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EX PARTE
VIA ELECTRONIC FILING

July 31, 2015

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

Re: *In the matter of Technology Transitions*, GN Docket No. 13-5; *Policies and Rules Governing Retirement of Copper Loops by Incumbent Local Exchange Carriers*, RM-11358; *Special Access for Price Cap Local Exchange Carriers*, WC Docket No. 05-25; *AT&T Corporation Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services*, RM-10593.

Dear Ms. Dortch:

On Thursday, July 30, 2015, Robert Quinn, Keith Krom, and the undersigned of AT&T met in separate meetings with Amy Bender, Legal Advisor to Commissioner O'Reilly, and Travis Litman, Legal Advisor to Commissioner Proulx, and discussed comments filed by AT&T in the above captioned proceedings.

In particular, we emphasized that the Commission should reject the use of interim pricing rules for IP special access services suggested by Windstream. As we have demonstrated,¹ Commission attempts to dictate ILEC prices for these services would first have to reverse the forbearance that was granted nearly a decade ago and then satisfy the Section 205 standards to prescribe rates for such services. The record in the *Technology Transitions* proceeding does not support either of these actions.

We indicated that the proposed changes to the network modification regulations are unsupported by the required factual basis in the record of widespread, systematic neglect of ILEC copper infrastructure. And while we support the Commission's proposal to maintain the notice-only nature of the network modification regulations, we expressed concern about the possibility of vaguely worded obligations to "maintain" copper infrastructure and unspecified mechanisms for establishing non-compliance. We believe existing rules already in place adequately address ILECs' obligations in connection with network modifications and there is no

¹ Letters from James P. Young, Attorney for AT&T, to Marlene H. Dortch, Secretary, FCC, *Petition for Declaratory Ruling to Clarify That Technology Transitions Do Not Alter the Obligation of Incumbent Local Exchange Carriers to Provide DS1 and DS3 Unbundled Loop Service Pursuant to 47 U.S.C. §251(c)(3)*, WC Docket No. 15-1; *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; *Special Access Rates for Price Cap Local Exchange Carriers*, WC Docket No. 05-25; *AT&T Corp. Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services*, RM-10593, filed July 14, 2015 and July 29, 2015.

reason for the Commission to address this issue further by expanding the definition of “copper retirement.”

Finally, we expressed concerns over the Commission’s potential inclusion of commercial platform services (e.g., AT&T Local Wholesale Complete) under its revised interpretation of Section 214 service withdrawal regulations. Specifically, any attempt to condition the withdrawal of these services on the availability of replacement services that meet either an “equivalent or reasonably comparable rates, terms and conditions” standard must initially address the Commission’s jurisdiction over services that are local in nature, do not appear in any interstate tariffs, and are not classified as Section 251 unbundled network elements. The Commission then would have to address the fact that the ILECs have been providing these services on a voluntary basis under commercially negotiated contracts since 1997, without obligation to provide the unbundled network element platform was struck down by the Courts. For these reasons we feel it would be inappropriate for the Commission now to insert itself into these business relationships and dictate the rates, terms, and conditions under which these services must be offered by subjecting them to the proposed service withdrawal regulations.

Pursuant to Section 1.1206 of the Commission’s rules, a copy of this notice is being electronically filed in the above-captioned docket. Please do not hesitate to contact me with any questions regarding this matter.

Sincerely,



cc: A. Bender
T. Litman