LAW OFFICES
BLOOSTON, MORDKOFSKY, DICKENS, DUFFY & PRENDERGAST, LLP
2120 L STREET, NW
WASHINGTON, DC 20037

(202) 659-0830
FACSIMILE: (202) 828-5568

HAROLD MORDKOFSKY
BENJAMIN H. DICKENS, JR.
JOHN A. PRENDERGAST
GERARD J. DUFFY
RICHARD D. RUBINO
MARY J. SISAK
D. CARY MITCHELL

ARTHUR BLOOSTON
1914 – 1999

AFFILIATED SOUTH AMERICAN OFFICES
ESTUDIO JAUREGUI & ASSOCIATES
BUENOS AIRES, ARGENTINA

ROBERT M. JACKSON
OF COUNSEL

PERRY W. WOOFTER
LEGISLATIVE CONSULTANT

EUGENE MALISZEWSKYJ
DIRECTOR OF ENGINEERING
PRIVATE RADIO

WRITER'S CONTACT INFORMATION
202-828-5528
gjd@bloostonlaw.com

January 30, 2007

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

RE: WC Docket Nos. 06-54 and 06-55

Dear Ms. Dortch:

On January 29, 2007, Derrick B. Owens, Eric Keber and Gerard J. Duffy of the Western Telecommunications Alliance ("WTA") met with Michelle Carey, Senior Legal Advisor to Chairman Kevin J. Martin, to discuss the issues and impacts of the pending Time Warner Cable petitions in the referenced proceedings with respect to rural telephone companies.

The topics included: (1) the actual nature of the Digital Phone Service proposed and marketed by Time Warner Cable; (2) WTA's opposition to the use of the Time Warner Cable-Sprint "business model" as a contrivance to obtain the benefits of the Section 251(b)/252 provisions and processes for Time Warner Cable without exposing Time Warner Cable to any of the obligations thereof; and (3) the adverse impact upon local exchange competition if Time Warner Cable's Digital Phone Service and incumbent local exchange carrier ("ILEC") services are not subject to substantially equivalent regulation. The handout used by WTA is attached.

Pursuant to Section 1.1206(b) of the Commission's Rules, and original and six copies of this submission are being filed for inclusion in the public record of the referenced proceedings.

Respectfully submitted,

Gerard J. Duffy

Attachment
cc: Michelle Carey

Western Telecommunications Alliance

Ex Parte Meeting
Time Warner Declaratory Ruling Petition
January 29, 2007

Western Telecommunications Alliance

- Dedicated to promoting affordable telecommunications in rural West
  - 250+ small rural telecommunications companies
  - Operating in 24 states - all West of the Mississippi River
- WTA members average less than 3000 access lines per company, and less than 500 lines per exchange
  - Serve some of the most remote and high cost areas of the country
  - Policy decisions critical to WTA members and the rural Americans they serve

Western Telecommunications Alliance

- **Time Warner petition should be denied or dismissed because:**
  - Declaratory relief would be premature & inappropriate
  - Procedures, rights & obligations of Sec. 251 and Sec. 252 clearly limited to incumbent and competing carriers providing LEC and exchange access service
  - Time Warner could choose to operate as CLEC or non-regulated ISP
    - » WTA Comments filed April 6, 2006 (WC Docket No. 06-55)

Western Telecommunications Alliance

- **Sprint-Time Warner"Business Model" is Contrivance to Give Time Warner the Benefits of Section 251/252 Without the Obligations**
  - Sec. 251(b), 251(c), & 252 apply to new entrants seeking to offer competitive local exchange service
  - Sprint is entering Sec. 251(b) agreements w/ILECs
  - BUT: Time Warner is providing local exchange service
  - Number Portability Issues
  - Dialing Parity Issues
  - Reciprocal Compensation Issues

Western Telecommunications Alliance

- **Sprint-Time Warner Model Unfairly Tilts Competitive Playing Field**
  - Time Warner not subject to Title II regulations like ILECs
  - Time Warner not subject to Consumer Protection Standards like ILECs
  - Time Warner not subject to equal access requirements like ILECs
  - Time Warner able to bundle voice, CATV, and Internet access without cross-subsidy and cost-allocation restrictions faced by ILECs
  - NEED: Equivalent Regulations for all local exchange competitors