

May 21, 2015

**VIA ECFS**

***EX PARTE NOTICE***

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

**Re: *Technology Transitions, GN Docket No. 13-5; Policies and Rules Governing the Retirement of Copper Loops by Incumbent Local Exchange Carriers, RM-11358; PS Docket No. 14-174; Special Access Rates for Price Cap Local Exchange Carriers, WC Docket No. 05-25 and RM-10593***

Dear Ms. Dortch,

On May 19, 2015 Angie Kronenberg and the undersigned from COMPTTEL met with Carol Mattey, Dan Kahn, Bakari Middleton and, by phone, Randy Clarke, Michele Berlove, Heather Hendrickson, and Jean Ann Collins of the Wireline Competition Bureau.

In the meeting we discussed how wholesale access has been critical for delivering competition in the enterprise marketplace, including community anchor institutions, and has allowed competitors to drive the IP transition. We discussed two key ways the Commission can ensure continued access to these necessary wholesale inputs. One, the adoption of the Commission's proposed rebuttable presumption and tentative conclusion for wholesale input services. Specifically, the Commission should adopt its proposed rebuttable presumption<sup>1</sup> (and, as discussed in our comments, in certain circumstances it should be irrebuttable) that a Section 214 application is required for the discontinuance of wholesale service offerings, including for special access term discount plans. In conjunction with the presumption, the Commission must adopt its tentative conclusion<sup>2</sup> that an ILEC must offer a replacement product that meets the equivalency standard in order to be granted a discontinuance application for a wholesale input service offering. We stressed that the application of this standard not be limited to last-mile services, but must encompass other critical wholesale input services such as AT&T Wholesale Complete and Verizon's Wholesale Advantage services.<sup>3</sup> We also expressed support for

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<sup>1</sup> Where a carrier seeks to discontinue, reduce or impair a wholesale service, there will be a rebuttable presumption that that action will discontinue, reduce or impair service to a community or part of a community such that approval is necessary pursuant to section 214(a).

<sup>2</sup> Incumbent LECs that seek Section 214 authority to discontinue, reduce, or impair a legacy service used as a wholesale input by competitive providers be required to commit to providing equivalent wholesale access on equivalent rates, terms, and conditions.

<sup>3</sup> See COMPTTEL Comments at 25-28.

Windsteam's six principles for evaluating whether replacement offerings meet the equivalency standard. Second, the Commission should ensure access to alternative facilities to the bare copper loop on just and reasonable rates, terms and condition, such as access to dark fiber.<sup>4</sup>

Additionally, we discussed the fact that because copper is used by carriers to provide critical services to consumers' businesses, the Commission should revise its copper retirement rules to ensure sufficient time for transition and that key processes are in place related to the retirement of copper. For example, the Commission should require one year advance notification of copper retirement and require that the incumbents maintain a database, available to the requesting carriers, as to where copper facilities are available and where the facilities have been retired.

Finally, as discussed in our reply comments,<sup>5</sup> the Commission should clarify that incumbent LECs have a duty to provide IP interconnection for the exchange of facilities-based (or "managed") voice traffic under Section 251(c)(2) of the Act. The significance of this issue is demonstrated by the fact that there has seldom been such broad support in the industry across the various types of service providers as there is on the critical need for Commission action to ensure incumbent LECs fulfill their obligations under Sections 251 and 252 of the Act with regard to IP interconnection. The record is replete with legal arguments and the supporting factual basis for such confirmation.

Please do not hesitate to contact us if you have any questions about this submission.

Respectfully submitted,

*/s/ Karen Reidy*

cc: Meeting participants

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<sup>4</sup> *See id* at 28-33.

<sup>5</sup> COMPTTEL Reply Comments at 18-22.