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November 11, 2009

**VIA ELECTRONIC FILING**

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

Re: Notice of Ex Parte Communication, GN Dockets No. 09-47, 09-51, and 09-137, WC Docket No. 05-25, and RM Nos. 10593 and 11358 (consolidated)

Dear Ms. Dortch:

On November 10, 2009, Nancy Lubamersky, Vice President of Public Policy and Strategic Initiatives of Telepacific Communications (“Telepacific”), together with Russell Blau and the undersigned from Bingham McCutchen LLP, met with BJ Neal, Kevin King, and Rebekah Goodheart of the Broadband Task Force of the Federal Communications Commission (the “Commission”).

The participants discussed Telepacific’s interests in the development of the National Broadband Plan, as expressed in the comments filed by Telepacific and several other carriers on November 4, 2009 in the above-referenced proceedings. In particular, Telepacific discussed its network deployment in California and Nevada and its small and mid-sized business customer focus. Telepacific also provided additional information regarding its operations as shown in the attached document.

Consistent with its recent filing, Telepacific reiterated that, notwithstanding its substantial network presence in California and Nevada, it must rely in most cases on interoffice transport provided by the incumbent local exchange carrier (“ILEC”) to reach the wire centers it serves. Moreover, Telepacific explained that ILEC-provided local loops represent the only means of reaching the customer premises for the overwhelming majority of customers that Telepacific serves. Thus, these ILEC facilities are critical inputs to the delivery of competitive broadband services.

Telepacific further noted that the Commission’s objective of ensuring affordable and ubiquitous broadband access through a national plan could be best served by leveraging such existing ILEC assets and ensuring that competitors gain reasonable access to these assets -- in lieu of forcing competitors to pay excessive prices for such access, allowing ILECs to take useful facilities out of commission, and/or precluding competitors by regulatory policy from obtaining any access to those facilities altogether. Reasonable access to ILEC facilities would also promote more efficient deployment of capital in

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furtherance of broadband deployment than compelling competitors to deploy redundant facilities to compete with the ILEC in the provision of broadband services. Finally, Telepacific noted that several studies -- including the recently released draft Berkman Center study and the most recent Pew Internet Study on Home Broadband Adoption -- confirmed that greater competition (*i.e.*, more than a mere duopoly) represented the greatest promise for achieving the objective of affordable and ubiquitous broadband availability.

Thank you for your attention to this correspondence. If you have any questions, please do not hesitate to contact me.

Sincerely yours,

*/s/ electronically signed*

Michael R. Romano

Enclosure

cc (by e-mail):

BJ Neal  
Kevin King  
Rebekah Goodheart

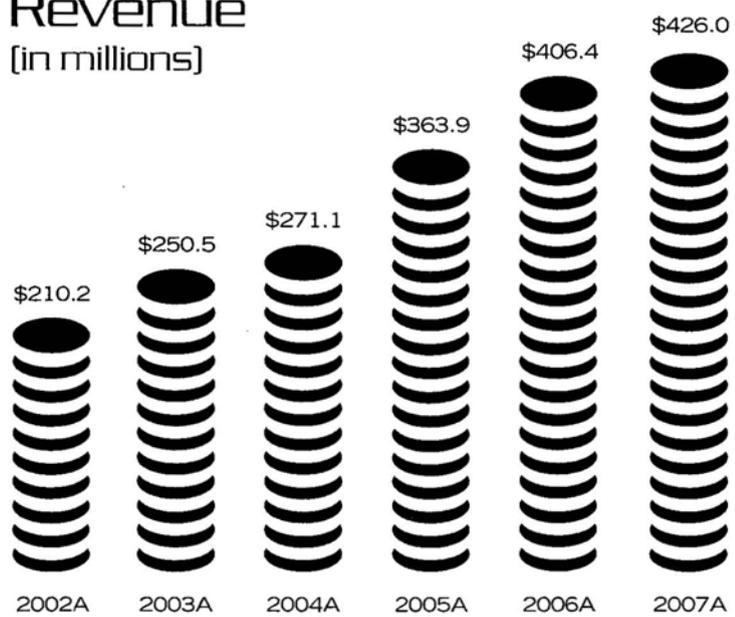
# What it takes to take on the big guys

When it comes to competitive telecom carriers, one name stands above the rest. TelePacific. We are now the largest competitor to AT&T, Verizon and Embarq in our markets. The LA Business Journal and Inc. Magazine have recognized us for our growth. We own many of our facilities which deploy the latest network technologies. And we are headed by a CEO who's remarkable background and commitment to service are setting a new industry standard. The details inside provide a snapshot of how we got here and how you can benefit.

