

October 21, 2005

*Via Electronic Delivery*

Hon. Kevin J. Martin  
Chairman  
Federal Communications Commission  
The Portals, TW-A325  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

Re: *Ex Parte* Presentation - Stand-Alone DSL Merger Condition  
WC Dkt. 05-65, *In the Matter of SBC/AT&T Applications for Approval  
of Transfer of Control*; WC Dkt. 05-75, *In the Matter of Verizon/MCI  
Applications for Approval of Transfer of Control*

---

Dear Chairman Martin:

As you have recognized, the promise of Voice over IP Protocol (“VoIP”) and other IP-Enabled services for the American public is vast – providing innovative communications and increased redundancy to the benefit of our economy and our homeland security. Unfortunately, today too many consumers must buy legacy wireline local telephone service before they can avail themselves of VoIP and other IP-based services. If the proposed mergers are to serve the public interest, the FCC can and should empower American consumers to take advantage of emerging IP-based offerings and services.

To fulfill this worthy goal, we, the undersigned VoIP providers respectfully urge the Commission to empower consumers by adopting a Stand-Alone DSL condition if it approves the pending SBC/AT&T and Verizon/MCI merger applications. The condition should be crafted to allow companies such as ours to spur deployment and stimulate consumer adoption of advanced services in American homes and businesses.

By ensuring the effective availability of Stand-Alone DSL, post-merger choices and pricing available to the American consumer for both basic voice telephone and IP-enabled services would be greatly improved. Importantly, the imposition of such a condition is wholly consistent with the FCC’s August 2005 *Wireline Broadband Order*, and would in fact further the Commission’s broadband competition goals. Freeing consumers and businesses to choose services that significantly outpace POTS would be a critical step to ameliorate negative impacts of the proposed mergers. We note that one of the parties to the merger, Verizon, already offers some forms of Stand-Alone DSL service, albeit with significant restrictions and uncertain implementation. The FCC

should ensure that these offerings continue, that their restrictions end, and that implementation is fair and effective.

For these reasons, the undersigned companies urge the Commission to adopt a Stand-Alone DSL condition if it decides to approve the SBC/AT&T and Verizon/MCI merger applications. Consistent with the Commission's *ex parte* rules, one copy of this letter will be filed electronically in each of the above-referenced dockets.

Sincerely,

/s/

---

Melissa E. Newman  
Vice President, Federal Regulatory  
Qwest Communications International, Inc.  
607 14th Street NW  
Suite 950  
Washington, DC 20005  
(202) 429-3120 tel  
(202) 293-0561 fax

/s/

---

Christopher Putala  
Executive Vice President, Public Policy  
EarthLink, Inc.  
1001 Pennsylvania Avenue NW  
Suite 600 South  
Washington, DC 20004  
(202) 742-6772 tel  
(202) 742-6771 fax

CC: (via electronic mail):

Commissioner Abernathy ([Kathleen.Abernathy@fcc.gov](mailto:Kathleen.Abernathy@fcc.gov))  
Commissioner Copps ([Michael.Copps@fcc.gov](mailto:Michael.Copps@fcc.gov))  
Commissioner Adelstein ([Jonathan.Adelstein@fcc.gov](mailto:Jonathan.Adelstein@fcc.gov))  
Michelle Carey ([Michelle.Carey@fcc.gov](mailto:Michelle.Carey@fcc.gov))  
Russell Hanser ([Russ.Hanser@fcc.gov](mailto:Russ.Hanser@fcc.gov))  
Jessica Rosenworcel ([Jessica.Rosenworcel@fcc.gov](mailto:Jessica.Rosenworcel@fcc.gov))  
Scott Bergmann ([Scott.Bergmann@fcc.gov](mailto:Scott.Bergmann@fcc.gov))  
Donald Stockdale ([Donald.Stockdale@fcc.gov](mailto:Donald.Stockdale@fcc.gov))  
Thomas Navin ([Thomas.Navin@fcc.gov](mailto:Thomas.Navin@fcc.gov))