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VIA ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
Washington, DC 20554

**Re: Policies and Rules Governing Retirement of Copper Loops
by Incumbent Local Exchange Carriers, RM-11358**

Dear Ms. Dortch:

The attached February 7, 2007 article from the Wall Street Journal contrasts the fiber build out policy of France versus the United States. As explained in this article, regulators in France require that competing telecommunications providers cooperate as they build out new fiber networks. Incumbents must permit competitors to access fiber, including within multitenant buildings, and provide for access by competitors at key locations such as remote terminals and switching centers. Providers must jointly use fiber to create efficiencies and avoid repetitive street cuts to install fiber. A goal is to keep network costs down to ensure that as many cities and towns as possible are connected. Joint use of incumbent fiber ensures that the Internet market stays as competitive as possible, preventing one company from monopolizing a certain area or building just because it wired it first.

Prior to implementation of this policy in 2000, France lagged far behind in Internet penetration. Now, France is one of Europe's more competitive and innovative telecom markets. New services like Internet TV and free Internet-based calling services are widely available. Broadband prices are the lowest in Europe -- \$.33/Mbps compared to \$2.83/Mbps in the United States.

As recently stated in a report by the UN Conference for Trade and Development:

In North America, the United States and Canada are lagging behind Europe in terms of the number of broadband subscribers and the growth rate of the broadband subscriber base. And although broadband penetration in the United States and Canada in 2006 was higher than the EU-25 average (14.8 per cent as at July 2006), it is still lower than that of the more industrialized EU members. Furthermore, the compound annual growth rate of broadband penetration in Europe was of 54 per cent, compared with 28 per cent in North America. The [Information Economy Report] 2005 had

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pointed out that the broadband market in the United States was insufficiently competitive.¹

While this Commission should not be guided by every aspect of telecommunications policy in Europe, the EU experience strongly suggests that cooperation among carriers in joint use of loop facilities serves the public interest. It suggests that BOCs' asserted right in this proceeding to thwart competitive access to spare copper² loops by unilateral retirement will harm competition, slow innovation, and increase prices to consumers.

The Commission should promptly impose meaningful limits on BOCs' ability to retire copper along the lines proposed by competitive carriers in this proceeding.

Sincerely,



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MegaPath, Inc.
McLeodUSA Telecommunications Services, Inc.
Mpower Communications Corp.
RCN Telecom Services, Inc.
RNK, Inc.
Talk America Holdings, Inc.
TDS Metrocom, LLC; and
U.S. Telepacific Corp. d/b/a Telepacific Telecommunication

¹ Information Economy Report 2007-2008, United Nations Publication, Sales No. E.07.11.D.13, ISBN 978-92-1-112724-9, United Nations, 2007, p. 29.

² See e.g. Verizon Comments, March 1, 2007, p. 22.