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May 3, 2006

**EX PARTE**

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

**Re: Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as Amended by the Cable Television Consumer Protection and Competition Act of 1992, MB Docket No. 05-311**

Dear Ms. Dortch:

On May 2, 2006, Dee May, David Young, Will Johnson and Leora Hochstein met with Donna Gregg, Chief of the Media Bureau, and the following other FCC staff members: Rosemary Harold, William Johnson, Mary Beth Murphy, John B. Norton, Mike Lance, Natalie Roisman, Brendan Murray, Holly Saurer, Priscilla Lee, and Susan Aaron. We discussed our positions regarding a time deadline by which an LFA should be required to act on a franchise application, build-out requirements, franchise fees, and regulation of our fiber optic network.

Regarding a time deadline, we stated that four months is an appropriate maximum period of time by which an LFA should be required to either grant or deny a franchise. We also discussed our recommendation that if an LFA fails to either grant or deny a franchise within four months of the initiation of negotiations, the new entrant should be permitted to begin offering video service to customers (although negotiations towards a final franchise with the LFA could continue after that time).

On the issue of build-out requirements, we reiterated that competitive providers should be permitted to define their own franchise areas, provided that such areas are consistent with the Cable Act. In discussing some of the problems with imposing build-out obligations on competitive providers, we used the attached map of the Town of Hempstead, New York to show that telephone wire centers – the basis on which Verizon upgrades its network to fiber – do not correspond to LFA boundaries.

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Regarding franchise fees, we discussed the Cable Act's cap on such fees of five percent of cable gross revenues. We explained that any demands of value or consideration by an LFA as a condition for granting a franchise that do not fit into the statutory exceptions to the five percent cap are contrary to the Cable Act

We also expressed our concern, described in our comments, over potential LFA efforts to regulate the construction, placement and operation of the entirety of our fiber optic network once video signals are transmitted over that network, even though Verizon deploys its network pursuant to its independent authority as a telecommunications carrier.

Attachment

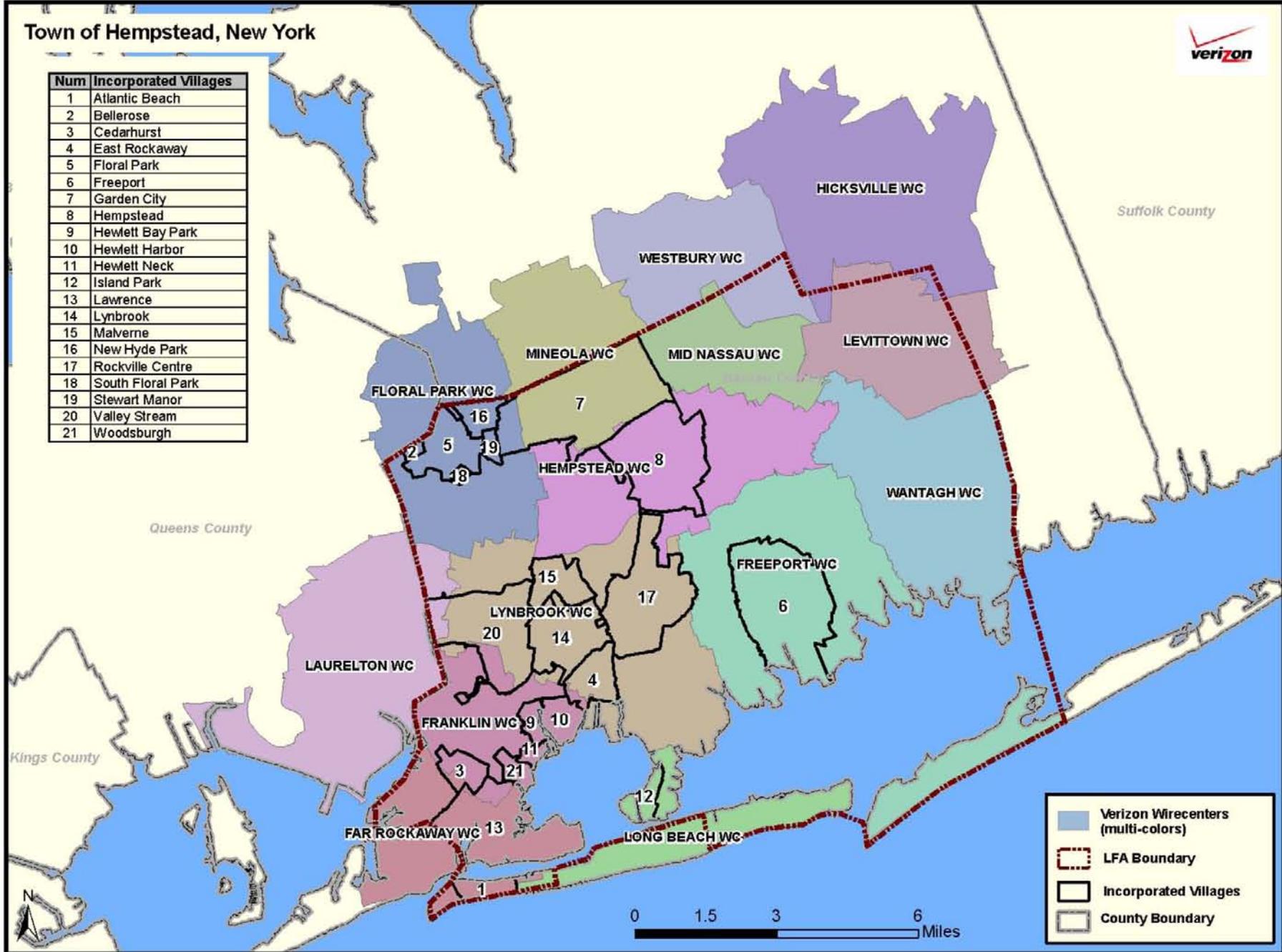
Sincerely,

A handwritten signature in black ink, appearing to read "Marlene H. Dortch". The signature is written in a cursive, flowing style with some loops and flourishes.



# Town of Hempstead, New York

| Num | Incorporated Villages |
|-----|-----------------------|
| 1   | Atlantic Beach        |
| 2   | Bellerose             |
| 3   | Cedarhurst            |
| 4   | East Rockaway         |
| 5   | Floral Park           |
| 6   | Freeport              |
| 7   | Garden City           |
| 8   | Hempstead             |
| 9   | Hewlett Bay Park      |
| 10  | Hewlett Harbor        |
| 11  | Hewlett Neck          |
| 12  | Island Park           |
| 13  | Lawrence              |
| 14  | Lynbrook              |
| 15  | Malverne              |
| 16  | New Hyde Park         |
| 17  | Rockville Centre      |
| 18  | South Floral Park     |
| 19  | Stewart Manor         |
| 20  | Valley Stream         |
| 21  | Woodsburgh            |



- Verizon Wirecenters (multi-colors)
- LFA Boundary
- Incorporated Villages
- County Boundary