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**Via ECFS**

Ms. Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

**Re: WC Docket Nos. 17-144, 16-143, 05-25**

Dear Ms. Dortch:

On October 16, 2018, I held a brief phone conference with Pamela Arluk, Chief of the Pricing and Policy Division of the Wireline Competition Bureau. We discussed the implementation schedule for electing rate-of-return carriers outlined in the Draft Order.<sup>1</sup>

In addition, we discussed ITTA's and TDS Telecommunications' objections to the Draft Order's provision of a one-time opportunity for eligible carriers to opt into the price cap regime for their low speed TDM business data services.<sup>2</sup> In AT&T's view, the Commission's establishment of the one-time opportunity for eligible carriers to elect the new price cap regime is reasonable. The Commission is poised to resolve the regulatory status of eligible carriers' low speed TDM transport,<sup>3</sup> and the issue does not mandate the opportunity for annual opt-in in perpetuity, particularly given the risks of gaming the Commission has identified.<sup>4</sup>

Pursuant to Section 1.1206 of the Commission's rules, this *ex parte* notification is being filed electronically for inclusion in the record of the above-referenced proceeding. If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,  
/s/ Caroline Van Wie

cc: Pamela Arluk

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<sup>1</sup> *Regulation of Business Data Services for Rate of Return Local Exchange Carriers et al.*, Report and Order, WC Docket No. 17-144 *et al.*, Draft (rel. Oct. 2, 2018) ("Draft Order").

<sup>2</sup> Letter from Michael Jacobs to Marlene H. Dortch, WC Docket No. 17-144 *et al.* (filed Oct. 4, 2018); Letter from Michael Jacobs to Marlene H. Dortch, WC Docket No. 17-144 *et al.* (filed Oct. 10, 2018); Letter from Michael Jacobs to Marlene H. Dortch, WC Docket No. 17-144 *et al.* (filed Oct. 15, 2018); Letter from Michael Jacobs to Marlene H. Dortch, WC Docket No. 17-144 *et al.* (filed Oct. 16, 2018); Letter from Jeffrey E. Dupree to Marlene H. Dortch, WC Docket No. 17-144 *et al.* (filed Oct. 17, 2018).

<sup>3</sup> See Draft Order ¶¶ 158-63.

<sup>4</sup> Draft Order ¶ 23.