

August 11, 2016

**VIA ECFS**

***NOTICE OF EX PARTE***

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW, Room TW-A325  
Washington, DC 20554

**Re: *Technology Transitions, GN Docket No. 13-5; AT&T Petition to Launch a Proceeding Concerning the TDM-to-IP Transition, GN Docket No. 12-353; Special Access for Price Cap Local Exchange Carriers, WC Docket No. 05-25; Business Data Services in an Internet Protocol Environment, WC Docket No. 16-143; Policies and Rules Governing Retirement of Copper Loops by Incumbent Local Exchange Carriers, RM-11358; AT&T Corporation Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services, RM-10593***

Dear Ms. Dortch:

On August 9, 2016, Michael Galvin, General Counsel and Olivia Lanagan of Granite Telecommunications, LLC (“Granite”), Kevin Joseph of Joseph & Associates, and I met with Howard Symons, General Counsel of the Commission, and Stephanie Weiner, Legal Advisor to Chairman Tom Wheeler about the above-referenced matters.

During our meeting, we advocated for an adjustment to the regulatory backstop for wholesale platform services adopted in the *Technology Transitions Order*.<sup>1</sup> Wholesale platform

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<sup>1</sup> See *Technology Transitions*, Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking, 30 FCC Rcd 9372, ¶ 132 (2015) (adopting an interim rule that incumbent LECs seeking Section 214 authority to discontinue a TDM-based commercial wholesale platform service that is currently used as a wholesale input by competitive carriers must provide competitive carriers with reasonably comparable access on reasonably comparable rates, terms, and conditions). The Commission stated that this regulatory backstop would sunset upon the completion of the special access proceeding. *Id.* However, in the Further NPRM, the Commission acknowledged that a different sunset of the backstop as it applies to wholesale platform services may be appropriate. *Id.* ¶¶ 242, 244 (recognizing “that the special access proceeding will not address the status of commercial wholesale platform services such as AT&T’s Local Service Complete and Verizon’s Wholesale Advantage that include incumbent LEC loops, transport and local switching” and seeking comment on whether it would be “appropriate for the Commission to require reasonably comparable wholesale access for

Marlene H. Dortch

August 11, 2016

Page 2

services consist of the voice grade loops, switching, and transport facilities that Granite and other competitive carriers use to provide voice services to multi-location business customers. The incumbent LECs are the only source of these inputs in most multi-location business customer locations. The backstop for wholesale platform services is set to expire upon the completion of the business data services proceeding, but the termination of the business data services proceeding is not the appropriate trigger for eliminating the backstop. This is because the Commission is not analyzing the market for voice grade loops, switching, and transport facilities in the business data services proceeding. The decisions reached at the conclusion of that proceeding and any remedies adopted to address incumbent LEC market power in the provision of business data services will not address the incumbent LECs' market power over the inputs needed to provide voice services to multi-location business customers. Accordingly, we explained that the Commission should retain the regulatory backstop for wholesale platform services until it completes an examination of the relevant market for the voice lines, switching, and transport facilities that comprise the wholesale voice platform. Moreover, we explained that the appropriate conclusion of that proceeding would be to classify incumbent LEC business voice services as telecommunications services and to apply *ex ante* rate regulations needed to ensure that the incumbent LECs charge just, reasonable, and not unjustly or unreasonably discriminatory rates for those services to wholesale customers.

Please do not hesitate to contact me if you have any questions or concerns regarding this submission.

Respectfully submitted,

/s/ Thomas Jones

*Counsel for Granite Telecommunications, LLC*

cc: Howard Symons  
Stephanie Weiner

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commercial wholesale platform services for a further interim period beyond completion of the special access proceeding”).