPASTCO reply comments

Date October 15, 2007

Subject(s) Petition by Gila River Telecommunications, Inc. (GRTI) for Commission approval to unfreeze its Part 36 category relationships

OPASTCO OPASTCO recommends that the Commission grant GRTI's petition to unfreeze its Part 36 category relationships. GRTI's decision to freeze its category relationships was made with the expectation that the Commission's 2001 separations freeze would last no longer than five years, but which subsequently was extended. In recent years, GRTI has made substantial network investments to improve service for its customers but, with its category relationships frozen, will be unable to recover those costs via the High-Cost universal service program. Therefore, the granting of GRTI's petition is necessary to afford it the opportunity to recover the costs of providing essential services to its tribal community, including advanced services, at affordable rates. Furthermore, the Commission should grant the request made by OPASTCO and several other associations to provide all RoR carriers with a one-time option to freeze or unfreeze their Part 36 category relationships based on their investments and expenses as they exist today.

**Reexamination of Roaming Obligations of Commercial Mobile Radio Service
Providers
WT Docket No. 05-265**

Type OPASTCO and RTG comments

Date October 29, 2007

Subject(s) FNPRM seeking comment on whether the Commission's Order declaring that automatic roaming is a common carrier obligation should be extended to mobile data services

OPASTCO The Commission should mandate automatic roaming at just and
RTG reasonable rates for all technologically compatible data services and broadband applications. In adopting the automatic roaming obligation for voice services, the Commission found that consumers increasingly rely on mobile telephony services and they reasonably expect to continue their wireless communications even when they are out of their service provider's territory. This logic also applies to advanced data-based services that enable rural consumers to stay in touch and conduct business when leaving their service provider's territory. The expanded definition of the services subject to the Commission's automatic roaming requirement will enable more consumers, especially those in high-cost rural areas, to enjoy the benefits of the rapidly growing market for mobile data and broadband services.

**Reexamination of Roaming Obligations of Commercial Mobile Radio Service
Providers
WT Docket No. 05-265**

Type OPASTCO and RTG comments

Date November 6, 2007

Subject(s) Petitions for Reconsideration of the home market exclusion to the recently adopted automatic roaming requirement

OPASTCO OPASTCO and RTG support the Petitions for Reconsideration that
RTG urge the Commission to eliminate from its recently adopted automatic roaming Order the provision that does not require a wireless carrier to provide automatic roaming to a requesting carrier in a market where the requesting carrier holds a wireless license or spectrum usage rights. This provision fosters anticompetitive conduct in roaming negotiations by enabling incumbents with market power to disadvantage new entrants. The rule is also inconsistent with Commission precedent that recognizes that the availability of roaming is important to the development of a ubiquitous and competitive wireless network, and that market forces alone are not sufficient to ensure that roaming will become widely available. Finally, the Commission's concern that a home roaming requirement will disincent build out into high-cost areas is misplaced. First, the host carrier is able to assess a reasonable charge for the roaming service. Second, it is

not economically feasible for a requesting carrier to pursue a strategy based on roaming when acquiring spectrum at auction proceedings.

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

Type OPASTCO reply comments

Date November 30, 2007

Subject(s) Public Notice seeking comment on petitions for waiver of the Section 54.209 filing deadline

OPASTCO OPASTCO urges the Wireline Competition Bureau to grant the waiver requests filed by Gila River Telecommunications and Saddleback Communications. Approval of the waiver requests would allow Petitioners to receive high-cost support for the first quarter of 2008, despite filing their Section 54.209 compliance reports just days after the filing deadline. Such a loss of high-cost support could hamper Petitioners' ability to invest in the network upgrades necessary for their tribal customers to continue to have access to communications services that are reasonably comparable to those offered in urban areas. This would be antithetical to the universal service goals of the Telecommunications Act of 1996. It is important to note that the Bureau has, on several prior occasions, granted waivers of the Commission's filing deadlines under circumstances similar to those of the Petitioners.

**Establishing Just and Reasonable Rates for Local Exchange Carriers
WC Docket No. 07-135**

Type OPASTCO comments

Date December 17, 2007

Subject(s) NPRM seeking comment on whether the rules governing the tariffing of traffic sensitive switched access services by LECs ensure that rates remain just and reasonable

OPASTCO As the Commission considers changes to the tariff rules, it should seek to avoid negatively affecting rural RoR regulated LECs and their end-user customers. Access demand stimulation is a practice which relatively few RoR carriers have engaged in. In fact, for most RoR carriers, access demand has been declining in recent years. Were the tariff rules modified in such a way that made it virtually impossible for carriers to earn the

prescribed rate of return, it would threaten the continued availability of modern services at reasonable rates in rural service areas.

It would be improper for the Commission to forbear from enforcement of the deemed lawful provision of the 1996 Act. This proposal is entirely at odds with the deregulatory purpose of the forbearance authority granted to the FCC by the Act and therefore should be rejected. The Commission should also abandon its proposal to require RoR LECs that file their own tariffs to automatically file a revised tariff whenever an arbitrary access growth factor is exceeded. Such a requirement would be burdensome and costly and is also unnecessary in light of the FCC's ability to conduct tariff investigations.

