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EX PARTE

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

Re: **WC Docket 05-25: Special Access Rates for Price Cap Local Exchange Carriers**

Dear Ms. Dortch:

On May 6, 2009, Donna Epps and Edward Shakin of Verizon met with Nick Alexander, Legal Advisor to Commissioner McDowell, to discuss US Telecom's April 27, 2009 ex parte calling for the Commission to obtain additional data from competitive providers of high-capacity services before imposing additional regulation on special access services. Donna Epps and Rashann Duvall of Verizon also separately met with Mark Stone, Legal Advisor to Commissioner Adelstein, to discuss the same.

Consistent with US Telecom's ex parte, Verizon explained that it would be appropriate for the Commission to close this proceeding based on ample evidence in the record demonstrating that there is extensive competition to provide high-capacity services. Verizon also emphasized its support for US Telecom's proposal that the Commission collect additional data from competitive providers of high-capacity services in the event the Commission decides to take action short of closing this proceeding.

In particular, Verizon stressed the importance of obtaining data from competitive providers concerning the location of their metropolitan transmission facilities, the points at which they interconnect with other providers, and the locations of their on-net or "lit" buildings. In addition, Verizon recommended that the Commission obtain information from competitive providers concerning the geographic scope of their retail high-capacity service offerings. Specifically, Verizon proposed that the Commission ask competitive

providers the following: For each MSA where you offer retail high-capacity services, identify the geographic area within the MSA (e.g., the entire MSA, entire cities within the MSA, or the downtown areas of cities within the MSA) where you currently provide or are technically capable of providing retail high-capacity services (e.g., DS1, DS3 or Ethernet) either on an on-net or off-net basis. Also, identify, by service and location, whether some of the retail high-capacity services you offer are not available in certain portions of MSAs.”

Consistent with US Telecom’s ex parte, Verizon stressed that the Commission use some mechanism to compel additional data from competitive providers that refuse to provide it voluntarily. Verizon also emphasized that the Commission should ensure that the right questions are asked by allowing for a short notice and comment period before issuing specific requests for additional data from competitive providers.

Finally, Verizon addressed recent ex partes by competitive providers suggesting that the Commission should collect data concerning incumbent LECs’ special access costs. Verizon explained that if the Commission obtains additional data concerning competition, there is no need to look at price as a proxy for competition, making cost data unnecessary. Verizon also explained that service specific special access cost data does not exist, and, as the Commission has recognized, using regulatory cost allocations from shared network costs is arbitrary and provides no legitimate information for the Commission to evaluate.

Sincerely,

A handwritten signature in black ink that reads "Donna Epps". The signature is written in a cursive, slightly slanted style.

Donna M. Epps

cc: Nick Alexander
Mark Stone