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January 28, 2010

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

Re: GN Docket Nos. 09-29, 09-47, 09-51; RM-11358
Ex Parte Notice

Dear Ms. Dortch:

On January 27, 2010, Carl J. Grivner, CEO of XO Communications, LLC ("XO"), transmitted electronic mail messages to Chairman Julius Genachowski, Commissioner Michael J. Copps, Commissioner Robert M. McDowell, Commissioner Mignon Clyburn, Commissioner Meredith Attwell Baker, and Sharon Gillett of the Federal Communications Commission ("FCC"). Copies were also sent to Colin Crowell, Priya Aiyar, Jennifer Schneider, Christine Kurth, Angela Kronenberg, and Christi Shewman of the FCC. Each of these e-mails included the following text:

"As the nation struggles to regain its economic footing and as the FCC prepares to issue its National Broadband Plan, I would ask you to keep the interests of small businesses in the forefront of your actions. The National Broadband Plan could provide an important roadmap for helping spur job growth through technology deployment in this critical sector of the economy. It just needs to provide the mechanisms by which small businesses can gain ready access to the engine of the Internet. I believe this can happen through two critical tools at the FCC's disposal today – enhancing competition and ensuring copper loops are available for high speed broadband access. For your review, I have attached a recent editorial on this subject which was first published in the Richmond Times Dispatch on December 21, 2009 and yesterday in a shorter version in The Hill.

"Thank you for your consideration."

Ms. Marlene Dortch
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Mr. Grivner attached copies of the referenced editorials to his e-mail messages. Pursuant to section 1.1206(b) of the Commission's rules, 47 C.F.R. § 1.1206(b), this *ex parte* notification and copies of these editorials are being filed electronically for inclusion in the public record of the above-referenced proceedings.

Respectfully submitted,

/s/ Regina M. Keeney
Regina M. Keeney

Attachments

cc: Sharon Gillett
Colin Crowell
Priya Aiyar
Jennifer Schneider
Christine Kurth
Angela Kronenberg
Christi Shewman

The Richmond Times-Dispatch

Monday, December 21, 2009

National Recovery: Broadband Over Copper Right Choice

CARL J. GRIVNER Guest Columnist

HERNDON—As we near year's end, we contemplate 2009's historic economic challenges.

The global financial system approached collapse. Entire industries suffered unprecedented downturns. Unemployment skyrocketed to over 10 percent, while estimates of underemployment—particularly in some of the hardest hit regions—neared devastating levels of over 17 percent. America has been continually confronting unprecedented crises, and the need for new, bold solutions has never been greater.

Yet all is not bleak. Just as the nation has pulled itself from previous cycles of "economic bust" through new technologies (electricity, railroads, assembly lines, the telephone, and personal computing), today's leading technology, the Internet, stands poised to deliver the next generation of American success stories. There remains just one missing link: lack of affordable "last mile" broadband access for much of America's small businesses—one of our greatest sources of job creation.

As CEO of a business that creates small-business broadband solutions, I remain amazed at how many of my small-business customers remain desperately in need of technologies now considered basic tools for their larger competitors. In other words, it is the small businesses of our economy—tomorrow's entrepreneurs and innovators—who find themselves least able to take advantage of the latest broadband technologies that could be giving birth to a huge boom in sustainable employment.

Fortunately, the Federal Communications Commission chairman, Julius Genachowski, has recognized broadband's importance to small business. Right now, the FCC is formulating a blueprint for improving broadband deployment in its National Broadband Plan.

One easy way to achieve wider deployment and adoption of affordable broadband access today is by making greater use of the nation's existing copper infrastructure. Advances in copper technology allow us to deliver speeds many times faster and at lower cost than ever envisioned during the early 2000s when fiber was considered the only mechanism for broadband access.

Companies such as mine are deploying Ethernet over Copper and delivering up to 45 Mbps over copper to small businesses where we have access to this vital—and existing—infrastructure. Some experts predict that copper's delivery capacity will eventually hit 100 Mbps. But that innovation is threatened by existing rules that allow large telecom providers to remove copper wiring—a communications resource originally subsidized by ratepayers—without regard to potential public benefits.