The FCC can sufficiently ensure that RoR carriers' access rates remain just and reasonable by requiring those that file tariffs under Section 61.39 to remain out of the NECA traffic sensitive pool for two or, at most, three two-year tariff periods. This would address the crux of the interexchange carriers' complaints concerning LECs being able to reenter the pool after one tariff cycle. By making this targeted rule change, the Commission would be able to realize its goal of ensuring just and reasonable access rates while also minimizing the negative impact on rural RoR carriers and the consumers that rely on them for the provision of high-quality, affordable service.

EX-PARTE MEETINGS

- Date** January 4, 2007
- Subject(s)** Roger Nishi of Waitsfield and Champlain Valley Telecom and Mike Reed of TDS Telecom met with Commissioner John Burke and Peter Bluhm of the Vermont Public Service Board to discuss OPASTCO's views on reform of the system for determining high-cost universal service support in rural areas. Representatives of OPASTCO participated via telephone. In particular, OPASTCO stated that reverse auctions should not be used to determine high-cost support in rural service areas; high-cost support for rural ILECs should continue to be based on their embedded network costs; and the identical support rule should be eliminated in rural service areas and support for CETCs should be based on their own costs.
- Attendance** Commissioner John Burke (Vermont Public Service Board)
Peter Bluhm (Vermont Public Service Board)
Roger Nishi (Waitsfield and Champlain Valley Telecom)
Mike Reed (TDS Telecom)
John Rose (OPASTCO)

Stuart Polikoff (OPASTCO)
Brian Ford (OPASTCO)

Date January 23, 2007

Subject(s) Representatives of OPASTCO, Knology, Echostar, USTelecom, RCN, Media Access Project, and the CA2C met with Commissioners Adelstein, McDowell, their legal advisors, and a legal advisor to Commissioner Copps. The purpose of the meeting was to discuss issues related to vertical integration (programming owned in whole or in part by large cable companies) in the MVPD industry. These companies often force rural ILECs to pay disproportionately high retransmission rates, take channels their customers do not want, and place more popular channels into more expensive tiers. The participants also expressed support for extending the ban on exclusive contracts for such programming and addressed shortcomings in the FCC's current program access complaint process.

Attendance Commissioner Jonathan Adelstein (FCC)
Commissioner Robert McDowell (FCC)
Rudy Brioche (FCC)
Christina Pauze (FCC)
Bruce Gottleib (FCC)
Stephen Pastorkovich (OPASTCO)
Felix Boccucci (Knology)
Linda Kinney (Echostar)
James Olson (USTelecom)
Amy Mehlman (RCN)
Harold Field (Media Access Project)
Martin Stern (CA2C)
John Goodman (CA2C)

Date January 24, 2007

Subject(s) Representatives of OPASTCO, Echostar, USTelecom, and CA2C met with staff from Commissioner Tate's office and the Media Bureau to discuss issues related to vertical integration (programming owned in whole or in part by large cable companies) in the multichannel video industry. These companies often force rural ILECs to pay disproportionately high retransmission rates, take channels their customers do not want, and place more popular channels into more expensive tiers. The participants also expressed support for extending the ban on exclusive contracts for such programming and addressed shortcomings in the FCC's current program access complaint process.

Attendance Christopher Robbins (FCC)
Rosemary Harold (FCC)
Stephen Pastorkovich (OPASTCO)
Linda Kinney (Echostar)
James Olson (USTelecom)
John Goodman (CA2C)

Date February 12, 2007

Subject(s) Representatives of OPASTCO, NTCA, and Bennet and Bennet met with staff from the FCC's Media Bureau to discuss the need for a waiver of 47 CFR §76.1204(a)(1) which bans the integration of navigation and security functions in a single device. This rule was written with cable companies in mind, but the technology and network architecture rural LECs use to deliver multichannel video services differs substantially from the typical cable architecture. This has created some confusion as to which affiliated products and platforms may or may not comply with the FCC rule. Without a uniform waiver from this rule, many rural LECs would likely need to apply for individual waivers, which could prove to be a particularly time-consuming process that would pose an additional barrier to the deployment of other advanced services to rural consumers.

Attendance Andrew Long (FCC)
Mary Beth Murphy (FCC)
Brendan Murray (FCC)
Ty Bream (FCC)
Stephen Pastorkovich (OPASTCO)
Jill Canfield (NTCA)
Howard Shapiro (Bennet and Bennet)

Date February 19, 2007

Subject(s) Representatives of OPASTCO met with Jacob Williams and David Dowds from the Florida Public Service Commission and staff to the Federal-State Joint Board on Universal Service to discuss OPASTCO's views on reform of the system for determining high-cost support in rural service areas. In particular, OPASTCO stated that reverse auctions should not be used to determine high-cost support in rural service areas; high-cost support for rural ILECs should continue to be based on their embedded network costs; and the identical support rule should be eliminated in rural service areas and support for competitive ETCs should be based on their own costs.

Attendance Jacob Williams (FL PSC)
David Dowds (FL PSC)

John Rose (OPASTCO)
Stuart Polikoff (OPASTCO)

Date February 20, 2007

Subject(s) Representatives of OPASTCO, Knology, USTelecom, RCN, and CA2C met with staff from Chairman Martin's office and the Office of Strategic Planning and Policy Analysis to discuss issues related to vertical integration (programming owned in whole or in part by large cable companies) in the multichannel video industry. These companies often force rural ILECs to pay disproportionately high retransmission rates, take channels their customers do not want, and place more popular channels into more expensive tiers. The participants also expressed support for extending the ban on exclusive contracts for such programming and addressed shortcomings in the FCC's current program access complaint process.

