

# Morgan Lewis

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## **VIA ECFS**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

**Re: *Petitions for Rulemaking and Clarification Regarding the Commission's Rules Applicable to Retirement of Copper Loops and Copper Subloops, RM-11358; Technology Transitions Policy Task Force, GN Docket No. 13-5; Comment Sought on the Technological Transition of the Nations Communications Infrastructure, GN Docket No. 12-353; Special Access for Price Cap Local Exchange Carriers; WC Docket No. 05-25, RM-10593***  
**Notice of Ex Parte Meeting**

Dear Ms. Dortch:

On February 9, 2016, Nancy Lubamersky, Vice President Public Policy of U.S. TelePacific Corp. d/b/a TelePacific Communications ("TelePacific"), and the undersigned met with Daniel Kahn, Michele Berlove, Megan Capasso, Brian Hurley and Peter Saharko of the Wireline Competition Bureau.

TelePacific reviewed the issues in its Petition for Clarification and asked the Commission to act quickly to harmonize the deadlines for a CLEC's Section 214 discontinuance application and the ILEC's copper retirement. No party opposed the first proposed remedy that would automatically grant the CLEC's Section 214 application by the date of retirement so long as the application was submitted to the Commission 40 days before the retirement date.

With respect to the second proposed alternative remedy of delaying copper retirement in instances of customer hardship, TelePacific explained that the *Tech Transitions Order* did not explicitly balance the hardship of a customer losing access to existing broadband over copper with the certainty of a six-month deadline for copper retirement. To the contrary, throughout the Order the Commission indicated its intent that the affected LECs work together to ensure that customers experience no or minimal disruption in service. Even with the nearly 20 fiber vendors that TelePacific works with today, there is no fiber alternative within 500 feet of 89% of the nearly 500 schools, rural health care, and community based organizations that TelePacific currently serves using Ethernet over copper ("EoC"). If the ILEC were to retire, for example, 500 feet of copper in a route that TelePacific uses to offer EoC today, it is highly likely that TelePacific would not be able to find an alternative last mile access solution to continue to meet the customers' bandwidth needs. With average new installations of 25/25 Mbps, U-Verse or cable modem service will not meet a customer's symmetrical high-bandwidth needs. Fixed wireless has line of sight limitations,

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T-1s have bonding limitations, and DS3s are not available over copper in California. And at the rate competitive fiber providers are laying fiber, it would take 20+ years to build to all of TelePacific's small and medium business and community based organization customers.

TelePacific supports the transition to fiber and has been moving its customers to fiber where available, even though it must purchase Ethernet from ILECs under commercial agreements. However, there needs to be a bridge between today's broadband over copper service and the future of technology that can offer symmetrical broadband over hybrid copper/fiber or fiber to every premise. It would be a step backward for customers that have broadband today to lose that service because a portion of the copper route is replaced by fiber. TelePacific looks forward to working with the Commission to ensure customers maintain access to existing broadband service where no fiber alternatives are available.

Please contact the undersigned if you have any questions.

Respectfully submitted,

*/s/ Tamar E. Finn*

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TelePacific Communications*

cc: Daniel Kahn  
Michele Berlove  
Megan Capasso  
Brian Hurley  
Peter Saharko