

June 12, 2019

Ex Parte Notice VIA ECFS

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

Re: *Petition of USTelecom for Forbearance Pursuant to 47 U.S.C. §160(c) (WC Docket No. 18-141)*

Dear Ms. Dortch,

On June 10, 2019, Chip Pickering and the undersigned from INCOMPAS, and executive representatives from INCOMPAS member companies met separately with Nirali Patel, Legal Advisor to Chairman Pai; Commissioner Carr and Jamie Susskind; Commissioner Starks and Randy Clarke; Travis Litman, Legal Advisor to Commissioner Rosenworcel; and, staff from the Wireline Competition Bureau. A full list of the participants for each of the meetings is attached hereto as Attachment 1.

INCOMPAS and its members explained, as discussed further in declarations and other filings in the above-referenced proceeding, the importance of the statutory provisions and associated Commission rules related to avoided-cost resale and access to unbundled network elements in bringing consumers competitive options and innovative services, and as a necessary stepping stone to the build out of fiber networks.¹

INCOMPAS Members, including Mr. Galvin of Granite discussed the importance of avoid-cost resale to meet the continued demands of business customers and governmental entities for TDM services within incumbent service areas. INCOMPAS Members discussed the importance of unbundled network elements in their ability to build out their fiber networks, including Mr. Jasper who presented images (being filed separately today under seal by Sonic) to

¹ Mr. Pickering referenced and spoke to recent articles related to statements and analysis of AT&T's slowdown in fiber investment in the meetings. Mike Rubuck, "AT&T's Donovan says telco will take a more incremental approach to fiber builds" FierceTelecom, Jun. 5, 2019, at <https://www.fiercetelecom.com/telecom/at-t-s-donovan-says-telco-will-take-a-more-incremental-approach-to-fiber-builds>; Stepan Lavrouk, "AT&T: Cheap or Dangerous?" Yahoo Finance, May 23, 2019, at <https://finance.yahoo.com/news/t-cheap-dangerous-175436252.html>. Mr. Pickering provided Ms. Patel with copies of the articles.

show the sequenced stages of entering a market with the use of unbundled network elements to the deployment of fiber.² In the meeting with the Wireline Competition Bureau, the discussion on unbundled network elements included the use and importance of the subloop in delivering broadband services, including customers that have no alternative provider.³

As INCOMPAS and others have demonstrated overwhelmingly in the record, the Commission should deny USTelecom's petition.

Respectfully submitted,

/s/ Karen Reidy

Karen Reidy
Vice President, Regulatory

cc: Nirali Patel
Jamie Susskind
Travis Litman
Randy Clarke
Kris Monteith
Terri Natoli
Ed Krachmer
Megan Capasso
Michele Berlove

² Mr. Jasper also drew Ms. Patel's attention to language on pages 27-28 of the USTelecom petition that claims "no residential users" of unbundled network elements.

³ 47 CFR §51.319(b). While the attachments were not shown in the meeting, we are attaching Attachment 2 which represents Virginia Global's use of subloops in combination of DS1 circuits. Attachment 3 represents Gorge Networks' use of subloops.

Attachment 1: Meeting Attendees

Meeting with Nirali Patel:

Daniel Friesen, Co-Founder, IdeaTek
Dan Bubb, CEO/President, Gorge Networks
Fletcher Kittredge, CEO, Biddeford Internet Corporation d/b/a GWI
Dane Jasper, CEO, Sonic
Brian Worthen, CEO, Mammoth Networks
Carson Coffman, President/COO, Socket Telecom
Joe Morris, Board of Director, First Communications
John Hoehne, COO, Access One
Dusan Janjic, President, Virginia Global Communications systems, Inc.
Michael B. Galvin, General Counsel, Granite Telecommunications, LLC
Joe Farano, General Counsel, MetTel
Roger Fleming, representing Allstream
Chip Pickering, CEO, INCOMPAS
Karen Reidy, VP Regulatory, INCOMPAS

Meeting with Commissioner Carr and Jamie Susskind:

Daniel Friesen, Co-Founder, IdeaTek
Dan Bubb, CEO/President, Gorge Networks
Fletcher Kittredge, CEO, Biddeford Internet Corporation d/b/a GWI
Dane Jasper, CEO, Sonic
Brian Worthen, CEO, Mammoth Networks
Carson Coffman, President/COO, Socket Telecom
Joe Morris, Board of Director, First Communications
John Hoehne, COO, Access One
Dusan Janjic, President, Virginia Global Communications systems, Inc.
Michael B. Galvin, General Counsel, Granite Telecommunications, LLC
Joe Farano, General Counsel, MetTel
Chip Pickering, CEO, INCOMPAS
Karen Reidy, VP Regulatory, INCOMPAS

Meeting with Commissioner Starks and Randy Clarke:

Jeffrey Strenkowski, VP, Deputy General Counsel of Governmental Affairs, Uniti Fiber
Dan Bubb, CEO/President, Gorge Networks
Fletcher Kittredge, CEO, Biddeford Internet Corporation d/b/a GWI
Dane Jasper, CEO, Sonic
Brian Worthen, CEO, Mammoth Networks
Carson Coffman, President/COO, Socket Telecom
Joe Morris, Board of Director, First Communications
John Hoehne, COO, Access One
Dusan Janjic, President, Virginia Global Communications systems, Inc.

Michael B. Galvin, General Counsel, Granite Telecommunications, LLC
Joe Farano, General Counsel, MetTel
Chip Pickering, CEO, INCOMPAS
Karen Reidy, VP Regulatory, INCOMPAS

Meeting with Travis Litman:

Jeffrey Strenkowski, VP, Deputy General Counsel of Governmental Affairs, Uniti Fiber
Dan Bubb, CEO/President, Gorge Networks
Fletcher Kittredge, CEO, Biddeford Internet Corporation d/b/a GWI
Dane Jasper, CEO, Sonic
Brian Worthen, CEO, Mammoth Networks
Carson Coffman, President/COO, Socket Telecom
Joe Morris, Board of Director, First Communications
John Hoehne, COO, Access One
Dusan Janjic, President, Virginia Global Communications systems, Inc.
Michael B. Galvin, General Counsel, Granite Telecommunications, LLC
Joe Farano, General Counsel, MetTel
Chip Pickering, CEO, INCOMPAS
Karen Reidy, VP Regulatory, INCOMPAS

Meeting with Wireline Competition Bureau:

FCC Participants:

Kris Monteith
Terri Natoli
Ed Krachmer
Megan Capasso
Michele Berlove (by phone)

INCOMPAS Participants:

Dan Bubb, CEO/President, Gorge Networks
Dane Jasper, CEO, Sonic
Brian Worthen, CEO, Mammoth Networks
Jeffrey Strenkowski, VP, Deputy General Counsel of Governmental Affairs, Uniti Fiber
Joe Morris, Board of Director, First Communications
John Hoehne, COO, Access One
Dusan Janjic, President, Virginia Global Communications systems, Inc.
Michael B. Galvin, General Counsel, Granite Telecommunications, LLC
Joe Farano, General Counsel, MetTel
Chip Pickering, CEO, INCOMPAS
Karen Reidy, VP Regulatory, INCOMPAS