BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

In the Matter of the Role of Universal Service And Intercarrier Compensation In the National Broadband Plan

) ) ) GN Docket No. 09-47; 09-51;09-137
) ) ) CC Docket No. 96-45

Ex Parte Comments of the Wyoming Public Service Commission

December 15, 2009

The Wyoming Public Service Commission (WyPSC) submits these ex parte comments in the matter of the Federal Communications Commission’s (FCC or the Commission) public notice regarding the role of universal service and intercarrier compensation in the national broadband plan. Specifically, the WyPSC offers support for the comments filed by the Maine Public Utilities Commission (MPUC) and the Vermont Public Service Board (VPSB) as they relate to issues currently pending before the FCC in the matter of the remand by the United States Court of Appeals for the Tenth Circuit (Tenth Circuit) in Qwest Communications Int’l, Inc. v. FCC, 398 F.3d 1222 (10th Cir. 2005) (Qwest II).

The Wyoming PSC is not opposed to universal service for broadband. However, it will be very expensive to provide high cost rural customers in Wyoming with universal service for broadband – universal service for POTS doesn’t yet satisfy the principles of §254(b)(3) in Wyoming. Furthermore, basic universal service in high-cost rural areas is not a rapidly obsolescing business model.

The WyPSC agrees with the MPUC and VPSB that the existing universal service program must be improved to make sure that there is sufficient funding so that consumers in high-cost areas served by non-rural carriers may have access to reasonably comparable service and rates as urban customers. The WyPSC joins the MPUC and VPSB in recommending that changes to the existing universal service program be made in compliance with the legal requirements established in Qwest II.

As the FCC develops the national broadband plan, the WyPSC urges the FCC to maintain focus on the comparability and sufficiency issues identified by the Tenth Circuit in Qwest II and by the WyPSC in the many filings which it has made – consistently and accurately describing Wyoming’s persistent high costs, its success in implementing truly cost-based rates, and its success in establishing the Wyoming universal service fund. As we have said before, the WyPSC deeply appreciates the FCC’s hard and earnest work.


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