

# JENNER & BLOCK

January 20, 2009

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Ms. Marlene Dortch  
Secretary  
Federal Communications Commission  
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Washington, D.C. 20554

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Re: Ex Parte Notice: WC Docket Nos. 06-172, 07-97, 09-223; GN Docket Nos. 09-47, 09-51, 09-137; RM-11358

Dear Ms. Dortch:

On January 19, 2010, Brad Lerner of Cavalier Telephone & TV and I met with Commission staff in two separate meetings concerning the above-referenced proceedings. In one meeting, we met with Tim Stelzig, Ian Dillner, Bill Dever, Pamela Megna, Nick Alexander, and Marcus Maher of the Wireline Competition Bureau, and Nick Bourne of the Office of General Counsel. In a separate meeting, we met with Cathy Seidel of the Wireline Competition Bureau.

In both meetings, we addressed the appropriate standard for granting unbundling forbearance and the proper analysis of evidence of alleged competition from wireless services. Specifically, we reiterated the views expressed in our comments that data about the number of customers who have “cut the cord” and use wireless voice services exclusively does not, in itself, provide any insight on the impact of wireless services on wireline pricing and practices. We reiterated that it is the forbearance petitioner’s burden to show that wireless services constrain wireline pricing and practices, and that the petitioners have not provided any such analysis or evidence. Moreover, we emphasized that, whatever the number of cut-the-cord customers for voice services, there is no evidence that broadband customers are cutting the cord to any similar extent.

We also discussed the importance of copper infrastructure to Cavalier’s business, and offered support for the petition to adopt procedural and substantive to govern copper retirement by incumbent carriers. Finally, we offered support for Cbeyond’s petition for a rulemaking to require unbundling of hybrid, FTTH, and FTTC loops.

In accordance with §1.1206 of the Commission rules, one copy of this letter is being filed electronically via ECFS, and one delivered via email to the FCC participants.

Sincerely,

/s/ Samuel L. Feder

Samuel L. Feder