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October 16, 2007

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

**Re: CC Docket No. 80-286
Notice of *Ex Parte* Presentation**

Dear Ms. Dortch:

On October 15, 2007, Brian Sullivan and John Kuykendall of John Staurulakis, Inc. (“JSI”) met with Jeremy Marcus, Amy Bender, Jennifer McKee, Theodore Burmeister, Katie King and Gary Seigel of the Commission’s Wireline Competition Bureau to discuss the process which must be followed if the Commission were to change its Dial Equipment Minutes (“DEM”) Weighting Factor Rule to ensure that the DEM weight apply to both increases and decreases in access lines when access lines cross a DEM Weighting Factor Threshold and to urge the Bureau to take steps to expedite this process.

During the meeting, the JSI representatives reviewed a chronology of *ex parte* presentations made before the Bureau and the Commission regarding this matter. A copy of the chronology is attached.¹ A discussion was then held regarding additional steps that must occur before the Bureau would begin to consider whether to revise its DEM Factor Rule to allow for decreases in access lines.² As a result of these discussions, it was determined that data must be presented to

¹ Two binders were also presented to the Bureau representatives containing a copy of the chronology and the following filings which have been made in this docket regarding this matter: (1) case studies and other data which were submitted by JSI to the Commission in a written *ex parte* presentation on April 26, 2006; (2) an *ex parte* presentation filed with the Commission on April 19, 2007 summarizing a meeting held with Bureau representatives; and (3) comments and reply comments filed in response to the Commission’s request for comments on a variety of issues relating to reform of the jurisdictional separations process, including this matter. *See Jurisdictional Separations and Referral to the Federal-State Joint Board*, CC Docket No. 80-286, Order and Further Notice of Proposed Rulemaking, 21 FCC Rcd 5516 (2006) at para 33 & n.82.

² During this discussion, the JSI representatives presented a list of companies which was derived from USAC data that shows rural local exchange carriers that are close to a DEM Weighting Factor threshold and that may have recently dropped below a DEM Weighting Factor threshold or may do so in the near future. The list of companies is attached.

Echelon Building II, Suite 200
9430 Research Boulevard
Austin, Texas 78759
Phone: 512-338-0473
Fax: 512-346-0822

Eagandale Corporate Center, Suite 310
1380 Corporate Center Curve
Eagan, Minnesota 55121
Phone: 651-452-2660
Fax: 651-452-1909

547 Oakview Lane
Bountiful, UT 84010
Phone: 801-294-4576
Fax: 801-294-5124

4625 Alexander Drive, Suite 135
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the Bureau demonstrating the impact that any such change in the rule would have on the universal service fund.

Please contact the undersigned with any questions.

Respectfully submitted,

/s/ John Kuykendall

John Kuykendall

Director – Regulatory Affairs

cc: Jeremy Marcus
Amy Bender
Jennifer McKee
Theodore Burmeister
Katie King
Gary Seigel

EX PARTE PRESENTATIONS
DIAL EQUIPMENT MINUTES (DEM) WEIGHTING ISSUE
CC DOCKET 80-286

- March 17, 2006 JSI met with Scott Bergmann in Commissioner Adelstein's office
- March 21, 2006 Representatives of National Exchange Carrier Association (NECA), Organization for the Promotion and Advancement of Small Telecommunications Companies (OPASTCO) and the Western Telecommunications Alliance met with Ian Dillner, Office of Commissioner Tate; JSI supporting document presented.
- March 30, 2006 JSI written Ex Parte Presentation filed; copies to:
Commissioner Deborah Taylor Tate
Dana Schaffer, Office of Commissioner Tate
Chairman Kevin Martin
Ian Dillner, Office of Chairman Martin
Commissioner Michael Copps
Jessica Rosenworcel, Office of Commissioner Copps
Commissioner Adelstein
Scott Bergmann, Office of Commissioner Adelstein
Tom Navin, Wireline Competition Bureau Chief
Sam Feder, FCC General Counsel
James Bradford Ramsey, NARUC General Counsel
Federal-State Joint Board on Jurisdictional Separations Members:
Paul Kjellander, State Chair,
Curt Stamp,
Mark Johnson
John D. Burke
- April 4, 2006 JSI Telephone Conference with Paul Kjellander, State Chair, Federal-State Joint Board on Jurisdictional Separations
- April 4, 2006 JSI Telephone Conference with Jessica Rosenworcel, Office of Commissioner Copps
- April 20, 2006 JSI met with Dana Shaffer, Office of Commissioner Tate



- April 26, 2006 JSI written Ex Parte Presentation filed, copies to:
Ian Dillner, Office of Chairman Martin
Dana Shaffer, Office of Commissioner Tate
Scott Bergmann, Office of Commissioner Adelstein
Paul Kjellander, State Chair Joint Board
Steve Burnett, Wireline Competition Bureau
Michael Jacobs, Wireline Competition Bureau
Narda Jones, Wireline Competition Bureau
Katie King, Wireline Competition Bureau
Jeremy Marcus, Wireline Competition Bureau
Gary Seigel, Wireline Competition Bureau

- December 11, 2006 NECA and JSI representatives met with Ian Dillner, Office of Commissioner Tate.

