

LATHAM & WATKINS LLP

January 11, 2011

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

FIRM / AFFILIATE OFFICES

Abu Dhabi	Moscow
Barcelona	Munich
Beijing	New Jersey
Brussels	New York
Chicago	Orange County
Doha	Paris
Dubai	Riyadh
Frankfurt	Rome
Hamburg	San Diego
Hong Kong	San Francisco
Houston	Shanghai
London	Silicon Valley
Los Angeles	Singapore
Madrid	Tokyo
Milan	Washington, D.C.

Re: Notification of Ex Parte Presentation of Time Warner Cable Inc., *Petition of CRC Communications of Maine, Inc. and Time Warner Cable Inc. for Preemption Pursuant to Section 253 of the Communications Act, As Amended*, WC Docket No. 10-143

Dear Ms. Dortch:

On January 10, 2011, Terri Natoli of Time Warner Cable Inc. (“TWC”) and the undersigned of Latham & Watkins LLP met with Angela Giancarlo, Senior Legal Advisor to Commissioner McDowell, to discuss the above-referenced Petition for Preemption (“Petition”). At our meeting, we summarized the key arguments set forth in CRC/TWC’s Petition and reply comments, explaining why the interpretation of Section 251 adopted by the Maine Public Utilities Commission (“MPUC”) is incorrect as a matter of law and contrary to the public interest.

In addition, we responded to the apparent suggestion by the Maine rural local exchange carriers (“RLECs”) that the Petition seeks to interpret Sections 251 and 252 to impose a duty to arbitrate based solely on the general duty of all telecommunications carriers to interconnect under Section 251(a). That claim is mistaken. As CRC and TWC have explained, the Petition arises from CRC’s requests to interconnect and exchange traffic with the RLECs pursuant to Sections 251(a) and (b).¹ Neither the Petition nor any subsequent submission by CRC/TWC asserts that a request arising under Section 251(a) *alone* would entitle the requesting party to arbitration. Rather, CRC and TWC have made clear that their entitlement to arbitration in this case stems from CRC’s efforts to enforce several rights conferred by Section 251(b).² In short,

¹ Petition at 4-6 (explaining CRC’s requests under “Sections 251(a) and (b)”).

² See, e.g., Reply Comments of CRC Communications of Maine, Inc. and Time Warner Cable Inc., WC Docket No. 10-143, at 25-27 (filed Sept. 13, 2010) (describing “the MPUC’s independent obligation under Section 252 to arbitrate disputes over such matters

LATHAM & WATKINS^{LLP}

the question of whether Section 251(a) standing alone would entitle CRC/TWC to obtain compulsory arbitration is not before the Commission, as CRC has expressly invoked Section 251(b) at every turn in its efforts to exchange local telecommunications traffic with the RLECs.

Based on the foregoing, we urged the Commission to grant the relief requested in the Petition—namely, by preempting the MPUC and/or issuing a declaratory ruling to clarify that a carrier's rights to interconnect and exchange traffic pursuant to Sections 251(a) and (b) are unaffected by the rural exemption under Section 251(f). Please contact the undersigned if you have any questions about this notice.

Sincerely,

/s/ Matthew A. Brill

Matthew A. Brill
of LATHAM & WATKINS LLP

cc: Angela Giancarlo

as CRC's request for reciprocal compensation arrangements under Sections 251(b)(2), (3), and (5)"); Petition at 19-20.