

Filed via email to <a href="mailto:usoge@oge.gov">usoge@oge.gov</a>
Re: Proposed Amendments to Part 2635

November 14, 2011

Mr. Don Fox Acting Director and General Counsel Office of Government Ethics 1201 New York Avenue, NW Suite 500 Washington, D.C. 20005-3917

RE: RIN 3209—AA04. Proposed Amendments Limiting Gifts from Registered Lobbyists and Lobbying Organizations

Dear Mr. Fox,

The Montana Telecommunications Association (MTA) represents rural telecommunications providers offering broadband and other advanced telecommunications services to nearly ninety percent of Montana's households. MTA's member companies provide high quality jobs to almost 1,000 Montana citizens; and the services they provide enable a wide spectrum of commercial, educational, health care, public safety and social activities. Montana's telecom industry produces over \$200 million of annual economic activity in the state.<sup>1</sup>

MTA opposes the proposed rules in their entirety. The rules are based on the misplaced premise that direct dialogue among American citizens—whether they work for the government or for private industry—is somehow unethical and should be discouraged. At a minimum, OGE should adopt the amendments proposed by the American Society of Association Executives (ASAE) and others.<sup>2</sup>

<sup>1</sup> Hanns Kuttner. "The Economic Impact of Rural Telecommunications: The Greater Gains." Hudson Institute, Washington, D.C. October 11, 2011.

<sup>&</sup>lt;sup>2</sup> See letter from John H. Graham IV, CAE, President and CEO of ASAE, to Don Fox, Acting Director and General Counsel, Office of Governmental Ethics. Re: RIN 3209-AA04. October 5, 2011. Signed by hundreds of organizations from almost every state in the nation, the letter urges "OGE to revise its proposed exception for gifts to allow federal employees to attend substantive educational programs and events held by trade associations, for the same reasons that this exclusion has been extended to other types of originations listed in the proposed rule."

Mr. Don Fox November 14, 2011 Page 2

However, even with amendments as recommended by ASAE, the proposed rules still retain the policy that government officials should be sequestered from the people and organizations whom they govern and that such isolation of government from the American citizenry somehow—inexplicably—makes for better government.

MTA's Annual Meeting, for example, provides an opportunity once a year for many senior telecom executives, including directors of telecom cooperatives—farmers, ranchers, business professionals and others from the communities served by telecom co-ops—to spend two days learning about how public policy affects the companies whose welfare they are dedicated to support. Government policy, perhaps more than in many other industries, directly affects the environment in which these companies operate. It is essential that the leaders of these companies understand and participate in public policy dialogue.

Similarly, it is essential that government executives actively engage in the public policy conversation with the very businesses and constituents whose livelihoods they govern. To illustrate, this year's MTA Annual Meeting featured a state public service commissioner who later wrote about his attendance at the MTA meeting, where he met a telecom executive who provided him with a perspective on current regulatory policy that he otherwise would never have learned. Rather than corrupting his integrity or otherwise impeding his intellectual processes in some unethical manner, the encounter at MTA's Annual Meeting benefited both the regulator and the company executive who in turn was able to gain important perspective on the regulatory environment. This is precisely the kind of activity MTA's Annual Meeting is designed to promote. And it is precisely the kind of activity OGE seems intent to discourage as somehow unethical.<sup>3</sup>

The proposed rules tacitly seem to recognize that some dialogue is productive, while other contact with American citizens is not.<sup>4</sup> Besides being discriminatory, such a distinction is without a difference. Even if one, *arguendo*, agrees that certain dialogue with American citizens is wrong, where does one draw the line?

<sup>3</sup> Ironically, MTA is not a federal lobbying organization. Nor was the state commissioner mentioned above a federal executive. However, the effects of federal rules governing government executive attendance at widely attended gatherings such as MTA's Annual Meeting serve as a benchmark for other government officials, whether federal or not. And the rules similarly affect attendance at events whether sponsored by lobbying organizations or not. These rules, therefore, will have a direct negative effect on MTA, regardless of its lobbying status, and on government officials, regardless of their affiliation.

<sup>&</sup>lt;sup>4</sup> The proposed rules would exempt attendance at widely attended gatherings sponsored by "nonprofit professional associations, scientific organizations, and learned societies."

Mr. Don Fox November 14, 2011 Page 3

Who, or what, determines when information is "learned" and therefore acceptable, or when information becomes unethical communication?

MTA believes that all Americans have the right to petition their government. Government has the responsibility to facilitate, not discourage, such dialogue. Trade associations provide a valuable service in allowing groups of citizens with common interests to articulate those common interests. Practically speaking, MTA's Annual Meeting provides an opportunity for its members to meet government executives whom they otherwise would not be able to meet. Not everyone can travel to Washington to meet government officials. It's far more efficient to bring officials to us.

Preventing government officials from participating in events where they have an opportunity to meet and learn from those whom they govern is not unethical. It is representative, responsible government.

MTA recommends starting over again and proposing a policy that requires public disclosure of visits and appearances by government officials at events or meetings while performing official duties.

Respectfully submitted,

/s/

Geoffrey A. Feiss, General Manager Montana Telecommunications Association 208 North Montana Avenue, Suite 105 Helena, Montana 59601 406-442-4316 gfeiss@telecomassn.org