



June 20, 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 Monday, June 18, 2018, Jon Banks, Patrick Brogan, and the undersigned of USTelecom – The Broadband Association met with the following Commission staff: Madeleine Findley, Eric Ralph, Daniel Kahn, Terri Natoli, Pamela Megna, Claudia Pabo, and Michele Berlove (by phone) of the Wireline Competition Bureau (Bureau). The purpose of this meeting was to discuss our views on why it is appropriate for the Commission to grant the relief sought in our Petition for Forbearance (Petition)¹ on a nationwide basis.

We reviewed prior Commission orders finding incumbent LECs to be non-dominant across residential and business voice and data services, including the Switched Access Non-Dominance Order,² the suite of orders on Enterprise Broadband,³ and the Section 271 Broadband

¹ 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).

² *Technology Transitions, USTelecom Petition for Declaratory Ruling That Incumbent Local Exchange Carriers are Non-Dominant in the Provision of Switched Access Services, Policies and Rules Governing Retirement of Copper Loops by Incumbent Local Exchange Carriers*, GN Docket No. 13-5, WC Docket No. 13-3, RM-11358, Declaratory Ruling, Second Report and Order, and Order on Reconsideration, 31 FCC Rcd 8283 (2016).

³ See, e.g., *Petition of AT&T Inc. for Forbearance Under 47 U.S.C. § 160(c) From Title II and Computer Inquiry Rules With Respect to its Broadband Services*, *Petition of BellSouth Corp. for Forbearance Under Section 47 U.S.C. § 160(c) From Title II and Computer Inquiry Rules With Respect to its Broadband Service*, WC Docket No. 06-125, Memorandum Opinion and Order, 22 FCC Rcd 18705 (2007).

Forbearance Order.⁴ We also discussed the impact of the Commission's BDS Order that confirmed the general competitiveness of the market and imposed detailed price regulation in certain limited geographies.⁵ We explained these orders show that the reasons for imposing unbundling obligations, which may have been appropriate more than two decades ago due to the scale and scope of incumbent networks and services, have been superseded by marketplace developments recognized in a broad range of Commission orders.

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

Sincerely,



Diane Holland
Vice President, Law & Policy

cc: (via email)
Madeleine Findley
Eric Ralph
Daniel Kahn
Terri Natoli
Pamela Megna
Claudia Pabo
Michele Berlove

⁴ *Petition for Forbearance of the Verizon Telephone Companies Pursuant to 47 U.S.C. § 160(c), et al.*, WC Docket Nos. 01-338, 03-235, 03-260, 04-48, Memorandum Opinion and Order, 19 FCC Rcd 21496 (2004).

⁵ *Business Data Services in an Internet Protocol Environment, et al.*, WC Docket Nos. 16-143, 05-25, GN Docket No. 13-5, RM-10593, Report and Order, 31 FCC Rcd 7753 (2017).