Attendance Heather Dixon (FCC)
Krista Witanowski (FCC)
Stephen Pastorkovich (OPASTCO)
Felix Boccucci (Knology)
James Olson (USTelecom)
Amy Mehlman (RCN)
Martin Stern (CA2C)
John Goodman (CA2C)

Date February 22, 2007

Subject(s) Representatives of OPASTCO met with Commissioner Copps and his legal advisor to discuss OPASTCO's views on reform of the system for determining high-cost support in rural service areas. In particular, OPASTCO stated that reverse auctions should not be used to determine high-cost support in rural service areas; high-cost support for rural ILECs should continue to be based on their embedded network costs; and the identical support rule should be eliminated in rural service areas and support for CETCs should be based on their own costs.

Attendance Commissioner Michael Copps (FCC)
Scott Deutchman (FCC)
Roger Nishi (Waitsfield and Champlain Valley Telecom)
H. Keith Oliver (Home Telephone Company)
Chad Miles (Enhanced Telecommunications Corporation)
John Rose (OPASTCO)
Stuart Polikoff (OPASTCO)

Date February 22, 2007

Subject(s) Representatives of OPASTCO met with Chairman Martin's legal advisor to discuss OPASTCO's views on reform of the system for determining high-cost support in rural service areas. In particular, OPASTCO stated that reverse auctions should not be used to determine high-cost support in rural service areas; high-cost support for rural ILECs should continue to be based on their embedded network costs; and the identical support rule should be eliminated in rural service areas and support for CETCs should be based on their own costs.

Attendance Michelle Carey (FCC)
Roger Nishi (Waitsfield and Champlain Valley Telecom)
H. Keith Oliver (Home Telephone Company)
Chad Miles (Enhanced Telecommunications Corporation)
John Rose (OPASTCO)
Stuart Polikoff (OPASTCO)

Date February 22, 2007

Subject(s) Representatives of OPASTCO met with Commissioner Tate's legal advisor to discuss OPASTCO's views on reform of the system for determining high-cost support in rural service areas. In particular, OPASTCO stated that reverse auctions should not be used to determine high-cost support in rural service areas; high-cost support for rural ILECs should continue to be based on their embedded network costs; and the identical support rule should be eliminated in rural service areas and support for CETCs should be based on their own costs.

Attendance Ian Dillner (FCC)
Roger Nishi (Waitsfield and Champlain Valley Telecom)
H. Keith Oliver (Home Telephone Company)
Chad Miles (Enhanced Telecommunications Corporation)
John Rose (OPASTCO)
Stuart Polikoff (OPASTCO)

Date March 1, 2007

Subject(s) Representatives of OPASTCO, NTCA, Bennet and Bennet, and John Staurulakis, Inc. (JSI) met with staff from Chairman Martin's office and the Office of Strategic Planning and Policy Analysis to discuss the need for a waiver of 47 CFR §76.1204(a)(1) which bans the integration of navigation and security functions in a single device. This rule was written with cable companies in mind, but the technology and network

architecture rural LECs use to deliver multichannel video services differs substantially from the typical cable architecture. This has created some confusion as to which affiliated products and platforms may or may not comply with the FCC rule. Without a uniform waiver from this rule, many rural LECs would likely need to apply for individual waivers, which could prove to be a particularly time-consuming process that would pose an additional barrier to the deployment of other advanced services to rural consumers.

Attendance Heather Dixon (FCC)
Krista Witanowski (FCC)
Stephen Pastorkovich (OPASTCO)
Jill Canfield (NTCA)
Howard Shapiro (Bennet and Bennet)
Valerie Wimer (JSI)

Date March 14, 2007

Subject(s) Representatives of OPASTCO, the National Telecommunications Cooperative Association (NTCA), Bennet and Bennet, Hogan and Harston, Comporium, the National Rural Telecommunications Cooperative (NRTC), JSI, and SES Americom held a conference call with staff from the FCC's Media Bureau. Participants noted that a number of rural carriers and vendors are engaged in the provision of video services using technologies other than standard coaxial cable. The call was held to discuss how those using and supplying these alternative technologies may establish compliance with 47 CFR §76.1204(a)(1), which requires the separation of navigation and security functions in video devices located at the customers' premises.

Attendance Andrew Long (FCC)
Steven Broeckaert (FCC)
Brendan Murray (FCC)
Michael Lance (FCC)
Alison Neplokh (FCC)
Stephen Pastorkovich (OPASTCO)
Jill Canfield (NTCA)
Howard Shapiro (Bennet and Bennet)
Matthew Wood (Hogan and Hartson)
Michael Deller (Comporium)
Mark Ellison (NRTC)
Eric Votaw (JSI)
John Becci (JSI)
Valerie Wilmer (JSI)
Alan Young (SES Americom)

Date March 26, 2007

Subject(s) Representatives of OPASTCO, NTCA, and JSI held a conference call with staff from Chairman Martin's office. Participants noted that a number of rural carriers and vendors are engaged in the provision of video services using technologies other than standard coaxial cable. The call was held to discuss how those using and supplying these alternative technologies may establish compliance with 47 CFR §76.1204(a)(1), which requires the separation of navigation and security functions in video devices located at the customers' premises.

