



Writer's Direct Dial: 703.755.6730  
Facsimile Number: 703.755.6740  
[Sheba.Chacko@bt.com](mailto:Sheba.Chacko@bt.com)

November 20, 2015

*Via Electronic Filing*

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

*EX PARTE LETTER*

RE: ***WC Docket No. 05-25, RM-10593, GN Dkt No. 13-5***

Dear Secretary Dortch:

On November 18, 2015, BT met with Commissioner Clyburn and her legal advisor Rebekah Goodheart. Gavin Patterson, CEO of BT plc, Sheba Chacko, Senior Counsel and Head, Americas Regulation and Global Telecoms Policy, and Jennifer Taylor Hodges, Vice-President of Government Affairs for the US, represented BT in this discussion.

During this meeting, BT described UK regulation of bottleneck services including broadband and business access services and explained that it had resulted in the lowest prices for superfast and basic broadband services amongst the countries compared including the US, UK, France and Germany. This was Ofcom's own finding in the International Communications Market Report it published in December 2014.<sup>1</sup> BT further explained that UK regulation had not caused BT to disinvest in broadband or the communications market. As shown by Ofcom's data, fiber broadband is available to 90% of UK premises.<sup>2</sup> Furthermore, BT has announced plans to deliver much faster broadband for homes and small businesses through G.fast, a new standard for broadband connectivity that enables speeds of up to 500 Mbps.

More information comparing UK and US broadband pricing versus deployment against the backdrop of UK and US regulation is available on the Competify website at <http://trycompetify.com/wp-content/uploads/2015/09/Special-Access-Myths-vs-Facts-Sept-30-2015-FINAL.pdf>.

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<sup>1</sup> See chapter 2 of this report which is available at [http://stakeholders.ofcom.org.uk/binaries/research/cmr/cmr14/icmr/ICMR\\_2014.pdf](http://stakeholders.ofcom.org.uk/binaries/research/cmr/cmr14/icmr/ICMR_2014.pdf).

<sup>2</sup> See p 267, Ofcom' Communications Market Report (Aug. 2015) available at [http://stakeholders.ofcom.org.uk/binaries/research/cmr/cmr15/CMR\\_UK\\_2015.pdf](http://stakeholders.ofcom.org.uk/binaries/research/cmr/cmr15/CMR_UK_2015.pdf).

While BT did not highlight this fact during its meeting with Commissioner Clyburn and Rebekah Goodheart, even AT&T's Randall Stephenson publicly acknowledges that regulation to address economic bottlenecks increases business investment. When announcing AT&T's proposed investment of US\$3 billion in the Mexican telecommunications market Stephenson said, "[r]eforms introduced by President Peña Nieto, with support from the Mexican Congress and IFETEL, have given us the ability to invest in building an advanced mobile network in Mexico .... As we are now seeing in Mexico, business investment increases with thoughtful, responsible regulation. And when companies invest — whether in expansion or improved services for consumers and businesses — they create jobs. It is a simple, powerful formula."<sup>3</sup> AT&T cannot claim regulation enhances investment wherever it seeks to enter markets and compete, but claim the opposite is true in markets where it seeks to defend its monopoly power. This is not a credible position.

If you have any questions regarding any matters discussed herein please contact the undersigned.

Sincerely,



Sheba Chacko  
Head, Americas Regulation and Global Telecoms Policy, BT  
Americas Inc.

cc: Rebekah Goodheart  
Gigi Sohn  
Travis Litman  
Nick Degani  
Amy Bender  
Deena Shetler

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<sup>3</sup> See [http://about.att.com/story/att\\_to\\_invest\\_approximately\\_3\\_billion\\_in\\_mexico\\_to\\_extend\\_mobile\\_internet\\_to\\_100\\_million\\_consumers\\_and\\_businesses\\_by\\_year\\_end\\_2018.html](http://about.att.com/story/att_to_invest_approximately_3_billion_in_mexico_to_extend_mobile_internet_to_100_million_consumers_and_businesses_by_year_end_2018.html).