

Morgan Lewis

Joshua M. Bobeck
Jeffrey R. Strenkowski
+1.202.373.6000
joshua.bobeck@morganlewis.com
jeffrey.strenkowski@morganlewis.com

September 21, 2016

Via ECFS

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

**Re: WC Docket No. 16-143, WC Docket No. 15-247, WC Docket No. 05-25;
RM-10593,
Notice of Ex Parte Communication**

Dear Ms. Dortch:

On September 19, 2016, Daniel Heard and Jay Birnbaum of Uniti Fiber, along with Jeffrey R. Strenkowski and the undersigned of Morgan Lewis & Bockius, LLP (together, the representatives of Uniti Fiber), held separate meetings with (1) Ambassador Philip Verveer, Senior Counsel to Chairman Wheeler and Stephanie Weiner, Legal Advisor to Chairman Wheeler; (2) Amy Bender, Legal Advisor to Commissioner O’Rielly; (3) Claude Aiken, Legal Advisor to Commissioner Clyburn; and (4) Travis Litman, Legal Advisor to Commissioner Rosenworcel.

In each of these meetings, the representatives of Uniti Fiber discussed the proposals in the record that could subject Uniti Fiber and other competitive fiber providers’ (“CFP”) prices to regulation through the application of benchmarks based on ILEC prices, and how that would harm Uniti Fiber and other CFPs and their efforts to deploy new fiber networks for mobile wireless backhaul.

The Uniti Fiber representatives further discussed the points made in their filed ex parte letter dated September 16, 2016, and the attached written presentation.

Please contact the undersigned with any questions regarding this filing.

Morgan, Lewis & Bockius LLP

2020 K Street, NW
Washington, DC 20006-1806
United States

T +1.202.373.6000
F +1.202.739.3001

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Respectfully Submitted,

/s/ Joshua M. Bobeck

Joshua M. Bobeck

Counsel for Uniti Fiber

Attachment

cc: (via email):