Attendance Heather Dixon (FCC)
Michelle Carey (FCC)
Stephen Pastorkovich (OPASTCO)
Brian Ford (OPASTCO)
Jill Canfield (NTCA)
John Becci (JSI)
Valerie Wilmer (JSI)
Terri Granison (JSI)

Date June 7, 2007

Subject(s) Representatives from OPASTCO met with staff from Chairman Kevin Martin's office to discuss how measures to ease the entry of telecommunications carriers into the video market also serve to advance broadband deployment and penetration. The discussion focused on: (1) the need to clarify Section 76.1204 of the Commission's rules regarding the separation of security and navigation functions in set top boxes as they apply to IPTV devices; (2) the need to extend the Commission's program access rules per Section 628 of the Communications Act; and (3) the need to reform the current retransmission consent regime.

Attendance Roger Nishi (OPASTCO)
Stephen Pastorkovich (OPASTCO)
Michelle Carey (FCC)
Ian Dillner (FCC)

Date June 25, 2007

Subject(s) Representatives from OPASTCO and NTCA met with staff from Commissioner Tate's office to discuss the Associations' petition on Section 76.1204 of the Commission's rules. Section 76.1204 of the rules requires the separation of security and navigation functions in set-top boxes. The petition requests clarification regarding security requirements,

as well as clarification regarding how compliance with “common reliance” requirements could be fulfilled in an IPTV environment. In the alternative, the petition requests temporary waivers for small carriers providing IPTV services pending resolution of these issues and/or the development of applicable industry standards.

Attendance Stephen Pastorkovich (OPASTCO)
Jill Canfield (NTCA)
William Freedman (FCC)

Date June 26, 2007

Subject(s) Representatives from OPASTCO and NTCA met with staff from Commissioner Copp’s office to discuss the Associations’ petition on Section 76.1204 of the Commission’s rules. Section 76.1204 of the rules requires the separation of security and navigation functions in set-top boxes. The petition requests clarification regarding security requirements, as well as clarification regarding how compliance with “common reliance” requirements could be fulfilled in an IPTV environment. In the alternative, the petition requests temporary waivers for small carriers providing IPTV services pending resolution of these issues and/or the development of applicable industry standards.

Attendance Stephen Pastorkovich (OPASTCO)
Jill Canfield (NTCA)
Rick Chessen (FCC)

Date June 27, 2007

Subject(s) Representatives from OPASTCO and NTCA met with staff from Commissioner Martin’s office to discuss the Associations’ petition on Section 76.1204 of the Commission’s rules. Section 76.1204 of the rules requires the separation of security and navigation functions in set-top boxes. The petition requests clarification regarding security requirements, as well as clarification regarding how compliance with “common reliance” requirements could be fulfilled in an IPTV environment. In the alternative, the petition requests temporary waivers for small carriers providing IPTV services pending resolution of these issues and/or the development of applicable industry standards.

Attendance Stephen Pastorkovich (OPASTCO)
Jill Canfield (NTCA)
Michelle Carey (FCC)

Date June 28, 2007

Subject(s) Representatives from OPASTCO and NTCA met with staff from Commissioner McDowell's office to discuss the Associations' petition on Section 76.1204 of the Commission's rules. Section 76.1204 of the rules requires the separation of security and navigation functions in set-top boxes. The petition requests clarification regarding security requirements, as well as clarification regarding how compliance with "common reliance" requirements could be fulfilled in an IPTV environment. In the alternative, the petition requests temporary waivers for small carriers providing IPTV services pending resolution of these issues and/or the development of applicable industry standards.

Attendance Stephen Pastorkovich (OPASTCO)
Jill Canfield (NTCA)
Christina Chou Pauze (FCC)
John Hunter (FCC)

Date August 3, 2007

Subject(s) Representatives from OPASTCO, the Western Telecommunications Alliance (WTA), and the Independent Telephone and Telecommunications Alliance (ITTA) met with staff from the office of Commissioner Adelstein to discuss the Joint Board's recommendation for a temporary cap on the high-cost support for competitive ETCs. The associations stated that the support for competitive ETCs has been demonstrated to be the cause of recent growth in the high-cost program, and that the cap is a reasonable interim measure while long-term solutions are developed.

Attendance Stuart Polikoff (OPASTCO)
Claire Eisenberg (OPASTCO)
Eric Keber (WTA)
Joshua Seidemann (ITTA)
Scott Bergman (FCC)

Date August 3, 2007

Subject(s) Representatives from OPASTCO, WTA, and ITTA met with staff from the offices of Commissioners McDowell and Tate to discuss the Joint Board's recommendation for a temporary cap on the high-cost support for competitive ETCs. The associations stated that the support for competitive ETCs has been demonstrated to be the cause of recent growth in the high-cost program, and that the cap is a reasonable interim measure while long-term solutions are developed.

