

November 7, 2016

Ex Parte

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

Re: Business Data Services in an Internet Protocol Environment, WC Docket No. 16-143; Investigation of Certain Price Cap Local Exchange Carrier Business Data Services Tariff Pricing Plans, WC Docket No. 15-247; Special Access for Price Cap Local Exchange Carriers, WC Docket No. 05-25; AT&T Corporation Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Service, RM-10593.

Dear Ms. Dortch,

On November 3, 2016, Charles McKee of Sprint Corporation and I met with Travis Litman, Legal Advisor for Commissioner Rosenworcel and Claude Aiken, Legal Advisor for Commissioner Clyburn. We discussed the following: (1) the record supports a reduction to TDM price caps of at least 11% over a two-year period to account for the gap in productivity accounting and an X-factor at least 3% annually; (2) just and reasonable BDS rates will promote innovation without discouraging incumbent investment; (3) the Commission is justified in adopting rules that impose price caps in all areas for BDS at or below 50 Mbps based on its findings that all but a tiny percentage of locations are inadequately competitive, can permit ILECs the opportunity to demonstrate that competition is adequate in the few individual locations where competition might be present, and excuse them from price caps in these locations, through waiver requests; (4) the Commission should reject the eleventh-hour request of some ILECs to carve-out critical transport service elements from its reform proposal; and (5) the *Further Notice* should reflect the lack of competition for Ethernet services in the majority of the country, even for higher-capacity services.

Pursuant to the FCC's rules, I have filed a copy of this notice electronically in the above-referenced proceeding. If you require any additional information, please contact the undersigned.

Sincerely,



Paul Margie
Counsel to Sprint

cc: Meeting participants