An aerial, high-angle view of a city, likely New York City, showing a dense grid of skyscrapers and streets. Overlaid on the city is a complex network of glowing lines and nodes, representing a telecommunications or data network. The lines connect various points across the city, with some nodes appearing as bright, multi-colored spheres. The overall aesthetic is high-tech and futuristic.

 **TelePacific**  
COMMUNICATIONS

## Revenue (in millions)



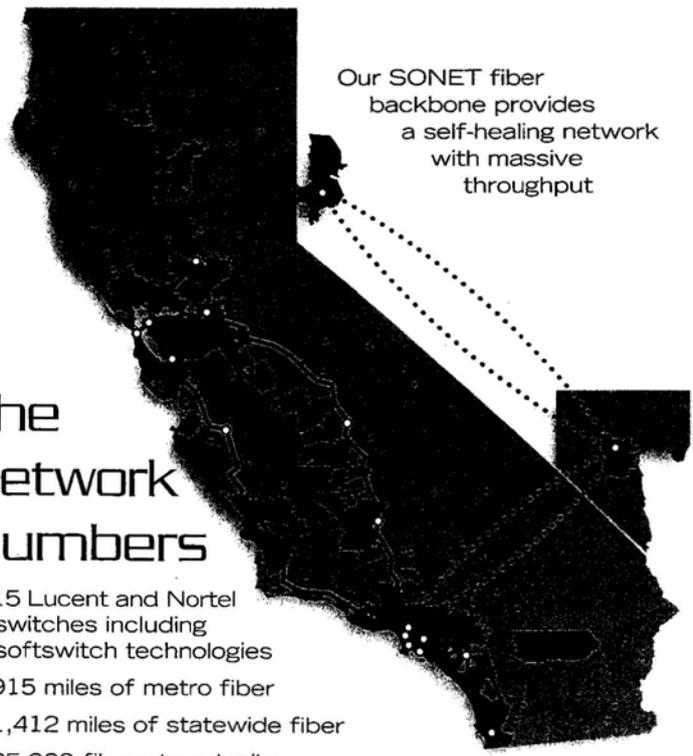
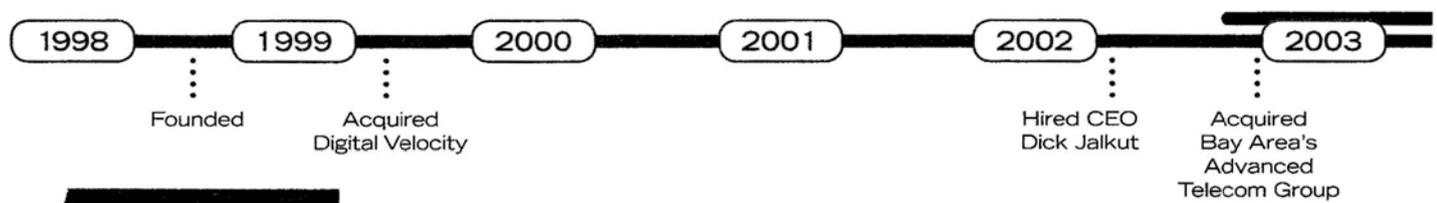
You've heard it a hundred times. "Your call is important to us, please hold for the next available representative." So you hold...and hold. Seconds turn to minutes and there's no rep to be found. The receiver feels like a 50-lb ear lobe. The recording burrows into your brain like "It's a small world" or that Oscar Mayer jingle. Welcome to customer service at the big phone company.

That's a far cry from the service and support you find at TelePacific. Your call is important enough to us that we'll answer it within 30 seconds—and likely solve your issue without making you wait for someone higher up to get on the line. That's why 97% of our customers say they're happy with our service. And it's why our company has become the largest alternative to the incumbent carriers in California and Nevada.