Attendance John Rose (OPASTCO)
Stuart Polikoff (OPASTCO)
Claire Eisenberg (OPASTCO)
Derrick Owens (WTA)
Joshua Seidemann (ITTA)
John Hunter (FCC)
Chris Moore (FCC)

Date August 22, 2007

Subject(s) Representatives from OPASTCO, DIRECTTV, AT&T, Embarq, USTelecom, RCN, Media Access Project, ITTA, and CA2C met with Rick Chessen, Legal Advisor to Commissioner Copps, to discuss issues related to access to video content. The meeting focused on the need to extend the 1992 Cable Act's ban on exclusive contracts between programming vendors and their cable operator affiliates for satellite delivered programming. Such a ban is necessary because incumbent cable operators have the ability and incentive to restrict their smaller competitors' access to "must have" content. In addition, the current program access complaint process should be limited to 120 days to ensure timely resolution of disputes, and stronger discovery procedures are needed to prove discrimination on the part of cable operators. Finally, the "terrestrial loophole," which allows incumbent cable operators to withhold programming if it is transmitted via land-based facilities, should be eliminated.

Attendance Steve Pastorkovich (OPASTCO)
Stacey Fuller (DIRECTTV)
James Smith (AT&T)
Jeff Lanning (Embarq)
Kevin Rupy (USTelecom)
Richard Ramlall (RCN)
Parul Desai (Media Access Project)
Joshua Seidemann (ITTA)
Martin Stern (CA2C)
John Goodman (CA2C)
Rick Chessen (FCC)

Date August 23, 2007

Subject(s) Representatives from OPASTCO, DIRECTTV, AT&T, Embarq, USTelecom, RCN, Media Access Project, ITTA, and CA2C met with Amy Blankenship with Commissioner Tate's office and Michelle Carey with Chairman Martin's office to discuss issues related to access to video

content. The meeting focused on the need to extend the 1992 Cable Act's ban on exclusive contracts between programming vendors and their cable operator affiliates for satellite delivered programming. Such a ban is necessary because incumbent cable operators have the ability and incentive to restrict their smaller competitors' access to "must have" content. In addition, the current program access complaint process should be limited to 120 days to ensure timely resolution of disputes, and stronger discovery procedures are needed to prove discrimination on the part of cable operators. Finally, the "terrestrial loophole," which allows incumbent cable operators to withhold programming if it is transmitted via land-based facilities, should be eliminated.

Attendance Brian Ford (OPASTCO)
Stacey Fuller (DIRECTTV)
James Smith (AT&T)
Jeff Lanning (Embarq)
Kevin Rupy (USTelecom)
Richard Ramlall (RCN)
Parul Desai (Media Access Project)
Joshua Seidemann (ITTA)
Martin Stern (CA2C)
John Goodman (CA2C)
Amy Blankenship (FCC)
Michelle Carey (FCC)

Date September 4, 2007

Subject(s) Representatives from OPASTCO, NTCA, and RTG met with Angela Giancarlo from Commissioner McDowell's office to discuss issues related to the Commission's wireless E911 location accuracy rules. The Associations expressed their concern that compliance with the Commission's Phase II E911 location accuracy standards is technically infeasible and economically impracticable for rural wireless carriers. The Associations recommended that the Commission adopt a transition plan proposed by RTG. This transition plan would establish a handset-based E911 solution that would be coupled with an industry forum designed to develop location accuracy standards that are realistically achievable for rural carriers.

Attendance Brian Ford (OPASTCO)
Jill Canfield (NTCA)
Michael Bennet (RTG)
Jim Egyud (RTG)
Angela Giancarlo (FCC)

Date September 4, 2007

Subject(s) Representatives from OPASTCO, NTCA, and RTG met with Renee Crittendon from Commissioner Adelstein's office to discuss issues related to the Commission's wireless E911 location accuracy rules. The Associations expressed their concern that compliance with the Commission's Phase II E911 location accuracy standards is technically infeasible and economically impracticable for rural wireless carriers. The Associations recommended that the Commission adopt a transition plan proposed by RTG. This transition plan would establish a handset-based E911 solution that would be coupled with an industry forum designed to develop location accuracy standards that are realistically achievable for rural carriers.

Attendance Brian Ford (OPASTCO)
Jill Canfield (NTCA)
Michael Bennet (RTG)
Jim Egyud (RTG)
Renee Crittendon (FCC)

Date September 5, 2007

Subject(s) Representatives from OPASTCO and RTG met with Bruce Gottlieb from Commissioner Copp's office to discuss issues related to the Commission's wireless E911 location accuracy rules. The Associations expressed their concern that compliance with the Commission's Phase II E911 location accuracy standards is technically infeasible and economically impracticable for rural wireless carriers. The Associations recommended that the Commission adopt a transition plan proposed by RTG. This transition plan would establish a handset-based E911 solution that would be coupled with an industry forum designed to develop location accuracy standards that are realistically achievable for rural carriers.

Attendance Brian Ford (OPASTCO)
Michael Bennet (RTG)
Jim Egyud (RTG)
Bruce Gottlein (FCC)

Date September 5, 2007

Subject(s) Representatives from OPASTCO, DIRECTTV, AT&T, USTelecom, RCN, Knology, SureWest, PrairieWave, Hiawatha Broadband, and CA2C met with Commissioner Cops and staff to discuss issues related to access to video content. The meeting focused on the need to extend the 1992

Cable Act's ban on exclusive contracts between programming vendors and their cable operator affiliates for satellite delivered programming. Such a ban is necessary because incumbent cable operators have the ability and incentive to restrict their smaller competitors' access to "must have" content. In addition, the current program access complaint process should be limited to 120 days to ensure timely resolution of disputes, and stronger discovery procedures are needed to prove discrimination on the part of cable operators. Finally, the "terrestrial loophole," which allows incumbent cable operators to withhold programming if it is transmitted via land-based facilities, should be eliminated. The parties also emphasized the connection between assured access to programming and the further development of broadband networks.

