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January 30, 2007

**ORIGINAL**

FILED/ACCEPTED

JAN 30 2007

Federal Communications Commission  
 Office of the Secretary

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

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

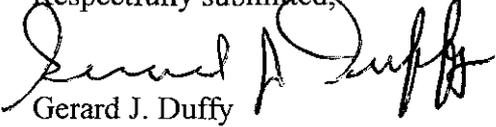
Dear Ms. Dortch:

On January 29, 2007, Derrick B. Owens, Eric Keber and Gerard J. Duffy of the Western Telecommunications Alliance ("WTA") met with Ian Dillner, Legal Advisor to Commissioner Deborah Taylor Tate, to discuss the issues and impacts of the pending Time Warner Cable petitions in the referenced proceedings with respect to rural telephone companies.

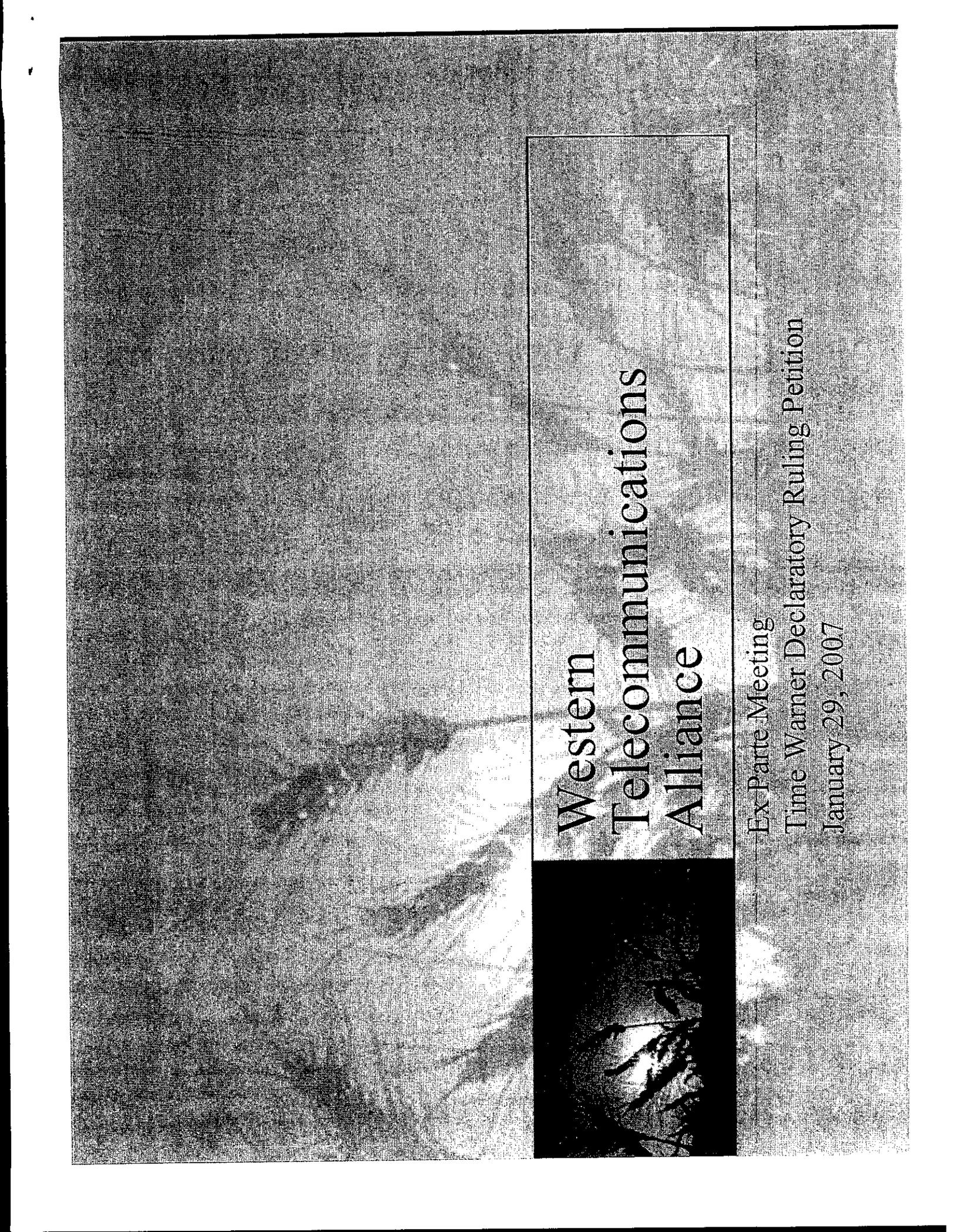
The topics included: (1) the actual nature of the Digital Phone Service proposed and marketed by Time Warner Cable; (2) WTA's opposition to the use of the Time Warner Cable-Sprint "business model" as a contrivance to obtain the benefits of the Section 251(b)/252 provisions and processes for Time Warner 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: Ian Dillner



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