



October 18, 2018

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

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

Dear Ms. Dortch:

On October 17, 2018, Genny Morelli and the undersigned of ITTA spoke by telephone with Arielle Roth of the Office of Commissioner O’Rielly, and the undersigned spoke by telephone with Preston Wise of the Office of Chairman Pai, regarding the draft Report and Order in the above-captioned dockets.¹ During the calls, we discussed the need of rate-of-return carriers eligible to voluntarily elect to transition their business data services offerings out of rate-of-return regulation² to be provided more than a one-time transition opportunity, contrary to the Draft Business Data Services R&O and FNPRM’s provision to eligible carriers of only a one-time opportunity. We also discussed the rate of return that would apply to the business data services offerings of those carriers that do not elect to transition at the first opportunity.

Pursuant to Sections 1.1203(c) and 1.1206(b)(2)(iv) of the Commission’s rules,³ this letter is being filed electronically today in ECFS. Please do not hesitate to contact the undersigned with any questions regarding this submission.

Respectfully submitted,

/s/

Michael J. Jacobs
Vice President, Regulatory Affairs

cc: Arielle Roth
Preston Wise

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) (Draft Business Data Services R&O and FNPRM).

² See *id.* at 2, para. 1 n.1.

³ 47 CFR §§ 1.1203(c), 1.1206(b)(2)(iv).