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October 17, 2018

Via ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Notice of *Ex Parte* Presentation, WC Docket Nos. 17-144,
16-143, and 05-25

Dear Ms. Dortch:

On October 15, 2018, Robert DeBroux, Director - Federal Affairs and Public Policy of TDS Telecommunications LLC (“TDS Telecom”), left a voicemail summarizing TDS Telecom’s views in the above-referenced proceedings for Jay Schwarz, Wireline Advisor to Chairman Pai; Arielle Roth, Wireline Legal Advisor to Commissioner O’Rielly; Jamie Susskind, Chief of Staff to Commissioner Carr; and Travis Litman, Chief of Staff and Senior Legal Advisor to Commissioner Rosenworcel. On October 16, 2018, Mr. DeBroux spoke about the same subject by telephone with Preston Wise, acting Special Counsel to Chairman Pai, and separately with Ms. Roth.

In each presentation, Mr. DeBroux expressed overall support and appreciation for the draft *Business Data Services Report and Order* (the “*Draft BDS Order*”) in the above-referenced proceedings, including the path it would provide for eligible rate-of-return carriers to opt in to incentive regulation for their business data service (“BDS”) offerings.¹

Consistent with TDS Telecom’s prior comments, however, Mr. DeBroux urged that the Commission afford eligible carriers an annual transition opportunity to make that election and that it not adopt the contrary proposal that currently eligible carriers must opt in to incentive regulation by May 1, 2019, or not opt in at all.² Allowing an annual transition opportunity would be more consistent with precedent and would afford time for carriers to take account of any

¹ *Regulation of Business Data Services for Rate-of-Return Local Exchange Carriers, Business Data Services in an Internet Protocol Environment, Special Access for Price Cap Local Exchange Carriers, Report and Order, Second Further Notice of Proposed Rulemaking, and Further Notice of Proposed Rulemaking, FCC-CIRC1810-06 (Public Draft Oct. 2, 2018).*

² *See, e.g.,* Comments of TDS Telecom, WC Docket No. 17-144, at 3-4 (June 18, 2018).

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forthcoming decision concerning the regulatory framework for TDM-based transport. Mr. DeBroux added that to the extent the Commission is concerned about “gaming” of later elections, it could make clear that it intends to review closely, and possibly investigate, the going-in BDS rates of carriers that opt in to incentive regulation after 2019.

Pursuant to the Commission’s rules, a copy of this letter is being filed in the above-referenced dockets. Please contact the undersigned if you have any questions.

Respectfully submitted,

/s/

Matthew S. DelNero
Counsel for TDS Telecom

cc: Jay Schwarz
Preston Wise
Arielle Roth
Jamie Susskind
Travis Litman