

# COVINGTON & BURLING

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February 24, 2005

## FILED ELECTRONICALLY

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

Re: *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45  
*Ex Parte Notice*

Dear Ms. Dortch:

This letter is submitted pursuant to Section 1.1206(b)(2) of the Commission's Rules to provide notice of a permitted oral *ex parte* communication in the above-referenced proceeding. On February 23, 2005, Stuart Polikoff of the Organization for the Promotion and Advancement of Small Telecommunications Companies (OPASTCO), David Zesiger on behalf of the Independent Telephone and Telecommunications Alliance (ITTA), Jay Driscoll of the Western Telecom Alliance (WTA), and the undersigned on behalf of TDS Telecommunications Corp. (TDS Telecom) met with Daniel Gonzalez, Legal Advisor to Commissioner Kevin Martin.

The parties discussed issues raised in recent *ex parte* letters concerning the process for designating eligible telecommunications carriers (ETCs) entitled to receive support from the Universal Service Fund.<sup>1</sup> Specifically, we focused on the need for the Commission to establish concrete minimum eligibility criteria and review procedures for ETC applicants in areas served by rural telephone companies, including firm commitments and annual benchmarks for achieving full service coverage throughout the service areas in which the petitioner is seeking ETC designation (as required by 47 U.S.C. § 214(e)(1)). These measures are necessary to promote accountability in the Fund and to ensure that universal service support is being used for the purposes intended by Congress.<sup>2</sup> We further discussed the need to develop enforcement

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<sup>1</sup> See *Ex Parte* Letter from Various Associations and Telephone Companies to Marlene H. Dortch, Secretary, FCC, CC Docket No. 96-45 (Jan. 28, 2005); *Ex Parte* Letter from Stuart Polikoff, OPASTCO, to Marlene H. Dortch, Secretary, FCC, CC Docket No. 96-45, Attachment (Feb. 1, 2005).

<sup>2</sup> In this regard, we briefly discussed the pending Application for Review of the Order designating Nextel Partners as an ETC in seven states. Application for Review of the Rural Local Exchange Carriers, CC Docket No. 96-45 (Sept. 24, 2004) (seeking review of Order, *Federal-State Joint Board on Universal Service, NPCR, Inc. d/b/a Nextel Partners Petitions for Designation as an Eligible Telecommunications Carrier in the States of Alabama, Florida, Georgia, Pennsylvania, Tennessee, and Virginia, Nextel Partners of Upstate New York, Inc. d/b/a Nextel Partners*

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COVINGTON & BURLING

Ms. Marlene H. Dortch  
February 24, 2004  
Page 2

procedures pursuant to which ETCs could temporarily be denied funding or could have their designation revoked for failure to comply with the ETC designation criteria and commitments on an ongoing basis.

Please address any questions to the undersigned.

Sincerely,



Mary Newcomer Williams  
*Counsel to TDS Telecom*

cc: Mr. Daniel Gonzalez

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(continued...)

*Petition for Designation as an Eligible Telecommunications Carrier in the State of New York*, CC Docket No. 96-45, DA 04-2667 (rel. Aug. 25, 2004, amended by Erratum rel. Sept. 13, 2004)). We referred to maps, copies of which have previously been filed with the Commission, showing that Nextel Partners fails to provide any meaningful service coverage in most of the TDS Telecom service areas in which Nextel Partners was designated an ETC. See *Ex Parte* Letter from Mary Newcomer Williams, Counsel to TDS Telecom, to Marlene H. Dortch, Secretary, FCC, CC Docket No. 96-45 (Oct. 27, 2004).

