

**Congress of the United States**  
**Washington, DC 20515**

September 25, 2015

Chairman Tom Wheeler  
Federal Communications Commission  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

984

**RE: Preliminary Determination of Rate-of-Return Study Areas 100 Percent Overlapped  
By Unsubsidized Competitors WC Docket No. 10-90**

Dear Chairman Wheeler:

We note that four of the companies preliminarily determined to have 100 percent overlap by an unsubsidized competitor or combination of competitors in the proceeding noted above are located in Oregon. Without commenting on the merits of the docket itself, with this correspondence we make known our concerns with the methodology used to make the determination and strongly urge the Federal Communications Commission (FCC) Wireline Competition Bureau to re-consider the determination and methodology.

Gervais Telephone Company, Mt Angel Telephone Company, St Paul Cooperative Telephone Association and Monitor Cooperative Telephone (referred to throughout as the Carriers) serve rural areas in Oregon. The FCC used data from Form 477 to determine that McMinnville Access and WaveDivision (referred to throughout as the competitors) have 100 percent or 99 percent coverage of the Carriers service areas and on that basis made the preliminary determination to eliminate all federal universal high-cost support from these areas.

As we understand the situation, the Carriers have filed comments with the FCC effectively refuting the determination by the FCC. Without re-stating all the Carriers comments to the FCC we do point out one aspect of the comments we find compelling: one of the competitors, McMinnville Access, has signed an affidavit explicitly stating they do not serve all the census blocks in the Carriers service territory and do not intend to make any attempt to do so. This points to the serious flaw in relying solely on the Form 477 data to determine that all federal universal high-cost support should be withheld from the Carriers service areas.

In addition to the foregoing, we also understand that each of the Carriers did a physical review of the census blocks in their service areas and could find no evidence of either cable facilities or fixed wireless antenna that would substantiate a complete, 100 percent or 99 percent overlap of all locations in all census blocks within their service areas by a facilities based competitor.

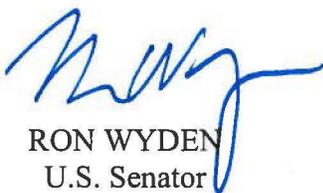
Withholding all federal universal high-cost support from rural Oregon would have serious negative impacts on the people living there. Access to modern telecommunications systems is essential to participating in today's economy, education and healthcare systems and, interaction with government agencies. This action should not be taken lightly or be done based on flawed data collection methods.

In summary, based on the information in this correspondence, the rest of the information contained in the Carriers comments to the FCC and our understanding of the situation, we feel the methodology used to determine that 100 percent or 99 percent overlap in the Carriers service areas is flawed.

With this correspondence we collectively request that the FCC remove Gervais Telephone Company, Mt Angel Telephone Company, St Paul Cooperative Telephone Association and Monitor Cooperative Telephone from the list set out in DA 15-868 as either 100 percent or 99 percent overlapped.

Thank you for your attention to this matter.

Sincerely,



RON WYDEN  
U.S. Senator



JEFF MERKLEY  
U.S. Senator



KURT SCHRADER  
Member of Congress