



1200 G STREET, NW, SUITE 350 PH: 202.296.6650
WASHINGTON, DC 20005 FX: 202.296.7585

April 21, 2016

VIA ECFS

EX PARTE NOTICE

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

Re: *Special Access Rates for Price Cap Local Exchange Carriers, WC Docket No. 05-25 and RM-10593*

Dear Ms. Dortch:

On April 20, 2016, Angie Kronenberg and the undersigned met separately with Rebekah Goodheart of Commissioner Clyburn's office, Amy Bender of Commissioner O'Reilly's office and Travis Litman of Commissioner Rosenworcel's office. On April 21, 2016, Ms. Kronenberg met with Nick Degani of Commissioner Pai's meeting. Ms. Kronenberg and I also had a phone conversation with Stephanie Weiner of the Chairman's office today.

During the meeting INCOMPAS expressed support for the Commission's concrete action in the above-referenced proceeding and its proposal for a new framework for Business Data Services ("BDS"), also known as special access services, that will update the rules to ensure reasonable access to BDS as needed for wireless backhaul and competitive services to business customers, schools, hospitals, libraries and government buildings. Given the current state of the market and the need for the Commission to provide long overdue relief from the current monopoly rents that wireline and wireless competitors are paying for necessary inputs, we urged swift action by the Commission on the Order and Further NPRM and to complete the proceeding by the end of the year.

Moreover, INCOMPAS stressed the importance of regulatory policies that ensure reasonable rates, in non-competitive areas, including for high bandwidth Ethernet services (*e.g.*, bandwidths higher than 50 Mbps) in achieving this goal, including promoting next generation mobile broadband networks such as 5G. As such, the Commission should obtain additional facts in the comment round before reaching any conclusions on a bandwidth baseline or fiber proximity for a finding of competition.

INCOMPAS also discussed the need for competitors to have access to wholesale rates that will promote competition at the retail level. We also expressed support for “fresh look” rights for purchasers of BDS, in a manner that does not invoke change of law provision, under their existing plans impacted by actions that will be taken as a result of the tariff investigations

Respectfully submitted,

/s/ Karen Reidy

Karen Reidy
Vice President, Regulatory Affairs

cc: Stephanie Weiner
Rebekah Goodheart
Travis Litman
Amy Bender
Nick Degani