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## VIA ECFS

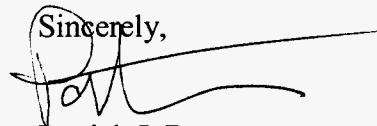
Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Portals  
Washington, DC 20554

Re: Ex Parte, WC Docket Nos. 05-65, 05-75

Dear Secretary Dortch:

Pursuant to Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, this will provide notice that on October 18, 2005, the undersigned on behalf of ATX Communications, Inc., Bridgecom International, Inc., Broadview Networks, Inc., Bullseye Telecom, Inc., Cavalier Telephone Mid-Atlantic, LLC, Eureka Telecom, Inc. d/b/a Eureka Networks f/k/a Gillette Global Network, Inc., Granite Telecommunications, LLC., Lightyear Network Solutions, LLC, Pac-West Telecomm, Inc., US LEC Corp., and U.S. TelePacific Corp. d/b/a TelePacific Communications met with Michelle Carey, Legal Advisor to Chairman Martin; Russell Hanser, Legal Advisor to Commissioner Abernathy; Jessica Rosenworcel, Legal Advisor to Commissioner Copps; and Scott Bergman, Legal Advisor to Commissioners Adelstein. We discussed the issues presented in the attached document which was provided at the meetings.

Sincerely,



Patrick J. Donovan  
Philip J. Macres

Attachment

## MERGER CONDITIONS

### UNEs

- **Cap UNE Prices for 5 years.**

Rationale. This condition would ensure that SBC and Verizon do not attempt to reopen numerous state UNE pricing proceedings to take advantage of the merger specific harm of loss of advocacy of AT&T and MCI in any such proceedings.

### Special Access

- **Pricing.** Roll back to January 1, 2005 levels and cap prices for tariffed special access term and volume pricing plans for channel terminations until the completion of the FCC *Special Access Pricing Reform* proceeding. Cap would apply to each rate element level, not to the special access basket.

Rationale. This condition would be an interim, precautionary measure to protect against possible price squeeze behavior by SBC and Verizon pending adoption of new rules governing special access pricing. The roll back would protect against the price squeezing effect of recent special access price increases by some BOCs of 15% or more for channel terminations.

### 271 Loop and Transport Network Elements

- **Cap Rates at 115% of 251(c)(3) UNE Rates for 5 years.** Verizon and SBC should offer loops and transport facilities that they are no longer required to provide pursuant to § 251(c)(3) at 115% of the rate requesting carriers paid for such facilities when they were available pursuant to § 251(3) for the next five years. ILECs will permit states to implement this condition in § 252 arbitration proceedings.

Rationale. This condition will ensure that SBC and Verizon remain compliant with their obligations to offer § 271(c)(2)(B)(iv) loop and § 271(c)(2)(B)(v) transport facilities and continue to allow CLECs with a meaningful opportunity to compete, as § 271 requires, after the mergers are approved. BOCs have opposed State commission implementation of Section 271 obligations in § 252 arbitration proceedings.

### Interconnection

- **IP-based Interconnection.** SBC and Verizon agree to interconnect with the IP networks of competitors on reasonable terms and conditions.

Rationale. This condition would protect against incentives of the merged companies to deny reasonable terms and conditions of interconnection for IP-based networks.