



June 7, 2018

Ex Parte

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

Re: *In re Petition of USTelecom for Forbearance Pursuant to 47 U.S.C. §160(c) to Accelerate Investment in Broadband and Next-Generation Networks* (WC Docket No. 18-141)

Dear Ms. Dortch:

On Tuesday, June 5, 2018, Diane Holland and the undersigned of USTelecom – The Broadband Association spoke via telephone with the following Commission staff: Terri Natoli, Megan Capasso, and Pamela Megna of the Wireline Competition Bureau (Bureau); and Joel Rabinovitz of the Office of General Counsel. The purpose of this call was to seek approval to designate certain materials to be submitted into the record as “HIGHLY CONFIDENTIAL,” pursuant to the Protective Order adopted by the Bureau on June 1, 2018 in this proceeding.¹ Additionally, in response to questions from Bureau staff, USTelecom discussed the process undertaken to solicit and analyze company-specific data used in the Economic Study appended to our Petition for Forbearance (Petition),² and noted that the Petition contains more than sufficient additional evidence to support a grant of the requested relief.

Bureau staff also asked for clarification and further explanation of the underlying data and analysis used to develop the six charts included in the Petition. We reiterated that USTelecom derived the data series for these charts from publicly available data, including

¹ *Petition of USTelecom for Forbearance Pursuant to 47 U.S. C. § 160(c) to Accelerate Investment in Broadband and Next-Generation Networks*, Protective Order, DA 18-575 (June 1, 2018).

² *Petition of USTelecom for Forbearance Pursuant to 47 U.S. C. § 160(c) to Accelerate Investment in Broadband and Next-Generation Networks*, WC Docket No. 18-141 (filed May 4, 2018) (*Petition*). See also Hal Singer & Kevin Caves, Economists Incorporated, and Ed Naef & Micah Sachs, CMA Strategy Consulting, *Assessing the Impact of Forbearance from 251(c)(3) on Consumers, Capital Investment, and Jobs* (May 2018) (attached to the Petition as Appendix B).

Ms. Marlene Dortch
June 7, 2018
Page 2

primarily Commission data,³ and noted that much of the information in these charts has been submitted to the Commission in other proceedings to demonstrate the highly competitive state of the voice services and low-speed data marketplaces. Nevertheless, for further transparency, we agreed to submit detailed explanations of the data sources and analyses used to develop the charts in the near future.

Finally, Bureau staff explained that their review of the Petition and supporting data would benefit from additional transparency into the sources of the data underlying the Economic Study and the methodologies used to analyze those data, and invited USTelecom to supplement the record accordingly, which we agreed to do.

Please do not hesitate to contact us with any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Holland', with a stylized flourish at the end.

Diane Holland
Vice President, Law & Policy

cc: (via email)
Terri Natoli
Michele Berlove
Megan Capasso
Joel Rabinovitz

³ See Opposition of USTelecom to the INCOMPAS Motion to Dismiss, WC Docket No. 18-141, at 5 (filed May 21, 2018).