That's important because copper infrastructure is already available nationwide, while fiber only reaches approximately 20 percent of American businesses. Because of this, if utilized properly, copper can extend broadband services into currently unserved or underserved communities today, and at a fraction of the cost of installing new fiber.

For reasons of regulatory efficiency, social equality, and economic strategy, it is imperative that the FCC's National Broadband Plan include the recognition of copper as an efficient and inexpensive way to deliver broadband to small businesses today. The plan should also promote continued access to copper.

The benefits of such changes would be immediate. High-resolution video conferencing, secure data protection, sophisticated video security, and telemedicine—and many applications we can't think of yet—could revolutionize the way in which today's small-business entrepreneurs mature into tomorrow's job-creating economic superstars. And benefits produced by such advances are never just limited to the specific industries they serve, but spread across communities and especially into sectors most affected by technological growth.

We applaud the vision of FCC Chairman Genachowski to develop a National Broadband Plan. Promising signs have already emerged from this commission, and I and other industry leaders look forward to working with the FCC in furtherance of a plan that ensures improved broadband to America's small businesses.

After all, without the personal computer there would have been no Microsoft, and without the Internet, Google would have remained something out of science fiction. Widespread access to high-speed broadband is our most critical technological opportunity, and adopting a pro-competitive, pro-copper National Broadband Plan will remove yet another obstacle to transforming our present economic morass into an explosion of dynamism and job growth.

Carl J. Grivner is the CEO of XO Communications, a Herndon-based provider of communications services.



‘Last mile’ broadband access key to small-business growth

By Carl J. Grivner

January 26, 2010

As we move deeper into 2010, we contemplate 2009’s historic economic challenges.

The global financial system approached collapse. Entire industries suffered unprecedented downturns. Unemployment skyrocketed to over 10 percent while some estimates of underemployment neared 17 percent.

Yet all is not bleak. Just as the nation has pulled itself from previous cycles of “economic bust” through new technologies, today’s leading technology, the Internet, stands poised to deliver the next generation of American success stories. There remains just one missing link: lack of affordable “last mile” broadband access for many of America’s small businesses, one of our greatest sources of job creation.

As CEO of a business that creates small-business broadband solutions, I remain amazed when my jobs-creating small-business customers remain desperately in need of technologies now considered basic tools for their larger competitors.

Fortunately, Federal Communications Commission Chairman Julius Genachowski has recognized broadband’s importance to small business, and we’ve seen good progress as the FCC formulates rules for broadband deployment in its National Broadband Plan.

One easy way to achieve wider deployment and adoption of affordable broadband access is by making greater use of existing copper infrastructure.

Advances in copper technology deliver speeds many times faster and at lower cost than ever envisioned during the early 2000s when fiber was considered the only mechanism for broadband access. Companies like mine deploy Ethernet over Copper, delivering speeds up to 45 Mbps where we have access to this vital — and existing — infrastructure. We will get even faster, but that innovation is threatened by existing rules allowing large telecom providers to remove copper wiring — a communications resource originally subsidized by ratepayers — without regard to potential public benefits.

That’s important because copper infrastructure is already available nationwide, while fiber only reaches approximately 20 percent of American businesses.

Regulatory efficiency, social equality, and economic strategy all argue that the National Broadband Plan recognize the importance of bringing broadband to small businesses immediately in order to spur job creation. This can happen by recognizing the value of copper and promoting access to that infrastructure.

Without the personal computer there would have been no Microsoft, and without the Internet, Google would have remained something out of science fiction. Widespread access to high-speed broadband is critical for creating technological opportunity. Adopting a pro-small-business National Broadband Plan with immediate access to affordable high-speed “last mile” options will remove yet another obstacle to job growth.

From Carl J. Grivner, chief executive officer, XO Communications, Herndon, Va.