



900 17th Street, N.W. Suite 400. Washington, DC 20006. PH:202 296 6650. FX:202 296 7585. www.comptel

April 29, 2009

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

Re: Petition of Verizon New England for Forbearance Pursuant to 47 U.S.C. § 160 in Rhode Island, WC Docket No. 08-24; Petition of the Verizon Telephone Companies for Forbearance Pursuant to 47 U.S.C. § 160(c) in Cox's Service Territory in the Virginia Beach Metropolitan Statistical Area, WC Docket No. 08-49

Dear Ms. Dortch:

On April 28, 2009, Danny Bottoms and Francie McComb of Cavalier Telephone, Keith Wilson and Bill Haas of PAETEC, Dale Schmick of Yourtel, Steve Crawford of Alpheus Communications, Debbie Ward of TSI, Dan Boynton of Zone Telecom, Dennis McCarthy of PacWest, Pat Bennett and Doug Carlen of Covad, Paul Schieber of Sprint, Jim Butman of TDS MetroCom, David Eckmann of FPL Fibernet, Gary Fry of Americatel and Jerry James and the undersigned of COMPTEL met with Acting Chairman Copps and Scott Deutchman regarding the above-captioned Petitions of Verizon for forbearance from unbundling and dominant carrier regulation in the State of Rhode Island and in the Cox service territory in the Virginia Beach MSA.

Each of the parties briefly described his or her company's business operations and stated their strong objections to the grant of the Verizon Petitions. Mr. Bottoms of Cavalier, which provides telephone service to both business and residential customers in Virginia Beach, noted that Cavalier uses UNE loops to reach 80% of its customers and that granting Verizon forbearance from the unbundling requirements would likely increase its costs of providing service by two or three times. Mr. Wilson of PAETEC, which provides service in Rhode Island and which is the parent company of McLeod USA, stated that after the Commission granted Qwest forbearance from the unbundling requirements in the Omaha MSA, Qwest raised its rates so much that it became uneconomical for McLeod to remain in the market except on an extremely limited basis. McLeod served 17,000 access lines in Omaha before forbearance was granted; today it serves 2,500 and most are for customers that McLeod serves in other markets.

Ms. Marlene H. Dortch
April 29, 2009
Page 2

The parties urged the Commission not to include “cut-the-cord” wireless lines in the same product market as wireline lines for purposes of the forbearance analysis and referenced the many *ex parte* letters that have been submitted by competitive carriers on the wireline/wireless substitution issue in the last two weeks. Finally, the parties urged the Commission to adopt the Proposed Forbearance Standard filed by the coalition of competitors on March 26, 2009. Pursuant to that standard, the Commission should not grant forbearance from Section 251(c)(3) unbundling obligations unless there are (1) at least two facilities-based non-ILEC wireline competitors in the wholesale market, each of which has actually deployed end-user connections to 75% of end user locations, each of which has deployed wholesale operations support systems sufficient to support the wholesale demand in the relevant product market, and each of which has garnered at least 15% of wholesale loop market share in the relevant product market; or (2) at least 75% of end user locations are served by two or more facilities-based non-ILEC wireline competitors that offer retail service in the relevant downstream product market to the locations in question via loops that the competitors have actually deployed, and there are at least two facilities-based competitors to the ILEC that have each garnered at least 15% of retail market share in the relevant product market. The parties noted that the Proposed Forbearance Standard would avoid creating a duopoly through forbearance and would be far more consistent with the public interest prong of Section 10 of the Communications Act, which requires that the Commission find that forbearance will promote and enhance competition among telecommunications providers.

Should you have any questions relating to this submission, kindly contact the undersigned.

Respectfully submitted,

/s/

Mary C. Albert

cc: Chairman Michael J. Copps
Scott Deutchman