Attendance Steve Pastorkovich (OPASTCO)
Stacey Fuller (DIRECTTV)
Hank Hultquist (AT&T)
Kevin Rupy (USTelecom)
Richard Ramlall (RCN)
Felix Boccucci (Knology)
Jack Day (SureWest)
Bill Heaton (PrairieWave)
Gary Evans (Hiawatha Broadband)
Martin Stern (CA2C)
John Goodman (CA2C)
Commissioner Michael Copps (FCC)
Rick Chessen (FCC)
Rudy Brioche (FCC)

Date September 6, 2007

Subject(s) Representatives from OPASTCO, DIRECTTV, AT&T, ITTA, USTelecom, RCN, Knology, SureWest, Prairie Wave, Hiawatha Broadban, and CA2C met with Chairman Martin, Commissioners Tate and McDowell and staff to discuss issues related to access to video content. The meeting focused on the need to extend the 1992 Cable Act's ban on exclusive contracts between programming vendors and their cable operator affiliates for satellite delivered programming. Such a ban is necessary because incumbent cable operators have the ability and incentive to restrict their smaller competitors' access to "must have" content. In addition, the current program access complaint process should be limited to 120 days to ensure timely resolution of disputes, and stronger discovery procedures are needed to prove discrimination on the part of cable operators. Finally, the "terrestrial loophole," which allows incumbent cable operators to withhold programming if it is transmitted via land-based facilities, should be eliminated. The parties also emphasized

the connection between assured access to programming and the further development of broadband networks.

Attendance Steve Pastorkovich (OPASTCO)
Stacey Fuller (DIRECTTV)
Hank Hultquist (AT&T)
Kevin Rupy (USTelecom)
Jonathan Banks (USTelecom)
Richard Ramlall (RCN)
Pete Aquino (RCN)
Felix Boccucci (Knology)
Jack Day (SureWest)
Bill Heaton (Prairie Wave)
Gary Evans (Hiawatha Broadband)
Martin Stern (CA2C)
John Goodman (CA2C)
Joshua Seidemann (ITTA)
Chairman Kevin Martin (FCC)
Commissioner Robert McDowell (FCC)
Commissioner Deborah Tate (FCC)
Christina Pauze (FCC)
Amy Blankenship (FCC)
Monica Desai (FCC)

Date September 24, 2007

Subject(s) Representatives from OPASTCO, WTA, and ITTA met with staff from the office of Commissioner Copps to discuss the Universal Service Joint Board's recommendation for a temporary cap on the high-cost support for competitive ETCs. The associations stated that the support for competitive ETCs has been demonstrated to be the cause of recent growth in the High-Cost program, and that the cap is a reasonable interim measure while long-term solutions are developed.

Attendance Stuart Polikoff (OPASTCO)
Derrick Owens (WTA)
Gerard Duffy (WTA)
Joshua Seidemann (ITTA)
Scott Deutchman (FCC)

Date October 4, 2007

Subject(s) Representatives from OPASTCO, WTA, TDS Telecom, and AT&T met with Ian Dillner from the office of Chairman Martin to discuss the efforts

of a cross-section of wireline and wireless entities to develop a comprehensive proposal for reform of USF contribution and distribution mechanisms. The meeting focused on options for future USF support mechanisms for voice, broadband, and mobility services that would satisfy the Universal Service Joint Board's recently listed principles regarding cost control, accountability, state participation, infrastructure build-out in unserved areas, and elimination of the identical support rule.

Attendance Robert DeBroux (TDS)
John Rose (OPASTCO)
Stuart Polikoff (OPASTCO)
Hank Hultquist (AT&T)
Mary Henze (AT&T)
Cathy Carpino (AT&T)
Derrick Owens (WTA)
Gerard Duffy (WTA)
Ian Dillner (FCC)

Date October 11, 2007

Subject(s) Representatives from OPASTCO, WTA, and ITTA met with staff from the Wireline Competition Bureau to discuss the Universal Service Joint Board's recommendation for a temporary cap on the high-cost support for competitive ETCs. The associations stated that the support for competitive ETCs has been demonstrated to be the cause of recent growth in the High-Cost program, and that the cap is a reasonable interim measure while long-term solutions are developed. The Associations also discussed the recent Joint Board statement on long-term universal service reform.

