

October 18, 2016

VIA ECFS

NOTICE OF EX PARTE

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW, Room TW-A325
Washington, DC 20554

Re: *Business Data Services in an Internet Protocol Environment, WC Docket No. 16-143; Investigation of Certain Price Cap Local Exchange Carrier Business Data Services Tariff Pricing Plans, WC Docket No. 15-247; Special Access Rates for Price Cap Local Exchange Carriers, WC Docket No. 05-25; AT&T Corporation Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services, RM-10593*

Dear Ms. Dortch:

On October 14, 2016, on behalf of Level 3 Communications, LLC (“Level 3”), I spoke to Matt DeNero, Chief of the Wireline Competition Bureau, about the above-referenced proceedings. In addition, also on October 14, 2016, Joe Cavender of Level 3 and I met with Claude Aiken, Legal Advisor to Commissioner Mignon Clyburn, to discuss the above-referenced proceedings. During the discussions, we expressed Level 3’s support for the Chairman’s proposal to apply ex ante rate regulation to DS1 and DS3 business data services provided by incumbent LECs. We argued that it would be appropriate for the Commission to implement the one-time adjustment to the X Factor for the special access basket over two years and to require that incumbent LECs file tariffs implementing the rate adjustments mandated by the Commission prior to the annual price cap tariff filings on July 1, 2017 (e.g., 30 days from publication of the Commission order in the Federal Register). We also argued that the Commission should provide customers a “fresh look” opportunity under which customers would be given 180 days to cancel existing tariff plans and commercial agreements that affect the rates, terms, and conditions on which incumbent LECs offer DS1 and DS3 services without incurring early termination penalties. Finally, we explained that the Commission should apply price cap regulation to Ethernet business data services of 50 Mbps capacity and below.

Marlene H. Dortch
October 18, 2016
Page 2

Please do not hesitate to contact me if you have any questions or concerns regarding this submission.

Respectfully submitted,

/s/ Thomas Jones

Thomas Jones

Counsel for Level 3 Communications, LLC

cc: Matt DelNero
Claude Aiken