



November 20, 2006

EX PARTE PRESENTATION

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: *Ex Parte Presentation* in CC Docket Nos. 02-33, 01-337

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission rules, 47 C.F.R. § 1.1206, the United States Telecom Association (“USTelecom”) hereby submits this letter summarizing an *ex parte* presentation on November 17, 2006 in the above-referenced dockets.

Leonard Beurer, D&E Communications, Tim Loken, Windstream, Walter Arroyo and Roberto Garcia, Puerto Rico Telephone, Gregory J. Vogt, Wiley Rein & Fielding LLP, and myself, met with Thomas Navin, Chief, Julie Veach, Deputy Chief, Don Stockdale, Associate Chief & Chief Economist, and Marcus Maher, Legal Adviser to the Bureau Chief, of the Wireline Competition Bureau.

The meeting addressed the FCC's *Broadband Internet Access Deregulation Order* in the above-referenced proceedings. USTelecom stated that the *Order* by its terms specifically permitted all broadband Internet access providers who are ILECs to deregulate broadband internet access services, which action is consistent with statements made by the FCC Chairman. Although the *Order* did not address specifically the allocation of costs when rate of return carriers deregulated DSL, there are no additional issues that are raised for rate of return carriers that were not addressed and decided for price cap carriers in the *Order*. In addition, we pointed out that the FCC in prior orders already has addressed the issue of the allocation of loop costs and determined that only the additional costs of a new service would need to be allocated to the new service. The specifics of any cost allocation issue would properly be addressed, if necessary, in the appropriate carrier-specific context.

Sincerely,

James W. Olson
Vice President Law and General Counsel

cc: Thomas Navin
Julie Veach
Donald Stockdale
Marcus Maher