Attendance Stuart Polikoff (OPASTCO)
Derrick Owens (WTA)
Gerard Duffy (WTA)
Curt Stamp (ITTA)
Joshua Seidemann (ITTA)
Dana Shaffer (FCC)
Jeremy Marcus (FCC)
Thomas Buckley (FCC)
Jennifer McKee (FCC)
Amy Bender (FCC)
Katie King (FCC)

Date December 6, 2007

Subject(s) Representatives from OPASTCO, the WTA, TDS Telecom, ITTA, and Fred Williamson and Associates FWA met by telephone conference with Ray Baum, State Chair of the Federal-State Joint Board on Universal Service and Larry Landis, a Joint Board Commissioner. The discussion concerned universal service, particularly the Joint Board's May 1, 2007 and November 20, 2007 Recommended Decisions. In addition to the individual recommendations of the Joint Board, participants discussed the relationship between universal service and intercarrier compensation, as well as various industry efforts to develop a general framework for universal service reform.

Attendance Ray Baum (Joint Board)
Larry Landis (Joint Board)
Roger Nishi (Waitsfield and Champlain Valley Telecom)
Bob DeBroux (TDS)
Paul Cooper (FWA)
John Rose (OPASTCO)
Stuart Polikoff (OPASTCO)
Derrick Owens (WTA)
Joshua Seidemann (ITTA)
Curt Stamp (ITTA)

Date December 10, 2007

Subject(s) Representatives from OPASTCO met with staff from the Media Bureau to discuss OPASTCO's view that measures that ease the entry of telecommunications carriers into the video market also serve to enhance broadband deployment and penetration. The discussion focused on the need to clarify Section 76.1204 of the Commission's rules regarding the separation of security and navigation functions in set-top boxes as they apply to IPTV devices. These rules were written for the cable industry, and the resultant ambiguity has required cutting-edge companies to pay large fees for unnecessary waivers. The participants also discussed how proposed rules regarding bidirectional compatibility of cable television systems and consumer electronics equipment are not applicable to IPTV systems. Finally, the participants discussed the need to close the terrestrial loophole and preclude mandatory tying of programming.

Attendance Roger Nishi (Waitsfield and Champlain Valley Telecom)
Steve Pastorkovich (OPASTCO)
David Konczal (FCC)
Mary Beth Murphy (FCC)
Steven Broecker (FCC)

Tracy Waldon (FCC)
Katie Costello (FCC)

Date December 11, 2007

Subject(s) Representatives from OPASTCO met with the Legal Advisor to Commissioner Deborah Tate to discuss a variety of issues concerning universal service and intercarrier compensation. OPASTCO indicated its support for adoption of an interim cap on the high-cost support for competitive ETCs, a logical and equitable way to prevent the High-Cost program from growing to unsustainable levels while the FCC contemplates long term reform. OPASTCO also indicated its support for fundamental reform of the USF contribution methodology. In particular, contributions should be based, in part, on network connections and/or working telephone numbers, and all broadband Internet access providers should also be assessed. Finally, OPASTCO indicated its support for adoption of the Missoula Plan for Intercarrier Compensation Reform. However, if comprehensive intercarrier compensation reform is not realistic in the near term, the FCC should adopt the Missoula Plan's interim proposal for addressing phantom traffic and allow rural RoR carriers to unify their intrastate and interstate access rates by establishing a non-portable "Restructure Mechanism."

Attendance Roger Nishi (Waitsfield and Champlain Valley Telecom)
Keith Oliver (Home Telephone Company)
John Rose (OPASTCO)
Stuart Polikoff (OPASTCO)
Chris Moore (FCC)

Date December 11, 2007

Subject(s) Representatives from OPASTCO met with Commissioner Jonathan Adelstein and his Legal Advisor to discuss a variety of issues concerning universal service and intercarrier compensation. OPASTCO indicated its support for adoption of a temporary cap on the high-cost support for competitive ETCs, a logical and equitable way to prevent the High-Cost program from growing to unsustainable levels while the FCC contemplates long term reform. OPASTCO also indicated its support for fundamental reform of the USF contribution methodology. In particular, contributions should be based, in part, on network connections and/or working telephone numbers, and all broadband Internet access providers should also be assessed. Finally, OPASTCO indicated its support for adoption of the Missoula Plan for Intercarrier Compensation Reform. However, if comprehensive intercarrier compensation reform is not

realistic in the near term, the FCC should adopt the Missoula Plan's interim proposal for addressing phantom traffic and allow rural RoR carriers to unify their intrastate and interstate access rates by establishing a non-portable "Restructure Mechanism."

Attendance Commissioner Jonathan Adelstein (FCC)
Scott Bergmann (FCC)
Roger Nishi (Waitsfield and Champlain Valley Telecom)
Keith Oliver (Home Telephone Company)
John Rose (OPASTCO)
Stuart Polikoff (OPASTCO)

Date December 11, 2007

Subject(s) Representatives from OPASTCO met with the Legal Advisor to Chairman Kevin Martin to discuss a variety of issues concerning universal service and intercarrier compensation. OPASTCO indicated its support for adoption of a temporary cap on the high-cost support for competitive ETCs, a logical and equitable way to prevent the High-Cost program from growing to unsustainable levels while the FCC contemplates long term reform. OPASTCO also indicated its support for fundamental reform of the USF contribution methodology. In particular, contributions should be based, in part, on network connections and/or working telephone numbers, and all broadband Internet access providers should also be assessed. Finally, OPASTCO indicated its support for adoption of the Missoula Plan for Intercarrier Compensation Reform. However, if comprehensive intercarrier compensation reform is not realistic in the near term, the FCC should adopt the Missoula Plan's interim proposal for addressing phantom traffic.

