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EX PARTE

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

Re: Special Access Rates for Price Cap Local Exchange Carriers,
WC Docket No. 05-25

Dear Ms. Dortch:

On October 30, 2009, Robert Quinn, Christopher Heimann and the undersigned, on behalf of AT&T, met in separate meetings with Christine Kurth, Policy Director and Wireline Counsel to Commissioner Robert McDowell, and Christi Shewman, Legal Advisor to Commissioner Baker. During the meeting we discussed how the Commission's September 29, 2009 Open Meeting, where the Broadband Team provided a read-out of their progress in developing a National Broadband Plan, made it clear that significant additional and ongoing infrastructure investment will be required to transition to a higher capacity national broadband network and to fully realize the universal availability of broadband in the United States. We discussed recent Broadband Workshop testimony confirming that competition and enormous increases in data traffic were driving that investment today.¹ In addition, we discussed how the TDM-based DS1 and DS3 services that are the subject of this proceeding are not suited to facilitating the transition to a higher capacity national broadband network and that fiber and microwave based services will be needed to handle the projected network capacity needed in the near future. As such, it should be clear that in an environment where demand for bandwidth is exploding and myriad providers are investing in a variety of broadband transmission

¹ See National Broadband Plan Workshop; Deployment – Wired Transcript (Aug. 12, 2009), at 35 (Dallas Clement, Cox) (“Relative to wireless back haul from cell sites . . . in our commercial business it’s a growth area. We’re getting calls in our franchises from wireless providers who are preparing for their 4G networks and they’re looking for lower cost alternatives for back haul. And because we’re there and we can do sort of spurs off of our network, we feel as though it’s a big growth area and we’re deploying capital to that area to be able to satisfy that demand”); National Broadband Plan Workshop; Wireless Broadband Deployment – General Transcript (Aug. 12, 2009), at 45-46 (Neville Ray, T-Mobile) (“And, you know, be that fixed Ethernet delivery in one form or another over fiber, over coax, whatever it might be, you know, we are seeing economic forces at work in major metro areas where that is starting to change. So if I look at our 3G footprint today, we are certainly moving to, you know, a fiber back haul solution environment which is significantly higher than 10 percent. And I think that competitive forces work in metro areas where there’s a lot of fiber, be that from the utility company, from the cable company, from the existing, you know, telco provider”)

technologies and infrastructure to meet that demand, reducing ILEC special access rates on legacy TDM-based DS1 and DS3 services will lead to less – not more – broadband infrastructure investment by all providers.

Pursuant to section 1.1206 of the Commission's Rules, this letter is being filed electronically with the Commission.

If you have any questions, please do not hesitate to contact me at (202) 457-2321.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Shewman". The signature is fluid and cursive, with a large initial "R" and a distinct "S" for "Shewman".

cc: C. Kurth
C. Shewman