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October 18, 2007

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Portals II, Room TW-A325
Washington, DC 20554

***EX PARTE* NOTICE**

Re: *Petitions of the Embarq Local Operating Companies and Frontier and Citizens ILECs for Forbearance Under 47 U.S.C. § 160(c)*, WC Docket No. 06-147; *Petition of United States Telecom Association for Rulemaking to Amend Pole Attachment Rate Regulation and Complaint Procedures*, WC Docket No. RM-11293; *Telephone Number Portability*, CC Docket No. 95-116; *Exclusive Service Contracts for Provision of Video Services in Multiple Dwelling Units and Other Real Estate Developments*; MB Docket No. 07-51.

Dear Ms. Dortch:

On October 17, 2007, David Bartlett and I, on behalf of Embarq, met with John Hunter, Legal Advisor to Commissioner McDowell of the Federal Communications Commission. We discussed several matters pending before the Commission.

Petitions of the Embarq Local Operating Companies and Frontier and Citizens ILECs for Forbearance Under 47 U.S.C. § 160(c), WC Docket No. 06-147. We urged Commissioner McDowell to grant forbearance to Embarq along the lines recently granted to AT&T with respect to its enterprise broadband services. In addition to discussing the high degree of competition Embarq faces, we explained how it is important that Embarq gain parity with AT&T in our respective legacy markets as we are both competing in the same national market. Embarq is far smaller than many of its competitors and customers in the national enterprise broadband markets. It would be neither logical nor competitively neutral for Embarq to remain regulated while AT&T and Verizon and other large competitors operate with considerable relief from dominant carrier regulation.

Finally, we asked that the Commission grant Embarq relief for three services—Video Transport, Ethernet Switching (referred to as Metro Ethernet Premium Services), and Ethernet Hubbing (referred to EPLS-WAN)—for which AT&T received relief. Although Embarq does not yet offer these services, Embarq has firm plans to start offering all of them in 2008. Embarq has met the section 10 test for forbearance with respect to these services as they are functionally equivalent to the services for which AT&T received relief, and Embarq they are offered by many of the competitors in the national enterprise broadband market. Moreover, the public interest would be better served by granting Embarq relief for these services now rather than requiring Embarq to file tariffs for the services next year and seek forbearance at the time in order to achieve parity in the national market with competitors such as AT&T.

Petition of United States Telecom Association for Rulemaking to Amend Pole Attachment Rate Regulation and Complaint Procedures, WC Docket No. RM-11293. We explained that Embarq supports the petition filed by the United States Telecom Association (USTelecom). More generally, we argued that all broadband competitors should have access to pole attachments on competitively neutral terms and conditions. Indeed, pursuant to section 706 of the Telecommunications Act of 1996, the Commission should work to create such competitive parity as it will foster competition and remove barriers to the deployment of advanced telecommunications capabilities.

Telephone Number Portability, CC Docket No. 95-116. We explained that the petition filed by T-Mobile and Sprint in this docket is incorrect, at least with respect to Embarq (and potentially many others) in its description of Embarq's reasonable porting requirements. Moreover, we explained that the recommendation in the T-Mobile/Sprint Petition of validating port requests use only four recommended fields on the Local Service Request would produce many erroneous ports and customer service outages and it would be costly to implement, which would ultimately increase the cost of providing service to customers. Accordingly, the T-Mobile/Sprint Petition should be denied.

Exclusive Service Contracts for Provision of Video Services in Multiple Dwelling Units and Other Real Estate Developments; MB Docket No. 07-51. We explained that the Commission should take steps to harmonize the treatment of Multi-Dwelling Units with respect to video competition and the treatment of Multi-Tenant Environments with respect to telecommunications competition. To that end, we reiterated the points made in Embarq's Comments in this docket, and urged the Commission to issue a decision promptly as this will factor into the broadband deployment and upgrade plans of local exchange carriers.

Pursuant to Section 1.1206(b) of the Commission's rules, one copy of this electronic notice is being filed in the above-referenced dockets. Please call me if you have any questions.

Sincerely,

Jeffrey S Lanning
Director – Federal Regulatory

cc: John Hunter