NOTICE OF WRITTEN EX PARTE PRESENTATION (47 C.F.R. § 1.1204(10))

The Honorable Kevin Martin, Chairman
The Honorable Deborah Taylor Tate, Commissioner
The Honorable Michael Copps, Commissioner
The Honorable Jonathan Adelstein, Commissioner
The Honorable Robert McDowell, Commissioner

Federal Communications Commission
445 Twelfth Street, S.W.
Washington D.C. 20554

Re: CONCURRENCE WITH NARUC’S MOTION/REQUEST FOR COMMENT ON RECENTLY CIRCULATED “REPORT AND ORDER, ORDER ON REMAND, AND FURTHER NOTICE OF PROPOSED RULEMAKING” ON UNIVERSAL SERVICE AND INTERCARRIER COMPENSATION REFORM.


Commissioners:

In response to the recent number of ex parte comments filed over the past few months with the Federal Communications Commission (FCC) regarding intercarrier compensation reform, as well as industry reports that the FCC intends to approve a comprehensive intercarrier compensation and universal service reform plan by November 5, 2008, the Michigan Public Service Commission (MPSC) respectfully submits this ex parte communication. The MPSC is supportive of efforts to comprehensively reform intercarrier compensation. In fact, the MPSC was actively involved in reviewing the Missoula Plan. However, the MPSC concurs with the arguments presented in the October 21, 2008 ex parte presentation of the National Association of
Regulatory Utility Commissioners\(^1\) (NARUC) which lead NARUC to the conclusion that “suggesting the current proposal is a logical outgrowth of the Missoula plan is not tenable.”\(^2\) Furthermore, as pointed out by several parties, the timing of recent proposals submitted to the FCC does not provide the opportunity for thorough review and comment that the MPSC believes is warranted for this important issue.

The volume of ex parte communications on this issue testifies to the numerous concerns of parties affected by intercarrier compensation reform, including state regulatory agencies. Specifically, the MPSC is aware that in at least one of the proposed reform plans there is the suggestion set forth that the FCC should preempt state commissions on intercarrier compensation issues.\(^3\) The MPSC shares in the concerns expressed in the ex parte filings of other state regulatory agencies regarding any preemption of state regulatory authority.\(^4\)

The MPSC is cognizant of the impending deadline mandated by the Court of Appeals but urges the Federal Communications Commission (FCC) to be mindful of the consequences the pending order may cause. The MPSC urges the FCC not to base its decision on ex parte presentations and proposals, but instead to adopt the proposal\(^5\) set forth in NARUC’s Motion/Request for Public Comment including issuing a Further Notice of Proposed Rulemaking summarizing the Commission’s tentative conclusions on the many issues raised in the record, together with supporting legal theories and factual determinations on each such issue, thereby providing all parties with the opportunity to offer more narrowly tailored comments/suggestions before adopting any intercarrier compensation reform plan.

Respectfully submitted,

Orjiakor N. Isiogu  
Chairman

Monica Martinez  
Commissioner

Steven A. Transeth  
Commissioner

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\(^1\) Ex Parte Presentation filed by the National Association of Regulatory Utility Commissioners Re: NARUC Motion/Request for Public Comment on Recently Circulated “Report and Order, Order on Remand, and Further Notice of Proposed Rulemaking” on Universal Service and Intercarrier Compensation Reform (NARUC’s Motion/Request for Public Comment), filed October 21, 2008.

\(^2\) NARUC Motion/Request for Public Comment, page 4.


\(^5\) NARUC Motion/Request for Public Comment, pages 4-5.