

**BEFORE THE
NEW YORK STATE
PUBLIC SERVICE COMMISSION**

**In the Matter of Proceeding to Examine
Issues Related to a Universal Service
Fund**

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) **Case No. 09-C-0527**
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CABLE TELECOMMUNICATIONS ASSOCIATION OF NEW YORK, INC.

COMMENTS ON TEMPORARY FUND EXTENSION

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Dated: January 23, 2012

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COMMENTS ON TEMPORARY FUND EXTENSION

In response to the January 4, 2012 Notice issued in the above-referenced proceeding,¹ the Cable Telecommunications Association of New York, Inc. (“CTANY”), on behalf of its members and by and through its undersigned attorneys, submits its comments regarding a proposal in the Notice to further extend the Transition Fund, with pro rata contributions from current contributors.

In Phase I of the instant proceeding, the Commission issued an order which approved the terms and conditions of the Joint Proposal intended to temporarily extend the Temporary Extension Fund (the “TTFE”).² This temporary extension provided for additional TTFE subsidies of up to \$600,000 with contributions to the TTFE ending on the earliest of any of the following: (i) September 30, 2011; (ii) the date of completion of steps necessary to put into

¹ Case 09-M-0527, *Proceeding to Examine Issues Related to a Universal Service Fund*, 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 Fund (issued January 4, 2012) (the “Notice”).

² Case 09-M-0527, *Proceeding to Examine Issues Related to a Universal Service Fund*, Order Adopting Phase I Joint Proposal (issued July 16, 2010).

effect an order, if any, addressing a State Universal Service Fund (“SUSF”); or (c) the date the additional contributions equaled \$600,000.

By order issued September 16, 2011, the Commission extended the TTFE to allow additional time to consider Phase II issues.³ Due to the provision in the Commission’s September 16, 2011 Order that unexpended funds not be returned, the original \$600,000 is sufficient to meet TTFE demand through May 2012.

CTANY respectfully suggests that the Commission need not take any action to extend the TTFE at this time. Given that the original \$600,000 is sufficient to meet TTFE demand through May 2012, the Commission need not act until April or May 2012. Insofar as Briefs on Exceptions to Administrative Law Judge Howard Jack’s January 4, 2012 Recommended Decision are due on March 5, 2012, the Commission will have ample time to consider the case for extending the TTFE, including whether the ultimate schedule of the case requires evidentiary hearings regarding the wireless issue noted in its Notice.

In addition, any extension of the TTFE subsidy or any substitute fund needs to take into consideration guidance and limitations contained in the Federal Communications Commission’s *Connect America Order*⁴ (“FCC Order”). Insofar as the Notice asks for comments regarding the impact of the FCC Order in Briefs on Exceptions (not in the instant filing), the Commission can better make a decision after it has received the parties’ comments on this relationship.

³ Case 09-M-0527, *Proceeding to Examine Issues Related to a Universal Service Fund*, Order Modifying Temporary Transition Fund Extension (issued September 16, 2011).

⁴ *Connect America Fund*, WC Docket Nos. 10-90, 07-135, 05-337, 03-109, Developing an Unified Intercarrier Compensation Regime, CC Docket Nos. 01-92, 96-45, A National Broadband Plan for Our Future, GN Docket No. 09-51, Universal Service Fund – Mobility Fund, WT Docket No. 10-208, Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161 (November 18, 2011)(FCC Report and Order).

While CTANY does not believe that an extension of the TTFE is warranted at this time, it respectfully requests that if the Commission should decide to extend it, the Commission should do so on the same terms and conditions as in its prior orders.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Maureen O. Helmer". The signature is fluid and cursive, with the first name being the most prominent.

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*Attorneys for the Cable
Telecommunications Association of New
York, Inc.*

Dated: January 23, 2012