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June 21, 2017

Ex Parte Communication

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

Re: WC Docket 16-403, *CenturyLink Inc. and Level 3 Communications Inc.*,
Applications for Transfer of Control

Dear Ms. Dortch:

On June 20, 2017, the undersigned, representing Telnyx LLC, sent the attached email to Jim Bird and Joel Rabinovich of OGC and Terri Natoli, Michael Ray, Zach Ross, Ramesh Nagarajan, Ginny Metallo, Pam Megna, Dan Kahn, Negheen Sanjar and David Gutierrez of the Wireline Competition Bureau regarding the CenturyLink/Level 3 merger proceeding.

If you have any questions, please feel free to contact me at the above number.

Sincerely,

_____/s/_____

Mark C. Del Bianco

Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission

From: Mark Del Bianco <mark@markdelbianco.com>
To: "michael.ray@fcc.gov" <michael.ray@fcc.gov>; "jim.bird@fcc.gov" <jim.bird@fcc.gov>; "joel.rabinovich@fcc.gov" <joel.rabinovich@fcc.gov>; "terri.natoli@fcc.gov" <terri.natoli@fcc.gov>; "zachary.ross@fcc.gov" <zachary.ross@fcc.gov>; "ramesh.nagarajan@fcc.gov" <ramesh.nagarajan@fcc.gov>; "virginia.metallo@fcc.gov" <virginia.metallo@fcc.gov>; pamela.megna@fcc.gov; "daniel.kahn@fcc.gov" <daniel.kahn@fcc.gov>; "david.gutierrez@fcc.gov" <david.gutierrez@fcc.gov>; "negheen.sanjar@fcc.gov" <negheen.sanjar@fcc.gov>
Sent: Tuesday, June 20, 2017 11:31 AM
Subject: Wholesale switching issues in CL/L3 transaction

Members of the transaction team-

This email is being sent on behalf of Telnyx, LLC. It follows up on Telnyx's April 14, 2017, meeting with the transaction team, in which Telnyx addressed the competitive harm that the proposed transaction would create for providers of interconnected VoIP and other IP communications services. Telnyx stated that the transaction posed the risk of reducing competition in the essential market for wholesale IP switching and transport service, and that the absence of wholesale switching and transport service offerings at reasonable rates and on reasonable terms will prevent the development of the types of new voice competition envisioned by the Commission in Numbering Policies for Modern Communications, Report and Order, rel. June 22, 2015 (Docket Nos. WC 13-97, WC 04-36, WC 07-243, CC 95-116, CC 01-92, WC 10-90, and CC 99-200) (the "Numbering Order").

The problem is not just limited to Telnyx. These services are critical for many new competitors providing interconnected VoIP and other IP communications services. In recent weeks, five such providers, all of whom have received numbering authorization pursuant to the Numbering Order, have submitted letters confirming the threat to new voice competition posed by the transaction. Those letters can be found in the docket at the following links:

<https://ecfsapi.fcc.gov/file/1061492892199/VOIP%20Innovations%20FCC%20letter%206-12-17.pdf>

<https://ecfsapi.fcc.gov/file/106161149708312/FracTel%20FCC%20Letter%206-15-17.pdf>

<https://ecfsapi.fcc.gov/file/10604052973667/Telengy%20FCC%20letter%205-23-17.pdf>

<https://ecfsapi.fcc.gov/file/10604171581499/Barr%20Tel%20FCC%20Letter-%205-23-17.pdf>

<https://ecfsapi.fcc.gov/file/10616278313708/Commio%20letter%20WC%20Docket%2016-403.pdf>

While we anticipate similar filings in the near future from at least three other providers, the six companies that have made filings in the proceeding constitute one-third of the firms that have received authorizations under the Numbering Order.

Telnyx urges the staff to review the letters and follow up with the filers on this crucial issue.

Best Regards,

Mark Del Bianco