Ambassador Philip Verveer
Stephanie Weiner
Claude Aiken
Amy Bender
Travis Litman

FCC Presentation on Competitive Fiber BDS Regulation

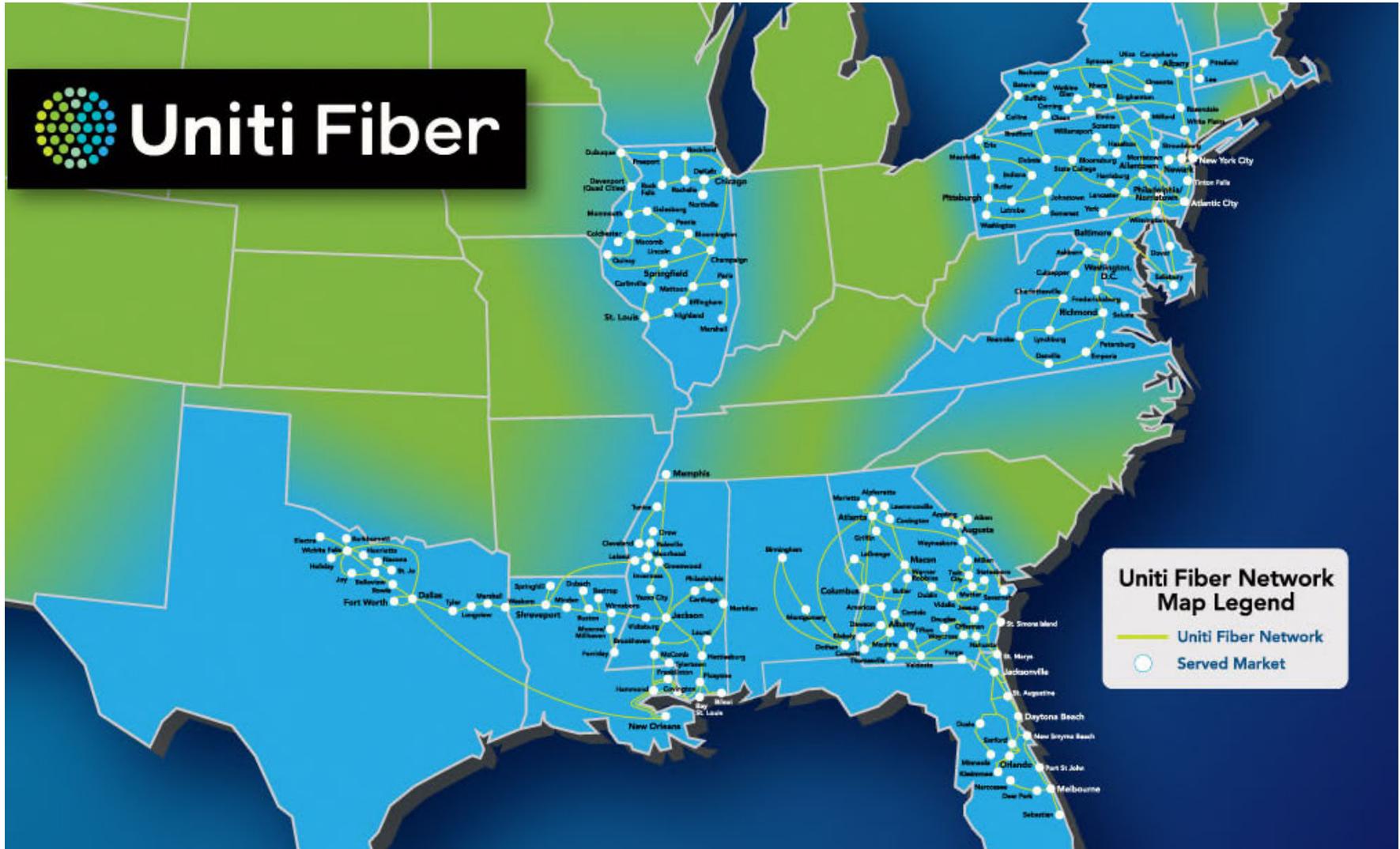
September 19-20, 2016



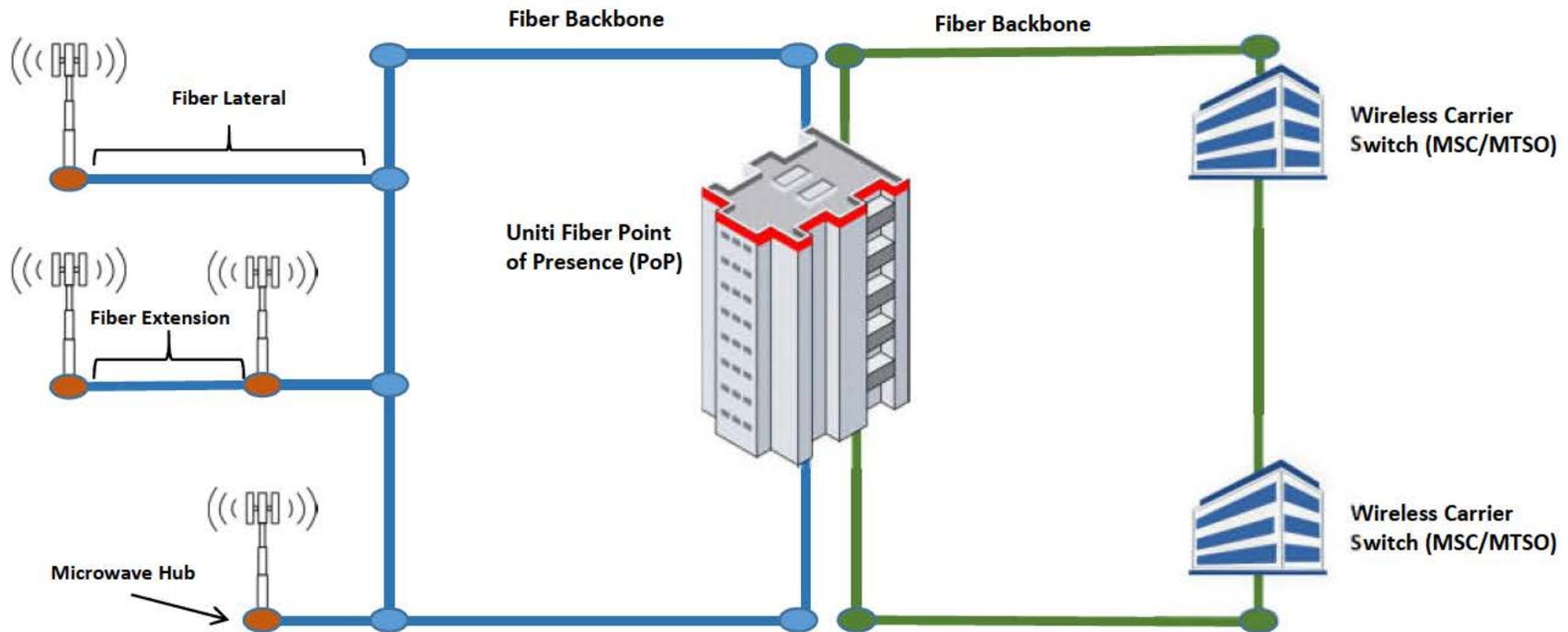
Background on Uniti Fiber

- Uniti Fiber is a leading competitive provider of infrastructure solutions, including cell site backhaul and small cell for wireless operators and Ethernet, wavelengths and dark fiber for telecom carriers and enterprises.
- Uniti Fiber provides a variety of network connectivity options in lower-tier and rural markets where customers struggle to find reliable, scalable and affordable solutions.
- Uniti Fiber's growing infrastructure spans 19 states and almost 590,000 fiber strand miles.
- We connect over 5,200 customer connection locations with local access to 2,600 municipalities and dozens of utilities.
- Uniti Fiber specializes in cell site backhaul for wireless carriers. It has been awarded backhaul services from major wireless providers to support 3G (EVDO, HSPA) and 4G (WiMax, LTE) deployments.
- Uniti Fiber delivers customized solutions wherever its customers' toughest challenges exist.

Uniti Fiber's Network Map



Uniti Fiber's Typical Network Architecture



Uniti Fiber Demonstrates the Success of Light Touch Regulation of CFPs

- Uniti Fiber is investing millions of dollars to build new networks in lower tier and rural areas.
- The company spends a significant portion of its cash flow and revenue on building new fiber routes.
- Uniti fiber sells its customers complex solutions to their fiber networking needs, not off the rack point to point circuits.
- Uniti Fiber and other CFPs undertake the difficult, expensive and time consuming process of wiring businesses, cellular towers, and other key areas for broadband.

Benchmark Regulation of CFP Pricing Would Harm Competition

- Such regulation is not necessary since Uniti Fiber faces competition from at least the ILEC everywhere it operates and frequently faces competition from other CFPs.
- Uniti Fiber is constrained from selling at a price higher than the ILEC without providing additional value to the customer.
- Benchmark regulation of Uniti Fiber's pricing would create uncertainty, raise the cost of capital and discourage new investment.
- Benchmarks based on ILEC costs would hamper investment because CFPs have higher costs – including for capital.