



December 8, 2011

James H Woody
President

Kelly Worthington
Executive Vice President

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

ATTN: Richard M. Thomas, Associate General Counsel
RE: RIN 3209-AA04 - Proposed Amendments to Part 2635

Dear Mr. Fox:

I appreciate the opportunity to provide comments on behalf of the Western Telecommunications Alliance (WTA) regarding the proposed amendments to the Part 2635 rules that would limit gifts from registered lobbyists and lobbying organizations.

WTA is a trade association¹ representing approximately 250 rural telecommunications carriers providing high-quality voice, video and data services throughout rural areas in the 24 states west of the Mississippi River. On average, WTA member companies serve fewer than 3,000 access lines with fewer than 500 customers in each exchange. WTA's members serve some of the most rural and hard-to-serve communities in the country and are on the forefront of bringing 21st Century telecommunications services to rural America.

The federal government has extensive regulatory authority over our member companies and cooperatives. In addition, virtually all WTA members, at one time or another, have made use of federal loan programs to assist them in the build out of multi-use communications networks. Thus, it is important to our members that the lines of communication between them and their government remain open. It is for this reason that one aspect of the proposed rules concerns us.

WTA supports the goals and objectives of the Office of Government Ethics (OGE) to ensure that executive branch employees are held to high ethical standards; however, I am concerned that trade associations such as WTA are being unfairly discriminated against in the proposed rules.

In providing an exemption permitting executive branch employees to attend certain widely attended gatherings hosted by nonprofit professional organizations, OGE rightly notes these events can "provide a legitimate educational or professional development benefit that furthers the interests of an agency." However, OGE then proceeds to exclude trade associations from the exemption stating that "[T]rade associations may sponsor educational activities for their members and even the public, but the primary concern of such associations generally is not the education

¹ The Western Telecommunications Alliance operates as a non-profit trade association under Sec. 501(c)(6) of the Internal Revenue Code.

and development of members of a profession or discipline, which is the focus of the proposed exclusion.” For WTA, nothing could be further from the truth. WTA holds both a spring and fall annual meeting. Under the OGE’s proposed rules, executive branch employees would be prohibited from attending these widely attended gatherings.

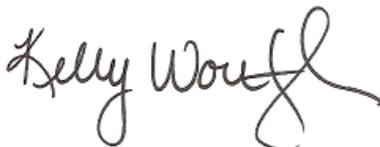
OGE does not state how it arrived at the conclusion about what the “primary concern” for all trade associations is. Trade associations have many concerns and the primacy of those concerns varies depending on the trade association. That being said, the primary purpose of WTA’s twice-annual meetings is “the education and development” of its members. These are the widely attended gatherings that OGE’s proposed rules are precluding executive branch employees from attending. Our meetings feature speakers discussing market trends, new technologies and equipment, public policy and other topics that enable not just our members but also federal agency employees to gain insight into the intricate workings of the fast-paced and complicated telecommunications industry. The purpose of WTA’s annual meetings is not to give our lobbyists better access to government regulators but to give our members the opportunity to engage with the very government officials who regulate our industry about business practices and trends of interest to all parties. When it is necessary, our lobbyists meet with regulators in Washington, D.C. using the appropriate channels allowed by statute and regulation.

Outside of the education and development goals of our meetings that may interest executive branch employees, our members have a long history of meeting with career civil service employees at our annual meetings, which has proven beneficial to both parties. The primary interaction that takes place that would be prohibited by OGE’s proposed rules is between our member company representatives (non-lobbyists) and administrators of federal loan programs. The purpose of these meetings is not public policy advocacy or lobbying; the purpose is to discuss potential or outstanding loans. Allowing government loan administrators to attend our widely attended gatherings saves precious time and resources because the borrowers are congregated in one location. The proposed rule would curtail these meetings.

Regardless of the purpose of the discussions between our members and executive branch employees, our democracy is enhanced when the government and its employees are able to freely interact with the people they serve. Including this unnecessary and discriminatory provision excluding trade associations from the widely attended gathering exception is counter productive to healthy dialogue between agencies and the entities with which they interact.

Thank you for taking WTA’s views into consideration while crafting these new ethics rules.

Sincerely,

A handwritten signature in black ink that reads "Kelly Worthington". The signature is written in a cursive, flowing style.

Kelly Worthington
Executive Vice President