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June 30, 2006

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
The Portals
445 12th Street, S.W.
Washington, D.C. 20554

Re: *Ex Parte,* CC Docket Nos. 06-54

Dear Ms. Dortch:

The Office of Regulatory Staff ("ORS"), by undersigned counsel, submits this letter to the Commission. Pursuant to Section 1.1206 of the Commission's rules, this letter serves to provide notice in the above-captioned proceedings of an ex parte meeting with Commission staff. On June 29, 2006, Nanette S. Edwards, Deputy General Counsel, C. Dukes Scott, Executive Director, and Katie Morgan, Director of Telecommunications, met with Scott Bergmann, Legal Advisor for Wireline Issues, with Commissioner Jonathan Adelstein's office. ORS expressed its position concerning theses proceedings in a manner consistent with its filed comments.

A copy of the presentation which was discussed at the meeting is attached. In the meeting, representatives of ORS explained why the Commission should refrain from preempting the SCPSC.

Please contact the undersigned with any questions.

Respectfully submitted,

_/s/_____

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OFFICE OF REGULATORY STAFF
ORS
SOUTH CAROLINA

SOUTH CAROLINA OFFICE OF REGULATORY STAFF

WC Docket No. 06-54

JUNE 29,2006 - JUNE 30, 2006

Mission

The Office of Regulatory Staff represents the public interest in utility regulation by balancing the concerns of the using and consuming public, the financial integrity of public utilities, and the economic development of South Carolina.

Public Interest

Using and Consuming Public

Economic Development of SC… Jobs

Financial Integrity of Public Utilities

Regulatory Authority

- **Telecommunications:**
  - Incumbent and competitive local exchange carriers and intrastate long distance carriers in S.C.
  - Oversight responsibility for local telephone service in S.C.
  - No regulatory authority over wireless, internet, broadband, voice-over-internet protocol, or bundled service offerings

Regulatory Authority
(continued)

- S.C. Code Ann. § 58-9-280(G)(1)(Supp. 2005) (Enacted *2003*):

  ...The Commission must not: (1) impose any requirements related to the terms, conditions, rates or availability of broadband service, or (2) otherwise regulate broadband service; however in order to facilitate the continued deployment of broadband service by [RLECs],...facilities utilized by [RLECs] for the provision of broadband service must continue to be treated by the commission in the same manner....

REGULATORY AUTHORITY

(CONTINUED)

- S.C. Code Ann. § 58-9-295 (B)(1) (Supp. 2005)(Enacted *2004*):

  The commission must not (1) impose any requirements related to the terms, conditions, rates or availability of any bundled offering or contract offering of any qualifying LEC or qualifying IXC that a customer accepts after the effective date of this act. ; or (2) otherwise regulate any bundled offering or contract offering that a customer accepts after the effective date of this act....

Even for utilities or services that do not fall within the purview of the ORS, the agency monitors activities in these arenas to provide information to policy makers in the state.

TW's Petition for Preemption Should Be Denied

- THE S.C. COMMISSION APPLIED S.C. CODE ANN. § 58-9-280 (B) AND S.C. CODE REGS. 103-834(A) IN A NON-DISCRIMINATORY MANNER

- TW HAS AN ADEQUATE REMEDY AT LAW AND IS PURSUING APPEALS IN STATE COURT & HAS FILED COMPLAINTS WITH THE SC COMMISSION

- THE S.C. COMMISSION DETERMINED THAT TO THE EXTENT TW IS A TELECOMMUNICATIONS CARRIER, TW HAS THE RIGHT TO REQUEST INTERCONNECTION

TW's Petition for Preemption Should Be Denied *(cont'd)*

- TO THE EXTENT TW IS OFFERING VOIP SERVICES THAT FIT WITHIN THE PARAMETERS ESTABLISHED IN *VONAGE* THE SC COMMISSION HAS ALREADY BEEN PREEMPTED FROM ISSUING A CPCN

- TO THE EXTENT TW IS OFFERING TELECOMMUNICATIONS SERVICES AND REQUIRES AN AMENDED CPCN, TW CAN RE-FILE ITS APPLICATION *CLEARLY SETTING FORTH THOSE TELECOM SERVICES* TO BE PROVIDED AND THE S.C. COMMISSION MUST RULE WITHIN A MAXIMUM OF 120 DAYS FROM THE DATE OF FILING.

- IF TW HAD RE-FILED ITS APPLICATION ON MARCH 1, 2006, THE SC PSC WOULD HAVE BEEN OBLIGATED TO RULE NO LATER THAN

June 28, 2006.

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