

November 18, 2019

Ms. Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> St. SW  
Washington, D.C. 20554

Re: *Modernizing Unbundling and Resale Rules in an Era of Next-Generation Networks and Services* (WC Docket No. 19-308)

Dear Ms. Dortch:

On November 15, 2019, Jonathan Spalter, CEO of USTelecom – The Broadband Association spoke with Commissioner Brendan Carr urging the Commission to adopt without delay the public draft of the Modernizing Unbundling and Resale Rules Notice of Proposed Rulemaking (“*Draft Modernizing Unbundling and Resale Rules NRPM*”) scheduled for consideration at the November 22, 2019 Open Meeting.<sup>1</sup>

During the conversation, Mr. Spalter expressed USTelecom’s support of the Federal Communications Commission’s (“Commission”) ongoing efforts to modernize outdated regulations to reflect the modern, competitive, communications marketplace.<sup>2</sup> USTelecom is particularly encouraged by the proposals included in the *Draft Modernizing Unbundling and Resale Rules NRPM* that would seek comment on updating the Commission’s unbundling and resale rules to reflect the dynamic transformation of the communications marketplace. Consistent with Congress’ directive in the 1996 Telecommunications Act (“1996 Act”), the Commission is taking timely action with its proposal that it is no longer necessary to enforce a regime that harms consumers by slowing the transition to modern networks and distorts competition by imposing regulatory burdens on incumbent providers that hold a small and shrinking share of the market.

Mr Spalter also discussed how the Commission’s proposals would not harm consumers since robust intermodal voice and broadband competition already exists, especially in urban areas where the Commission is considering to focus relief. Further, the *Draft Modernizing Unbundling and Resale Rules NRPM* specifically proposes to exempt residential broadband service and telecommunications service in rural areas.<sup>3</sup>

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<sup>1</sup> *Modernizing Unbundling and Resale Rules in an Era of Next-Generation Networks and Services*, WC Docket No. 19-308, Public Draft Notice of Proposed Rulemaking (Oct. 29, 2019) (*Draft Modernizing Unbundling and Resale Rules NRPM*), <https://docs.fcc.gov/public/attachments/DOC-360518A1.pdf>.

<sup>2</sup> See FCC’s 5G Fast Plan, FCC, <https://www.fcc.gov/5G> (last visited Nov. 6, 2019) (modernizing outdated regulations is one of three key components to the FCC’s comprehensive strategy to facilitate America’s superiority in 5G technology).

<sup>3</sup> *Draft Modernizing Unbundling and Resale Rules NRPM*, paras. 32-34.

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Mr. Spalter expressed appreciation for the Commission's continued leadership in examining how it can modernize its rules to keep pace with the modern communications marketplace and in particular the balanced approach contemplated in the *Draft Modernizing Unbundling and Resale Rules NRPM*.

USTelecom looks forward to adoption of the *Draft Modernizing Unbundling and Resale Rules NRPM* and the subsequent public comment period to further demonstrate that forcing incumbent local exchange carriers to open their networks to competitors at rates substantially below market rates almost 25 years after the 1996 Act no longer makes sense in the current competitive communications marketplace, particularly in urban areas subject to significant competition today as proposed in the *Draft Modernizing Unbundling and Resale Rules NRPM*.

Please contact me with any questions.

Sincerely,

\_\_\_\_\_/s/\_\_\_\_\_  
Patrick R. Halley  
Senior Vice President, Policy & Advocacy

cc: Commissioner Brendan Carr  
Joseph Calascione