- December 11, 2006 NECA and JSI representatives met with the following Wireline Competition Bureau staff:
Vickie Robinson
Albert Lewis
Gary Seigel

Asked Bureau “Whether, from a procedural standpoint, additional steps need to occur or whether the next step is a decision from the Commission since notice-and-comment requirements have been satisfied.”

- December 12, 2006 NECA and JSI representatives met with Scott Bergman, Office of Commissioner Adelstein.

- April 19, 2007 JSI, Granite State Telephone and Roanoke & Botetourt Telephone Company representatives met with Nicholas Alexander, Office of Commissioner Tate

- April 19, 2007 JSI, Granite State Telephone and Roanoke & Botetourt Telephone Company representatives met with Scott Deutchman, Office of Commissioner Copps



- April 19, 2007 JSI, Granite State Telephone and Roanoke & Botetourt Telephone Company representatives met with the following Wireline Competition Bureau staff:
Albert Lewis
Pamela Arluk
Jennifer McKee
Theodore Burmeister
Katie King
Gary Seigel
Jay Atkinson

Asked Bureau for Response to Question posed in December meeting: “Whether, from a procedural standpoint, additional steps need to occur or whether the next step is a decision from the Commission since notice-and-comment requirements have been satisfied.”
- April 26, 2007 JSI and Granite State Telephone representatives Telephone Conference with Ian Dillner, Office of Chairman Martin
- September 25, 2007 JSI email to Dana Shaffer, Wireline Competition Bureau Chief recounting e-mails and correspondence sent as follow up to the meetings held with Bureau seeking to determine the status of the matter.



UNIVERSAL SERVICE ADMINISTRATIVE COMPANY
 High Cost Loop Support Projected by State by Study Area
 Fourth Quarter 2007

ST	SAC	Study Area Name	Rural	Type	HCL	Cert	Working Loops	
VA	190249	ROANOKE & BOTETOURT	R	C	Y	Y	9,514	
AR	401718	PRAIRIE GROVE TEL CO	R	C	Y	Y	9,536	
AK	613013	KETCHIKAN PUBLIC UT	R	C	Y	Y	9,542	
TX	442091	ETS TEL. CO., INC.	R	C	Y	Y	9,663	
TN	290578	TELLICO TEL CO	R	C	Y	Y	9,717	Companies within 500 Access Lines of 10,000 (5%)
GA	220378	PLANTERS RURAL COOP	R	C	Y	Y	9,720	
OK	431985	CROSS TEL CO	R	C	Y	Y	9,723	
KS	411826	RURAL TEL SERVICE CO	R	C	Y	Y	9,852	
CA	542332	THE PONDEROSA TEL CO	R	C	Y	Y	9,854	
NH	120045	KEARSARGE TEL CO	R	C	Y	Y	9,889	
GA	220379	PLANT TEL. CO.	R	C	Y	Y	10,010	
NY	150091	DUNKIRK & FREDONIA	R	C	Y	Y	10,032	
WI	330859	CENTRAL STATE TEL CO	R	C	Y	Y	10,127	
NV	552356	RIO VIRGIN TEL CO	R	C	Y	Y	10,157	
FL	210335	NORTHEAST FLORIDA	R	C	Y	Y	10,195	
NH	120039	GRANITE STATE TEL	R	C	Y	Y	10,199	
WI	330952	SE TEL OF WISCONSIN	R	C	Y	Y	10,265	
TN	290280	ARDMORE TEL CO	R	C	Y	Y	10,278	
CO	462184	DELTA COUNTY TEL CO	R	C	Y	Y	10,451	
OK	431969	BIXBY TEL CO	R	C	Y	Y	10,474	
IN	323034	VERIZON N-IN(ALLTEL)	R	C	Y	Y	10,475	
OK	431984	OKLAHOMA COMM SYSTEM	R	C	Y	Y	19,025	
WI	330950	CENTURYTEL-NW WI	R	C	Y	Y	19,229	
NC	230502	STAR MEMBERSHIP CORP	R	C	Y	Y	19,488	
ME	100025	STANDISH TEL CO	R	C	Y	Y	19,502	
NY	150110	OGDEN TEL DBA FRNTER	R	C	Y	Y	19,502	
AR	401143	CENTURYTEL NW-AR-SIL	R	C	Y	Y	19,951	Companies within 1000 Access Lines of 20,000 (5%)
IL	341026	HARRISONVILLE TEL CO	R	C	Y	Y	20,013	
TN	290562	DEKALB TEL COOP	R	C	Y	Y	20,018	
MT	482255	3-RIVERS TEL COOP	R	C	Y	Y	20,193	
AR	401711	CENTURYTEL-MTN HOME	R	C	Y	Y	20,733	
VT	140069	WAITSFIELD/FAYSTON	R	C	Y	Y	20,824	
NE	371128	CITIZENS-FRONTIER-NE	R	C	Y	Y	49,085	
PA	170201	VERIZON N-PA(QUAKER)	R	C	Y	N	49,147	
MI	313033	VERIZON N-MI(ALLTEL)	R	C	Y	Y	50,181	
AK	613010	ACS-N GLACIER STATE	R	C	Y	Y	50,529	Companies within 2500 Access Lines of 50,000 (5%)
WI	330895	CENTURYTEL-WISCONSIN	R	C	Y	Y	51,439	
SC	240523	HARGRAY TEL CO	R	C	Y	Y	51,660	
IA	351127	FRONTIER IOWA	R	C	Y	Y	52,297	