

July 18, 2019

**VIA ECFS**

***NOTICE OF EX PARTE***

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

**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 July 16, 2019, Michael Galvin, General Counsel of Granite Telecommunications, LLC (“Granite”), Karen Reidy, Vice President of Regulatory Affairs of INCOMPAS, and Mia Guizzetti Hayes and the undersigned of Willkie Farr & Gallagher LLP, counsel for Granite, Manhattan Telecommunications Corporation d/b/a Metropolitan Telecommunications (“MetTel”), and Access One, Inc. (together with Granite and MetTel, the “Joint Parties”) met with Nirali Patel, Wireline Advisor to Chairman Pai. During the meeting, we explained that the Commission should deny forbearance for avoided-cost resale of TDM-based telephone services provided via copper loops (“traditional TDM service”) and voice-grade copper loop unbundled network elements (“VGCL UNEs”). We further explained that if the Commission grants forbearance for avoided-cost resale and VGCL UNEs, the order should not take effect for five years and three years for existing lines serving government and business customers, respectively, and the order should not take effect for four years and 18 months for newly-ordered lines serving government and business customers, respectively, as set forth in the Joint Parties’ July 15, 2019 ex parte letter<sup>1</sup> and briefly summarized below.

*First*, for business customers, a three-year transition for already-ordered services is sufficient, but the Commission should change the six-month transition for newly-ordered services to 18 months. A large number of business customers will be ordering new services during the next several years

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<sup>1</sup> Letter from Thomas Jones, Counsel for Granite Telecommunications, LLC, Manhattan Telecommunications Corporation d/b/a Metropolitan Telecommunications, and Access One, Inc., to Marlene H. Dortch, Secretary, FCC, WC Docket No. 18-141 (July 15, 2019).

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under contracts just now being signed or under existing contracts at prices negotiated when the avoided-cost resale and VGCL UNE requirements were in place. Eighteen months will give service providers and their customers time to modify those contracts as needed in light of what will likely be higher ILEC wholesale prices post forbearance.

*Second*, we clarified that for government customers that order under the General Services Administration's ("GSA") telecommunications procurement regime (e.g., Networkx and its successor, the Enterprise Infrastructure Solutions ("EIS") contract), the majority of which are federal government customers, the transition period should be five years for all lines ordered prior to the effective date of the Commission's order, and competitors should be able to order new lines subject to the avoided-cost resale and VGCL UNE regulations to serve those customers for four years after the effective date of the order. The GSA has extended the mandatory transition for federal agencies to purchase under the EIS contract to May 2023, and many federal agencies are likely to delay the transition to EIS from the current Networkx contract until that deadline. Granite and MetTel were approved as EIS providers in order to introduce competition, lower prices, and better services for government customers. Delaying forbearance for newly-ordered services for four years (i.e., until 2023) and for previously-ordered services for five years (i.e., until 2024) will enable Granite and MetTel to perform this function.

Please contact me if you have any questions regarding this submission.

Respectfully submitted,

/s/ Thomas Jones

Thomas Jones

*Counsel for Granite Telecommunications, LLC  
Manhattan Telecommunications Corporation d/b/a  
Metropolitan Telecommunications, and Access One, Inc.*

cc: Nirali Patel