

VIA ECFS

EX PARTE

June 24, 2009

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
Room TW-325
445 12th Street, S.W.
Washington D.C. 20554

RE: WC Docket No. 05-25

Dear Ms. Dortch:

On June 23, 2009, the undersigned counsel, Kelsi Reeves and Harold Teets of tw telecom inc. (“TWTC”) and Kevin Joseph held a meeting with Scott Deutchman, legal advisor to Acting Chairman Michael Copps and a separate meeting with Nick Alexander, legal advisor to Commissioner Jonathan Adelstein. During the meetings, the representatives of TWTC explained that TDM loop facilities are an insufficient substitute for Ethernet loops. We explained further that, in the absence of FCC regulations governing the rates, terms and conditions on which the incumbent LECs offer Ethernet loops, most incumbent LECs refuse to offer those facilities on affordable rates and on reasonable terms and conditions to wholesale customers. We concluded by stating that the only way to fix this problem is for the FCC to apply meaningful and fair regulations to incumbent LEC wholesale Ethernet service offerings.

