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May 28, 2010

Ms. Marlene Dortch, Secretary  
FEDERAL COMMUNICATIONS COMMISSION  
445 12 Street, SW  
Washington, DC 20554

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

*AT&T Corp Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services, RM-10593*

*Level 3 Communications, LLC, Petition for Declaratory Ruling that Right-of-Way Rents Imposed by the New York State Thruway Authority Are Preempted Under Section 253, WC Docket No. 09-153*

*A National Broadband Plan for our Future, GN Docket No. 09-51*

Dear Ms. Dortch:

Level 3 Chief Operating Officer Jeff Storey, Assistant Chief Legal Office John Ryan and I met with Commissioner Meredith Attwell Baker on May 26, 2010. While the discussion focused on providing background information on Level 3 Communications, its networks and IP-technology, we raised three specific points in the discussion that touch on pending proceedings:

1. With respect to the National Broadband Plan, Level 3 discussed the importance of including representatives from the telecommunications companies that build and operate networks as part of the proposed Rights of Way Task Force that is contemplated in the third quarter of this year. Level 3 stated that if the task force does not include those entities that will pay the right of way fees, then the Commission risks creating a regime that will frustrate broadband deployment.
2. Level 3 also pointed out that it has a pending complaint against the New York State Thruway Association on excessive rights of way fees. Level 3 expressed its concern that pending right of way disputes should be decided expeditiously and not set aside until the Task Force completes its work. Irrespective of how a Task Force may propose to define "fair and reasonable" compensation, rates that have no relationship with the use of the rights of way cannot be "fair and reasonable."

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3. Level 3 also urged the Commission to take steps to reign in the spiraling cost of special access services. Level 3 said it supports further data collection to identify those areas where competition does exist. Level 3 explained that collocation is not a true indicator of the presence of competitive access to buildings and that granting relief on an MSA-wide basis has had detrimental effects in the market.

Please contact me if you require additional information.

Regards



William P. Hunt  
VP Policy

CC: Commissioner Meredith Attwell Baker  
Christi Shewman