**In business for business since 1998.**

Since 1998, we have been providing small and medium sized businesses with the level of service usually reserved

## TelePacific Line Growth



## The Network Numbers

- ▶ 15 Lucent and Nortel switches including softswitch technologies
- ▶ 915 miles of metro fiber
- ▶ 1,412 miles of statewide fiber
- ▶ 25,000 fiber strand miles
- ▶ 300+ On Net LSOs and 500+ wire centers
- ▶ Cisco-powered MPLS IP network with QoS

for only the largest customers of the big telecom service providers. By focusing specifically on business service in our footprint—instead of trying to be everything to everyone—we have been able to deliver the right leading edge services and outperform LECs and CLECs alike when it comes to delivering on customer expectations.

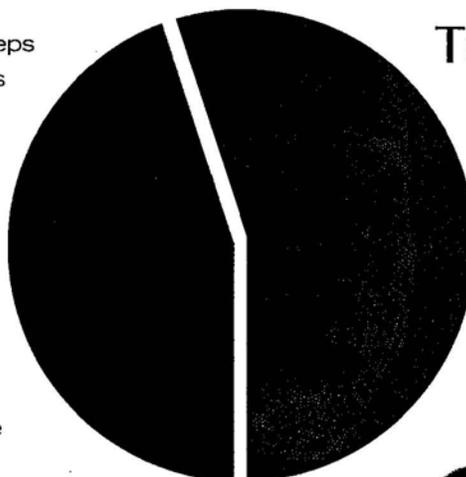
The TelePacific team is made up of local people who care. It sounds corny, but it's true. Because our customer care centers are local offices, people are speaking with someone who lives across town—not across the country or on the other side of the world. TelePacific customer care reps are courteous and responsive, with a willingness to "do the right thing" when dealing with customers.

TelePacific is continually expanding its service offering based on customer feedback. We take customer feedback seriously and are so committed to service quality that we created metrics that we measure ourselves against on a weekly basis. We feel it's one of the best ways to create visibility and accountability across the company, from the executives to the sales team to the customer care folks. We discuss and work every issue, every account and every customer experience, striving for continual improvement.

And it's working. Listening to our customers keeps our churn rate—or the number of customers leaving each month—significantly lower than the industry average.

We have more than 75,000 customers with nearly a million lines in service. And each one is important to us because we care about their business and how we can help them work most effectively and efficiently. We understand the challenges they face establishing themselves in a busy marketplace, because we faced the same challenges. We want to help you compete with the "big dogs" and succeed.

What makes us so capable? Besides our talented employees and commitment to our customers, TelePacific offers services from 5 lines to 500, everything from bite-sized voice and data solutions that start at just 5 phone lines all the way to bonded PRIs and high-speed Internet access up to 12 Mbps. And with the largest network in



Debt Equity

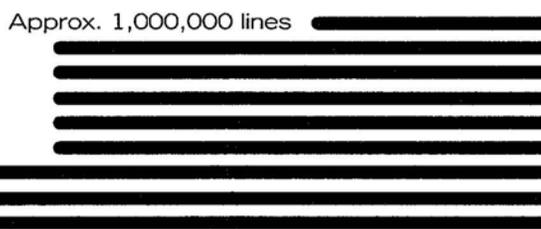
## Telecom Capital

TelePacific has received over \$383 million in capital from these major investors, while assuming just \$320 million in debt.



INVESTCORP

CREDIT SUISSE



2004

2005

2006

2007

2008

Reached 200,000 access lines

Reached 300,000 access lines

Acquired SME of Pac-West Telecomm; entered Central Valley

Reached 400,000 access lines

Acquired Mpower Communications and its 384,000 access lines

Acquired Arrival Communications for completed central CA footprint

the footprint we serve, we are the best solution for multi-location customers relying on a common network.

### Doing right by you.

We've said a lot about us, so let's end with something about you—our promise to you. At TelePacific, we promise to:

- ▶ Listen to your business communications needs and work with you to find the best solutions and services to meet those needs
- ▶ Exceed your expectations by delivering on time and on budget—whether it's installing a new service, upgrading equipment or simply being there when you need us
- ▶ Keep in touch with you on an ongoing basis to ensure our services are meeting your needs
- ▶ Save you time and money, freeing you to build your business and succeed
- ▶ Answer your call in significantly less time than it took you to read this

We promise not to keep you waiting.

