



COMPTTEL

The Communications Association of Choice

January 3, 2007

EX PARTE

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street S.W.  
Washington, D.C. 20554

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's rules, COMPTTEL hereby gives notice that on December 29, 2006 Earl Comstock had a telephone conversation with Scott Bergmann, Legal Advisor to Commissioner Adelstein, and Scott Deutchman, Legal Advisor to Commissioner Copps, regarding AT&T's December 28, 2006 ex parte letter on merger commitments. Mr. Comstock sought clarification on several terms of the letter, and also suggested amendments that COMPTTEL urged the Commission to adopt.

In particular, COMPTTEL urged the advisors to: strike the reference to tariffs with respect to permissible surcharges for UNEs; clarify the relationship between the \$10 and \$20 DSL price and ensure that a wholesale discount was applied to both prices so competitors could make similar DSL offerings; clarify that the term "special access" meant any service other than switched access as provided in the FCC's rules; strike the wireline and section 271(a) limitations in the special access section so that wireless competitors could also obtain access to the discounted rates; clarify in footnote 4 that the exemption of ASI was limited to that particular commitment and not all of the commitments; ensure that the performance data submitted to the Commission would automatically be made public; clarify the use of the terms "BOC," "ILEC," and "AT&T/BellSouth;" include language to clarify that any MARC would be adjusted to reflect price reductions so that the MARC would be reduced by the same percentage as the discount in order to avoid penalizing carriers who might otherwise miss a MARC when purchasing their original volumes at the discounted price; to strike "interLATA" in footnote 11 so that wireless carriers would be included; clarify that ADSL transmission service would be made available at the "lowest" retail rate for such service offered in a State, including any bundled price offering; delete the VPN exclusion in the Net Neutrality commitment; and clarify that the term "currently offered" in the forbearance commitment includes all loop or transport UNEs that could be used for telecommunications as required by section 251, including any wire centers recalculated under AT&T's other commitments.

If you have any questions regarding this notice, please contact the undersigned.

Sincerely,

\_\_\_\_/s/\_\_\_\_

Earl W. Comstock  
President and CEO