



WALTER B. MCCORMICK, JR.
President and Chief Executive Officer

March 2, 2011

Ms. Elizabeth M. Murphy
Secretary
U.S. Securities and Exchange Commission
100 F Street, NE
Washington, DC 20549-1090

Re: File No. S7-40-10
Comments on Proposed Rules for Implementing the Conflict Minerals Provision of
Section 13(p) of the Securities Exchange Act of 1934

Dear Ms. Murphy:

This letter is submitted on behalf of the United States Telecom Association (USTelecom), the nation's leading trade association representing communications service providers. USTelecom member companies provide broadband on a fixed and mobile basis, and offer a wide range of voice, data, and video services. While ranging in diversity from large, publicly traded companies to small rural cooperatives, USTelecom members stand united to champion pro-investment policies that help bring the promise of broadband to all Americans, advancing the nation's economy and quality of life, from innovations in health care and education to entertainment and the environment.

This letter is submitted in connection with the Securities and Exchange Commission's December 15, 2010 request for public comments on its Proposed Rules for Implementing Section 13(p) of the Securities Exchange Act of 1934, issued pursuant to Section 1502 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, and set forth in the Commission's accompanying proposing release.

USTelecom supports and applauds the efforts of the United States Congress, the Obama Administration, the United Nations, and other intergovernmental and nongovernmental bodies and organizations to eradicate fully the production and use of minerals originating in the Democratic Republic of Congo and adjoining countries – products that have come to be known as “conflict minerals” – so long as the profits generated by that production and use continue to finance and fuel the genocide and human rights abuses that have characterized the civil wars in that region of Africa. As members of a socially responsible industry, our member companies desire the ability to make informed procurement and purchasing decisions, and section 1502 of the Dodd-Frank Act helps provide for that.

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Thus, we support the Commission's efforts to assure integrity in the manufacturing process, the credibility of audits, and the veracity of manufacturers' representations that their products are free of conflict minerals.

At the same time, as third-party purchasers who typically neither design nor manufacture the devices and products on which our networks and services operate, our member companies have little or no practical ability to supervise the procurement and supply chain practices of those who do manufacture these products, or to audit those manufacturers' internal controls. For example, one of our publicly listed member companies had fiscal year 2010 revenues less than one percent the size of just one major manufacturer of equipment widely used in communications networks and devices. Similar comparisons abound.

Accordingly, it is appropriately the responsibility of the Federal government to assure compliance with the objectives of section 1502 from those parties in the supply chain who are in the best position to know what materials are being used in their products and from what sources those materials were procured – namely, manufacturers. Congress clearly recognized that practical reality when it directed the Commission to require disclosures by a person, i.e. an issuer, if “conflict minerals are necessary to the functionality or production of *a product manufactured by such person.*” (Emphasis added.)

In the course of holding manufacturers accountable for representations regarding the source of components used in their products, the Commission should assure that third-party purchasers who are non-manufacturers have the ability to rely with full faith and confidence on manufacturers' representations that their products are free of conflict minerals. The Commission should not attenuate the usefulness of section 1502's required disclosures to investors and consumers, or the impact of those disclosures on manufacturers' conduct and supply chain decisions, by imposing requirements on third-party purchasers of manufactured goods who have no practical ability to comply.

In the very same way that investors should be able to rely with confidence on any issuer's representations made in all other areas of securities law and regulation, the Commission should make clear that accountability under section 1502 lies with manufacturers, and that the Commission is taking appropriate steps to ensure that socially responsible purchasers may rely in good faith on a manufacturer's disclosures under new section 13(p) of the Exchange Act.

Thank you for your consideration.

Sincerely,



Walter B. McCormick, Jr.