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March 28, 2006

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MAR 28 2006

Federal Communications Commission
Office of Secretary

Marlene H. Dortch, Esq.
Secretary
Federal Communications Commission
445 12th Street, SW, Room 8B201
Washington, DC 20554

Re: Clarification of the Commission's Rules and Policies Regarding Unbundled Access to Incumbent Local Exchange Carriers' Inside Wire Subloops
WC Docket No. 01-338
Notice of Oral Ex Parte Communication

Dear Ms. Dortch:

I am writing this letter to report that, on March 27, 2006, Alexandra Wilson, Vice President, Public Policy of Cox Enterprises, Inc., and the undersigned, representing Cox Communications, Inc. ("Cox"), met to discuss the above-referenced proceeding with Ian Dillner, Acting Legal Advisor to Chairman Martin.

During the meeting, we discussed the issues raised in Cox's petition for declaratory ruling in this proceeding, including ongoing issues in Oklahoma and other states, the requirements of the Commission's rules under the *Triennial UNE Order,* the availability of direct access to inside wire subloops in states other than Oklahoma, the specific relief requested by Cox in the proceeding and other issues described in a handout provided to Mr. Dillner. A copy of the handout is attached to this notice.

In accordance with the requirements of Section 1.1206 of the Commission's rules, an original and one copy of this notice are being filed on the business day following the meetings and a copy of this notice is being provided to Mr. Dillner.

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Please inform me if any questions should arise in connection with this notice.

Respectfully submitted,

J.G. Harrington

Counsel to Cox Communications, Inc.

JGH/vll

Attachment

cc (w/o att.): Ian Dillner

COX COMMUNICATIONS

Inside Wire Subloop Declaratory Ruling Proceeding

WC Docket No. 01-338

Background

- Cox is a fully facilities-based competitive local exchange provider, delivering local telephone over its state-of-the-art broadband networks service to more than 1.5 million residences and over 140 thousand business locations.

- Consumers have recognized Cox's efforts to provide a reliable, cost-effective, customer-friendly local telephone experience by rating Cox highest for three consecutive years in J.D. Power and Associates' Local Residential Telephone Customer Satisfaction Study in the Western Region and in J.D. Power and Associates' nationwide 2004 Residential Long Distance Telephone Service study for bundled services.

- Despite having its own network, to serve residents in multi-tenant environments ("MTEs"), Cox sometimes must use incumbent LECs' inside wire subloops, the wiring between individual customer premises and the point at which the wiring is fed into the incumbent LEC's network. Typically, Cox technicians establish service by accessing customer-dedicated wiring at an incumbent LEC's terminal block and cross-connecting that wiring to Cox's own terminal facilities.

- The Oklahoma Corporation Commission ("OCC") adopted contract language in an arbitration proceeding that allows SBC to deny Cox direct access to SBC's MTE terminal blocks and to force Cox to choose either to pay for unnecessary services or facilities or to provision its own inside wiring to customer premises. Cox has challenged the OCC's ruling before the U.S. District Court for the Western District of Oklahoma, and the court agreed to stay its review until the Commission addresses its inside wire subloop rules in this proceeding.

Facilities-Based Competitive LECs Need Direct Access to Inside Wire Subloops

- To compete economically in MTEs, facilities-based competitors like Cox must be permitted direct access to customer-dedicated inside wire at the point where that wire is disaggregated from incumbent LEC transmission facilities, that is, at the incumbent LECs' terminal blocks.

- Alternatives to direct access impose excessive delays and costs on competitive LECs and creates excessive delays and E911 issues for consumers.

  - Allowing incumbent LECs to insist that their technicians perform standard cross-connections results in delay, an unnecessary incumbent LEC truck roll for every new customer, and cost-prohibitive non-recurring charges for the competitor.

  - Permitting incumbent LECs to require competitors to use incumbent-constructed cross-connect facilities also results in a waste of time and money.

  - Consumers are placed in jeopardy when an installation process that used to have the consumer without dialtone for only a few minutes unnecessarily turns into an installation process that leaves the consumer without service for hours or even days.

The Commission Consistently Has Affirmed the Importance of Access to Inside Wire Subloops.

- In the original local competition proceedings, the Commission held that access to inside wire subloops in MTEs must be provided at any technically feasible point, including at any "Feeder Distribution Interface," whether located at a "cabinet, CEV, remote terminal, utility room in a multi-dwelling unit, or any other accessible terminal."

- The Commission twice has explicitly affirmed its direct access requirement in the *Virginia Arbitration Order* and the *Triennial UNE Order*. In both cases, the Commission denied incumbent LEC claims that they should be permitted to engage in practices like those approved by the OCC.

- In the *Building Access Order,* the FCC found that ILECs use their control over on-premises wiring to frustrate competitive access to MTEs, specifically by requiring the presence of their own ILEC technicians to supervise CLEC wiring and by taking unreasonable amounts of time in scheduling such visits.

- The FCC has found that "once one state has determined that it is technically feasible to unbundled subloops at a designated point, it will be *presumed* that it is technically feasible for any incumbent LEC, *in any other state.*" Washington, New York, and the Commission standing in place of the Virginia State Corporation Commission have allowed direct access in substantially similar network premises.

SBC and Some Other Incumbent LECs Continue to Deny Direct Access.

- In Cox's experience, most incumbent LECs do not object to Cox technicians accessing inside wire subloops at MTE terminal blocks. Indeed, Qwest permits direct access to all competitive LECs as a matter of written company policy. Incumbent LECs have, however, refused Cox direct access in Oklahoma and Kansas.

- The Georgia Commission also has denied competitive LECs direct access, although it ameliorated this error by requiring incumbent LECs to pay for any intermediate cross-connect facilities the incumbent LEC decides must be constructed.

- The Oklahoma and Georgia rulings conflict with rulings in New York and Washington that clearly mandate direct access in accordance with Commission precedent.

Direct Access Poses No Threat to Incumbent LEC Network Integrity.

- Direct access allows competitive LECs to use wiring only on the customer side of incumbent LEC terminal blocks; network wiring is undisturbed. The Commission recognized in the *Triennial UNE Order* that direct access will not jeopardize incumbent LECs' networks.

- Cox has performed thousands of cross connections throughout its markets, has had few technical problems, and never has caused damage to an incumbent LEC's network. There is no credible evidence to the contrary.

- If SBC believes that Cox has made installation mistakes that caused damage to SBC's network, it has adequate remedies under the parties' interconnection agreement and, if all else fails, before the Commission.