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February 6, 2012

E-FILED

Honorable Jaclyn A. Brillig
Secretary
New York Public Service Commission
Three Empire State Plaza
Albany, New York 12223-1350

**Re: Case 09-M-0527:
Proceeding to Examine Issues Related to a Universal Service Fund.**

Dear Secretary Brillig:

The NYSTA Smaller ILECs,¹ by counsel, submit this letter in response to the various letters filed on Friday, February 3, 2012, that either requested or supported a request for an extension of the current briefing dates regarding the Recommended Decision (“RD”) issued on January 4, 2012 in the above-referenced case.²

Foremost, the NYSTA Smaller ILECs are looking forward to meaningful settlement discussions. However, as the history of Phase II demonstrates, the parties have been trying for almost two years to fashion a result that would avoid the need for litigation of this case. As a result, and in light of the RD, the issues and RD recommendations are well known. Moreover, based on the Verizon New York Inc (“Verizon”) letter filed this past Friday, some parties have previously been having exploratory discussions with Verizon since the issuance of the RD. The NYSTA Smaller ILECs have not been involved in such discussions. Accordingly, at this time,

¹ The following companies make up the NYSTA Smaller ILECs group: Armstrong Telephone Company – NY, Berkshire Telephone Corporation, Cassadaga Telephone Corporation, Champlain Telephone Company, Chautauqua & Erie Telephone Company, Chazy & Westport Telephone Corporation, Citizens Telephone Company of Hammond, New York, Inc., Crown Point Telephone Corporation, Delhi Telephone Company, Deposit Telephone Company, Dunkirk & Fredonia Telephone Company, Edwards Telephone Company, Empire Telephone Corporation, Fishers Island Telephone Corporation, Germantown Telephone Company, Inc., Hancock Telephone Company, Margaretville Telephone Company, Middleburgh Telephone Company, Newport Telephone Company, Nicholville Telephone Company, Oneida County Rural Telephone Company, Ontario Telephone Company, Inc., Oriskany Falls Telephone Company, Pattersonville Telephone Company, Port Byron Telephone Company, State Telephone Company, Taconic Telephone Corporation, Township Telephone Company, Trumansburg Telephone Company, Inc., Vernon Telephone Company, and Warwick Valley Telephone Company.

² See *Notice Establishing Schedule For Filing Exceptions, Seeking Comment on Reassertion of Public Service Commission Jurisdiction Over Wireless Telephone Companies for State Universal Service Fund Purposes, and Seeking Comment on Further Extension of the Transition Fund*, Case 09-M-0527, issued January 4, 2012.

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the NYSTA Smaller ILECs do *not* know whether the representations made in the Verizon letter can form the basis for the extension that is being requested by it.

In light of the above, the NYSTA Smaller ILECs respectfully suggest that any meaningful settlement discussions do not require the four (4) weeks being proposed. Rather, in light of the history and status of this Phase II, parties should know between now and within two (2) weeks after the current due date for briefs on exceptions are due whether fruitful settlement discussions will be possible. Accordingly, the NYSTA Smaller ILECs respectfully submit that the Commission should extend the deadline for briefing deadlines by two weeks, allowing parties to file for additional time if necessary to finalize the elements of a settlement and the submission of it to the Commission.

Moreover, in an effort to ensure that the process is efficient, the NYSTA Smaller ILECs recommend that a Settlement Judge be assigned. Based on her understanding of the issues and history of these discussions, the NYSTA Smaller ILECs recommend that Administrative Law Judge Eleanor Stein be asked to be the Settlement Judge.

Please direct any inquiries concerning this matter to the undersigned.

Sincerely,



Thomas J. Moorman
Counsel to the
NYSTA Smaller ILEC Members

cc: Administrative Law Judge Howard Jack (via email)
Administrative Law Judge Eleanor Stein (via email)
All parties of record (via email)