



The voice of mid-size communications companies

September 30, 2014

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

**Re: *Ex Parte* Communication: WC Docket No. 10-90**

Dear Ms. Dortch:

On September 29, 2014, Genny Morelli and the undersigned of ITTA, Jeff Dupree of the National Exchange Carrier Association (“NECA”), Bob DeBroux of TDS Telecom (by phone), and Greg Lunsford of Comporium Communications (by phone) met with Pam Arluk, Victoria Goldberg, Dick Kwiatkowski, Todd Mitchell, Deena Shetler, Doug Slotten, and Don Sussman of the Wireline Competition Bureau to discuss NECA pooling procedures and the treatment of special access services under ITTA’s alternative regulation plan for rate-of-return (“RoR”) companies (the “ITTA Plan”).

At the meeting, we explained that the ITTA Plan does not necessitate any changes to current NECA pooling procedures to ensure that carriers opting alternative regulation under the ITTA Plan and carriers continuing under traditional RoR regulation, both of which will remain in a single traffic sensitive pool, are treated equitably. The rules and procedures for carriers opting alternative regulation under the ITTA Plan would work similarly to how they are applied today for average schedule carriers and rate-of-return affiliates of price cap carriers. Thus, earnings variations would be handled in the same manner as they are handled today for average schedule carriers, no pool entry or exit rules would need to be modified, and there would be no effect on the banding processes NECA uses to establish special access rates.

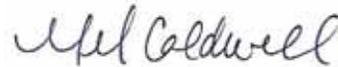
Similarly, the ITTA Plan requires no changes to the FCC’s rules or principles governing the development of special access rates, whether they are established individually or within the NECA pool. For pooling companies filing under Section 61.38 of the Commission’s rules, the current rules and procedures are adequate and no changes are necessary. Study areas under alternative regulation would be treated the same as average schedule study areas in the NECA tariff are today for rate-setting purposes, and there is no reason to depart from this approach. Likewise, no rule changes are necessary with respect to carriers filing their own tariffs. For carriers that do not participate in the NECA pool, current standard price cap rules would apply.

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The ITTA Plan was developed to maximize carrier participation and incentivize the transition from legacy RoR regulation by providing necessary predictability and flexibility. Thus, carriers who opt into the ITTA Plan will continue to have the same ability as they do today to utilize NECA's tariff pooling operations, which may be attractive to certain carriers as a means to lessen administrative burdens, or to exit the pool and file their own tariff rates based on their individual business needs. The ITTA Plan does not require any modifications to the framework the Commission currently has in place.

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

Respectfully submitted,



Micah M. Caldwell  
Vice President, Regulatory Affairs

cc: Pam Arluk  
Victoria Goldberg  
Dick Kwiatkowski  
Todd Mitchell  
Deena Shetler  
Doug Slotten  
Don Sussman