



July 29, 2015

**Ex Parte**

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

Re: *In the Matter of Technology Transitions* (GN Docket No. 13-5);  
*Special Access for Price Cap Local Exchange Carriers* (WC Docket No. 05-25)

Dear Ms. Dortch:

On Monday, July 27, 2015, Walter B. McCormick, Jr. and the undersigned of the United States Telecom Association (USTelecom) met with Commissioner Mignon Clyburn, Rebekah Goodheart, Legal Advisor, and Evan Scott, Intern. On Tuesday, July 28, 2015, we met with Daniel Alvarez, Legal Advisor to Chairman Tom Wheeler, and Daniel Kahn, Deputy Chief, Competition Policy Division, Wireline Competition Bureau. At both meetings, we discussed certain aspects of the above-referenced proceedings.

USTelecom expressed support for the Commission's decision to move forward with the technology transitions proceeding, noting that 80 percent of the nation's households have already migrated off of legacy networks. We stressed the benefits to consumers, businesses, and competition that transition will bring, including faster and more robust connectivity and access to the Internet, data and applications. We also emphasized that transitions are well underway, compelled by consumers and businesses overwhelmingly choosing to adopt services that use new technologies; thus the nation will be better served by prompt Commission action in the technology transitions and special access proceedings.

In both meetings, we encouraged the adoption of a two-year limit on the reasonably comparable wholesale interim measure, in lieu of tying that requirement to the completion of the special access proceeding. We explained the importance of sending a message that the Commission has always placed a premium on facilities-based competition over less-sustainable competition models, and that competing providers would be well-served to focus on decreasing their dependence on incumbent local exchange carrier legacy facilities rather than slowing down the transition. A hard deadline, which could always be revisited for good cause shown, would ultimately do more to ensure the success of the transition than would a wait-and-see approach tied to the as-yet unscheduled completion of a proceeding that has been ongoing for several years. We also expressed some concern about the proposal to define "*de facto*" copper

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retirement, and explained that our member companies deny that such conditions exist to any significant degree, adding that we see no need for additional regulation to address “*de facto*” copper retirement beyond what currently exists.

With regard to the new customer notification requirement for planned copper retirements, we expressed our belief that the current proposal for a single notification is sufficient, since multiple notifications often lead to customer frustration and are not guaranteed to be more effective. The Commission also need not adopt additional requirements as to the type and format of customer notices, but should allow providers flexibility to determine how notifications should be made, consistent with existing Commission rules (e.g., 47 C.F.R. § 68.110(b), which requires written customer notification where changes are expected to render customer terminal equipment incompatible), and state and local requirements, as well as customer preferences. In the meeting with Commissioner Clyburn and her staff, we also discussed what was described to us as a potential need for extended notification of planned copper retirements and service discontinuances to utilities. We reaffirmed our commitment to ensuring that all our members’ customers get adequate notification, and agreed to convey to our members the need to engage in ongoing dialogue about how best to meet all customer notification needs.

In the meeting with Messrs. Alvarez and Kahn, we also discussed the relationship between the section 214 application process and the reasonably comparable standard, and the factors that will be used to evaluate whether that standard is being met.

Pursuant to Commission rules, please include this *ex parte* letter in the above-identified proceedings. Please do not hesitate to contact me should you have any questions regarding this filing.

Sincerely,



Diane Griffin Holland  
Vice President, Law & Policy

Copy via e-mail to:

Commissioner Mignon Clyburn

Daniel Alvarez

Rebekah Goodheart

Daniel Kahn

Evan Scott