Attendance Roger Nishi (Waitsfield and Champlain Valley Telecom)
Keith Oliver (Home Telephone Company)
John Rose (OPASTCO)
Stuart Polikoff (OPASTCO)
Ian Dillner (FCC)

Date December 11, 2007

Subject(s) Representatives from OPASTCO met with the Chief of Staff and Senior Legal Advisor to Commissioner Robert McDowell to discuss a variety of issues concerning universal service and intercarrier compensation. OPASTCO indicated its support for adoption of a temporary cap on the high-cost support for competitive ETCs, a logical and equitable way to prevent the High-Cost program from growing to unsustainable levels

while the FCC contemplates long term reform. OPASTCO also indicated its support for fundamental reform of the USF contribution methodology. In particular, contributions should be based, in part, on network connections and/or working telephone numbers, and all broadband Internet access providers should also be assessed. Finally, OPASTCO indicated its support for adoption of the Missoula Plan for Intercarrier Compensation Reform. However, if comprehensive intercarrier compensation reform is not realistic in the near term, the FCC should adopt the Missoula Plan’s interim proposal for addressing phantom traffic and allow rural RoR carriers to unify their intrastate and interstate access rates by establishing a non-portable “Restructure Mechanism.”

Attendance Roger Nishi (Waitsfield and Champlain Valley Telecom)
 Keith Oliver (Home Telephone Company)
 John Rose (OPASTCO)
 Stuart Polikoff (OPASTCO)
 John Hunter (FCC)

OTHER FILINGS

Type Written Statement Submitted to the House of Representatives
 Subcommittee on Agriculture, Rural Development, Food and Drug
 Administration and Related Agencies, Committee on Appropriations

Date March 14, 2007

Subject(s) OPASTCO submitted testimony seeking the Subcommittee’s support for
 FY 2008 loan levels for the telecommunications loans program
 administered by the Rural Utilities Service (RUS) in the following
 amounts:

5% hardship loans:	\$145 million
Treasury rate loans:	\$250 million
Guaranteed loans:	\$300 million

In addition, OPASTCO requested that the distance learning, telemedicine,
 and broadband program be funded at sufficient levels.

Type Written Statement Submitted to the Senate Subcommittee on Agriculture,
 Rural Development and Related Agencies, Committee on Appropriations

Date March 14, 2007

Subject(s) OPASTCO submitted testimony seeking the Subcommittee’s support for FY 2008 loan levels for the telecommunications loans program administered by the RUS in the following amounts:

5% hardship loans:	\$145 million
Treasury rate loans:	\$250 million
Guaranteed loans:	\$300 million

In addition, OPASTCO requested that the distance learning, telemedicine, and broadband program be funded at sufficient levels.

**Rural Broadband Access Loans and Loan Guarantees
Docket No. RUS-06-Agency-0052**

Type OPASTCO and ITTA comments

Date July 10, 2007

Subject(s) Rural Utilities Service’s (RUS) proposed amendments to regulations of the Rural Broadband Access Loans and Loan Guarantee Program (Broadband Loan Program)

OPASTCO Streamlining the application procedures of the RUS Broadband Loan
ITTA Program for rural carriers that are past or current borrowers will speed the deployment of broadband services to rural America. Rural carriers are often discouraged by an application process that is unnecessarily burdensome, considering their established credit history with the RUS. While safeguards are necessary to avoid defaults, applicants with a proven track record of on-time debt service to the RUS should be subject to a streamlined process. In addition, the RUS should process loan applications with 120 days.

Type Letter to the FCC

Date September 6, 2007

Subject(s) OPASTCO, CTIA, RTG, NTCA, and several other wireless carriers filed a written ex parte letter asking the Commission to convene a group of subject matter experts to review the state of E911 technology before making any determination as to the effective date of any new E911 rules. A timely, speedy, and thorough investigation of the technical feasibility of any new E911 solutions will inform the Commission of the financial and technical impact of any proposed changes on wireless carriers of all sizes.

Core Communications, Inc. v. Federal Communications Commission
United States Court of Appeals for the District of Columbia Circuit
Docket No. 07-1381

Type Joint Motion of OPASTCO, NECA, WTA, ITTA, and NTCA for leave to intervene

Date October 22, 2007

Subject(s) Core Communications Petition for Review with the DC Circuit Court of Appeals regarding an FCC Order denying forbearance from Section 251(g) access rate regulation and Section 254(g) geographic rate averaging and integration regulation

OPASTCO
NECA
WTA
ITTA
NTCA

In April 2006, Core Communications filed a Petition for Forbearance with the FCC asking the Commission to forbear from enforcing Sections 251(g) (access rate regulation) and 254(g) (geographic rate averaging and integration) of the Telecommunications Act of 1996. In June 2006, the Associations filed comments with the FCC opposing the Petition. The Associations argued that its members would be adversely impacted by the relief requested by Core. The Associations also argued that Core lacked the necessary standing to request regulatory forbearance from Section 251(g) and 254(g) either on its own behalf or on behalf of other carriers. In July 2006, the FCC issued an Order denying Core's Petition. Core has now filed a Petition for Review with the DC Circuit Court of Appeals which seeks to have the FCC's Order overturned. In order to protect the interests of its members and their customers, the Associations now seek to intervene in this court proceeding.