



August 13, 2007

EX PARTE

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

Re: WC Docket No. 04-440, Petition of the Verizon Telephone Companies for Forbearance; WC Docket No. 06-109, Petition of ACS Anchorage for Forbearance; WC Docket No. 06-125, Petitions of Qwest, AT&T and BellSouth for Forbearance; WC Docket No. 06-147, Petitions of Embarq, Frontier and Citizens for Forbearance

Dear Ms. Dortch:

The Commission opened each of the above captioned dockets to consider Petitions filed by incumbent local exchange carriers for forbearance from enforcement of Title II of the Communications Act to their broadband services. The Verizon Petition (WC Docket 04-440) was deemed granted when the Commission failed to deny it by the statutory deadline, but the Commission has yet to issue an order detailing exactly what relief was afforded to Verizon.¹ In the remaining Petitions, the incumbents request the same relief that Verizon obtained, whatever that may be. The Commission's failure to issue an order explaining the forbearance relief has generated disagreement even among the ranks of the Commissioners² themselves and has created an unacceptable regulatory limbo for carriers operating in Verizon territory.

¹ Public Notice, "Verizon Telephone Companies Petition For Forbearance From Title II and Computer Inquiry Rules with Respect to Broadband Services is Granted by Operation of Law," WC Docket No. 04-440 (rel. Mar. 20, 2006).

² Compare Joint Statement of Chairman Kevin J. Martin and Commissioner Deborah Taylor Tate issued March 20, 2006 with the Statement of Commissioner Michael J. Copps In Response To Commission Inaction on Verizon Forbearance Petition and Statement of Commissioner Jonathan S. Adelstein In Response To Commission Inaction on Verizon Forbearance Petition also issued on March 20, 2006 in *Petition of the Verizon Telephone Companies Pursuant to 47 U.S.C. § 160(c) for Forbearance from Title II and Computer Inquiry Rules with Respect to Broadband Services*, WC Docket No. 04-440.

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COMPTEL opposes the wholesale removal of Title II regulation for the incumbents' broadband services for the reasons set forth in COMPTEL's comments filed with the Commission. In their Petitions, the ILECs have fallen well short of meeting their burdens of proving that enforcement of the statutory safeguards encompassed within Title II is not necessary to ensure that their rates, terms and conditions are just, reasonable and not unreasonably discriminatory, or to protect consumers or inconsistent with the public interest. In the event the Commission disagrees and determines that the ILECs are entitled to some relief, which it should not, the Commission must at the very least ensure that the incumbents remain subject to the interconnection requirements of Sections 251 and 252 of the Act.

As detailed by the National Cable Telecommunications Association ("NCTA") in its letter of August 6, 2007, even where the Commission has granted ILECs substantial regulatory relief in prior decisions, it has emphasized the critical nature of the statutory interconnection obligation and has made clear that the obligation must be preserved.³ The Commission must do no less when acting on the "me too" broadband forbearance Petitions filed in the above-captioned dockets. Especially as the ILECs are transitioning more and more of their network operations to broadband technology, the Commission must be vigilant in holding the ILECs' to their duty to provide interconnection to requesting carriers that is at least equal in quality to that provided by the ILECs to themselves or any subsidiaries or affiliates and on rates, terms and conditions that are just, reasonable and nondiscriminatory and in accordance with the other requirements of Sections 251 and 252 of the Act.

Respectfully submitted,

Mary C. Albert

cc: Ian Dillner
Scott Deutchman
Scott Bergman
John Hunter
Chris Moore
Thomas Navin
Christi Shewman
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³ NCTA Letter at 2-3.