



September 7, 2018

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

Re: *Ex Parte* Communication: WC Docket No. 17-144

Dear Ms. Dortch:

On September 5, 2018, Bob DeBroux of TDS Telecom, Trey Judy of Hargray Communications, and Genny Morelli and the undersigned of ITTA, along with Mike Skrivan of Consolidated Communications and Lynn Follansbee of USTelecom participating by telephone, met with Jay Schwarz and Jameson Broggi of the Office of Chairman Pai regarding the Notice of Proposed Rulemaking in the above-referenced proceeding.¹

As an initial matter, we discussed the impact on the instant proceeding of the recent decision of the U.S. Court of Appeals for the Eighth Circuit remanding to the Commission portions of the Commission's business data services order for price cap carriers relating to TDM transport services, on account of the Commission having provided inadequate notice.² We addressed potential approaches towards providing interim relief regarding TDM transport services in the instant proceeding during the pendency of the remand to the Commission of TDM transport services issues in the price cap carrier context, in the event the Commission is not inclined to deregulate TDM transport services in the instant proceeding at this juncture. We urged the Commission to continue to move forward expeditiously with an order in the instant proceeding.

We also followed up a recent meeting with Dr. Schwarz to further address why TDM transport services should be deregulated for the entities covered by the *NPRM*.³ We presented

¹ *Regulation of Business Data Services for Rate-of-Return Local Exchange Carriers*, Notice of Proposed Rulemaking, FCC 18-46 (Apr. 18, 2018) (*NPRM*).

² See *Business Data Services in an Internet Protocol Environment et al.*, Report and Order, 32 FCC Rcd 3459 (2017), *aff'd in part, vacated in part sub nom. Citizens Telecomm. Co. of Minnesota v. FCC*, No. 17-2296, at 12-21 (8th Cir. Aug. 28, 2018).

³ See Letter from Michael J. Jacobs, Vice President, Regulatory Affairs, ITTA, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 17-144 (filed Aug. 9, 2018).

Ms. Marlene H. Dortch
September 7, 2018
Page 2

the attached redacted versions of sample study areas showing fiber routes and fiber lit buildings of competitors to one such entity.⁴

Please do not hesitate to contact the undersigned with any questions regarding this submission.

Respectfully submitted,

/s/

Michael J. Jacobs
Vice President, Regulatory Affairs

Attach.

cc: Jay Schwarz
Jameson Broggi

⁴ If ITTA and USTelecom were to submit comparable showings in unredacted form, they would seek the Commission's according of confidential treatment to such showings.