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VIA ECFS

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

Re: Notice of *Ex Parte* Presentation in CC Docket No. 16-363
Petition of AT&T Services, Inc. for Forbearance Under 47 U.S.C. §160(c) from
Enforcement of Certain Rules for Switched Access Services and Toll Free Database Dip
Charges

Dear Ms. Dortch:

On July 12, South Dakota Network, LLC (SDN) met with Pam Arluk, Edward Krachmer, Gregory Capobianco, William Kehoe, Doug Slotten, and Irina Asoskov of the Wireline Competition Bureau's Pricing Policy Division. Mark Shlanta, CEO; Nancy Johnson, VP; Mary Sisak, counsel; and the undersigned attended the meeting on behalf of SDN.

In the meeting, SDN urged the Commission to, at most, grant only partial forbearance for AT&T's petition. SDN pointed out that a simple grant of AT&T's petition would leave SDN without a billing mechanism for the carriage of stimulated interstate traffic, which would not be in the public interest. Instead, SDN noted that two reasonable alternatives exist which do not require a rulemaking proceeding.

First, SDN noted that the Commission should clarify that traffic stimulator CLECs are required to accept IXC traffic where the transport function is provided by an intermediate carrier other than the CLEC, and where the IXC desires such direct connection. Second, the FCC should re-affirm that the Commission's *Transformation Order* recognized the propriety of contract arrangements between a willing buyer and a willing seller, and that tariffed rates, terms, and conditions may be used as a generic offering.

Finally, SDN noted that the Commission could find that the use of benchmarked rates for transporting stimulated traffic is appropriate, as suggested by Verizon in the referenced proceedings. For non-stimulated traffic, the traditional tariffing scheme would still govern the provision of conventional interstate access traffic. This Verizon alternative may require a separate rulemaking.

Pursuant to Section 1.1206 of the Commission's rules, a copy of this letter is being filed via ECFS. If you have any questions, please do not hesitate to contact the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read "B. H. Dickens, Jr.", with a stylized flourish at the end.

Benjamin H. Dickens, Jr.
Counsel to South Dakota Network, LLC

CC: Pam Arluk
Edward Krachmer
Gregory Capobianco
William Kehoe
Doug Slotten
Irina Asoskov