## Our Metric System

We are so committed to quality service that we have created metrics that we measure ourselves against on a weekly basis.

**95** percent of calls into customer care are answered within 30 seconds

**93** percent of calls into customer care are resolved on the first call

**97** percent of our customers tell a third-party survey company that they are satisfied with our service

**99** percent invoice accuracy underscores our attention to detail



# TelePacific Business Services



Voice



VoIP



Internet



Data

Local/Long Distance  
Toll-Free  
Conferencing  
Automated Overflow & Forwarding

Dynamically Allocated Voice/Data Bundles  
SIP Trunking  
High-end QoS Packages

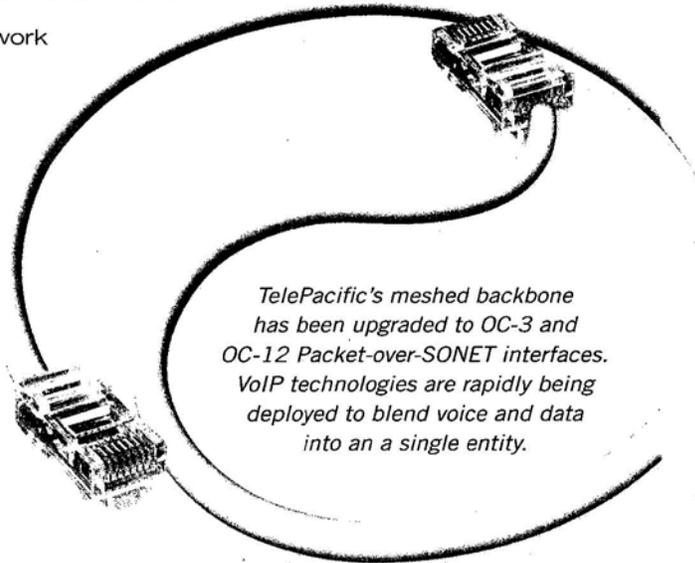
SDSL  
Bonded T1s  
DS3  
768 Kbps to 45 Mbps  
Network Redundancy

Remote Storage  
Private IP  
MPLS VPNs  
Colocation  
Network Security

## Wholesale Services

With its deep and dense network footprint, TelePacific can leverage its infrastructure through wholesale services to create additional revenue from ISPs, IXCs and other CLECs who can utilize the additional capacity of our switch and fiber facilities.

- ▶ PRI & Inbound PRI
- ▶ Private Line
- ▶ Trunk Service
- ▶ UNE-P



## Closing Tidbits

- ▶ TelePacific is the largest competitor to AT&T, Verizon and Embarq in its markets
- ▶ The company was recently named among both the largest and fastest growing LA area private firms by the Los Angeles Business Journal
- ▶ TelePacific was named one of Inc. Magazine's 2007 "Fastest Growing Private Companies in America" based on its growth
- ▶ We boast over 100 years of combined executive leadership
- ▶ The company's debt is rated by S&P and Moody's
- ▶ The company has a monthly governance meeting and utilizes an audit committee that includes former CA Gov. Pete Wilson
- ▶ With over 1,200 employees across 18 regional offices and three call centers located in CA/NV, we have a local presence like no one else



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TelePacific may be a private company, but its executive team has been in the public eye for decades.

CEO Dick Jalkut has more than 35 years of top end experience in the telecom industry. He served as president, CEO, and chairman of NYNEX Telephone Companies, which included New York Telephone, New England Telephone and the NYNEX Service and Technology companies.

During his 32-year tenure with NYNEX and its predecessors, Jalkut oversaw the voice, data, Internet and usage services of NYNEX's seven state operation. He presided over an organization with more than 80,000 employees and 16 million customers, producing more than \$15 billion of annual revenue.

In 1997, NYNEX merged with Bell Atlantic to form Verizon. After serving in the leadership team coordinating that successful merger, Jalkut moved on to lead the start-up of Pathnet, a wholesale provider of services to more than 100 second- and third-tier markets located across the U.S.

Other TelePacific executives have held top positions at firms like AT&T, Verizon, Bell South, Sprint, Bell Canada, Global Crossing, and Accenture. So TelePacific is indeed in good hands.

