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October 11, 2007

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12 Street, SW  
Washington, D.C. 20544

Re: *Ex Parte Notice in WC Docket Nos. 05-25, 06-125, and 06-147*

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's rules, COMPTEL hereby gives notice that, on October 10, 2007, its representative met with Commissioner Robert McDowell. In this meeting, COMPTEL urged the Commission to deny the broadband forbearance petitions in docket no. 06-125, and to deny in part the petitions filed in docket no. 06-147. To the degree the Commission believes that the public interest is served by granting the petitioners any relief with respect to special access-based retail business services, COMPTEL explained that the better docket, for public interest purposes, would be the special access rulemaking in docket no. 05-25. COMPTEL also cautioned the Commission not to apply different regulatory classifications to certain telecommunications services simply because the services were provisioned using different transmission protocols. COMPTEL explained that disparate regulatory treatment would be inappropriate, given that all of the services for which forbearance has been requested use the same "layer 1" facility and can transmit the same information. Moreover, it is this layer 1 facility that is the source of the incumbent's market power in each petition, and if the petitioner has not demonstrated it is not dominant—which AT&T has not—then the petition should be denied in its entirety. This would not foreclose the FCC from relaxing some of what AT&T believes to be excessive regulations within the context of a broader rulemaking, where consumers and competition could be more adequately protected. Representing COMPTEL was the undersigned attorney.

Sincerely,

Jonathan Lee