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Via ECFS

April 22, 2016

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

Re: Special Access, WC Docket No. 05-25

Dear Ms. Dortch:

On April 20, 2016 and April 21, 2016, Jennifer Prime of Cox Communications; Robert Hattori, outside consultant to Cox Communications; and the undersigned met separately with Rebekah Goodheart, Wireline Legal Advisor to Commissioner Clyburn; Amy Bender, Wireline Legal Advisor to Commissioner O’Rielly; Nicholas Degani, Wireline Legal Advisor to Commissioner Pai; and Travis Litman, Senior Legal Advisor to Commissioner Rosenworcel. Additionally, on April 21, 2016, the same individuals met with Jonathan Sallet, FCC General Counsel; Stephanie Weiner, Wireline Senior Legal Advisor to Chairman Wheeler; Matthew DeNero, Chief of the Wireline Competition Bureau; Eric Ralph (by phone), Wireline Competition Bureau Chief Economist; and Deena Shetler, Associate Bureau Chief, Wireline Competition Bureau.

At these meetings we discussed the Further Notice of Proposed Rulemaking the Chairman recently circulated in the special access proceeding.¹ We expressed concern over the possibility of imposing pricing regulation on Cox’s business services and the impact such regulation may have on the company’s plans for continued network investment. We urged the Commission to seek comment on ways to achieve its goals without deviating from the FCC’s pro-competitive policies applicable to facilities-based competitors. Cox noted that the Commission appears to be proposing a radically different regulatory regime for special access services than it had been exploring up to this point and requested that the Commission provide parties with sufficient time to address this complex new proposal.

During each of these meetings, Cox discussed its general decision-making process for deploying fiber and Ethernet over HFC to business customers and Cox described the growth of its business services since the end of 2013. It also explained that consumer prices for Ethernet services have been declining

¹ Tom Wheeler, Chairman, FCC, “Out with the Old, In with the New,” Apr. 8, 2016, available at <https://www.fcc.gov/news-events/blog/2016/04/08/out-old-new>.



Marlene H. Dortch, Esq.
April 22, 2016
Page Two

on a per megabit basis since that time, and noted the extent to which it has seen competition from other facilities-based fiber providers, even in its smaller markets.

Respectfully submitted,

 /s/ Michael H. Pryor
Michael H. Pryor

cc: R. Goodheart
A. Bender
N. Degani
T. Litman
J. Sallet
S. Weiner
M. DelNero
E. Ralph
D. Shetler