

July 9, 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; AT&T Petition to Launch a Proceeding Concerning the TDM-to-IP Transition, GN Docket No. 12-353; Policies and Rules Governing the Retirement of Copper Loops by Incumbent Local Exchange Carriers, RM-11358; Special Access Rates for Price Cap Local Exchange Carriers, WC Docket No. 05-25 and RM-10593*

Dear Ms. Dortch,

On July 7, 2015, I spoke with both Daniel Alvarez, Legal Advisor to the Chairman, and Matt DelNero, Wireline Competition Bureau Chief, concerning the above-captioned proceedings. During the call I expressed our support for the Commission's bipartisan unanimous determination that the technology transitions proceeding should ensure that the network values of competition, consumer protection, universal service and public safety should continue.

I expressed support for adoption of the tentative conclusion,¹ that an incumbent LEC must offer a replacement product that provides equivalent wholesale access on equivalent rates, terms, and conditions in order to be granted a discontinuance application for a wholesale input service offering. The adoption of this standard is needed so that business end-users (particularly smaller businesses) can continue to receive the tailored, innovative and affordable service they need to operate their businesses. In particular, I urged the Commission to adopt Windstream's proposed six principles, as modified by COMPTTEL,² in rules clarifying application of the standard.

¹ Notice of Proposed Rulemaking and Declaratory Ruling, *Technology Transitions et al*, GN Docket No. 13-5, FCC 14-185 (2014) ("NPRM") at ¶ 110. [The Commission tentatively concludes that it "require an incumbent LECs that seek Section 214 authority to discontinue, reduce, or impair a legacy service used as a wholesale input by competitive providers to commit to providing equivalent wholesale access on equivalent rates, terms, and conditions."]

² See Letter of Karen Reidy to Marlene Dortch, dated June 11, 2015.

I also emphasized the need for the Commission to improve the “copper retirement process to better promote competition and protect consumers.”³ In particular, the Commission should adopt revisions to improve the notification and procedural rules for copper retirement so that wholesale and end-users consumers are informed of their options and have sufficient notice of retirements to allow them to consider fully alternatives and can take informed steps to mitigate the impact without retail customers suffering undue disruption. The ILECs should be required to incorporate their retirement notices into their existing processes for responding to competitor inquiries about the availability of copper facilities, so as to minimize the potential for situations that threaten continuity of service for retail customers which can arise (and have arisen) when retirement notices are not incorporated. Requiring that the retirement notices be incorporated would not impose any new data collection requirement on the ILECs. We also expressed our support for the Commission defining copper retirement to include disabling or removal of the loop or feeder and ask that the Commission remind incumbents of the obligation to return copper facilities to service upon request if they haven’t been retired.

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

Respectfully submitted,

/s/Angie Kronenberg

Angie Kronenberg
Chief Advocate and General Counsel

cc: Daniel Alvarez
Matt DelNero

³ Notice of Proposed Rulemaking and Declaratory Ruling, *Technology Transitions et al*, GN Docket No. 13-5, FCC 14-185 (2014) at ¶ 49.