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February 15, 2011

VIA Electronic Filing

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

Re: NOTICE OF *EX PARTE* MEETING; WC Docket No. 10-143
Petition of CRC Communications of Maine, Inc. and Time Warner Cable for Preemption.

Dear Ms. Dortch:

On February 14, 2011, in my capacity as Counsel to UniTel, Inc. (UniTel), I received a telephone call from Jennifer Prime and Tim Stelzig from the Wireline Competition Bureau to discuss the process in the above-captioned matter.

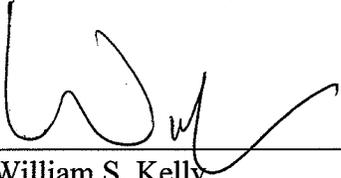
We discussed the process of FCC Commissioner decision-making and Ms. Prime and Mr. Stelzig described the focus of the Order on circulation regarding preemption and declaratory ruling issues.

I generally addressed the UniTel key positions as described in its Comments and *Ex Parte* Meeting Notices previously filed in Docket No. 10-143, including the fact that section 251(a) does not in any way implicate arbitration or negotiation requirements, and is unambiguous in its requirement that all RLECs connect directly or indirectly to all telecommunication carriers, which is accomplished through the PSTN. I informed them that I am not aware of any other cases at the FCC which demonstrate a real "controversy" among the states regarding Cable companies alleging inconsistent acts by State Commissions regarding interconnection duties of RLECS; instead, the record demonstrates a Maine specific set of facts and legal interpretations by the Maine Public Utilities Commission (MPUC). I further informed them that the MPUC decision in question was based on its exclusive jurisdiction and authority to interpret sections 251 and 252 in the context of rural exemption proceedings, and that a review or appeal of such MPUC action is vested solely in the Courts. I stated generally that the effect of an FCC declaratory ruling in this matter amounted to an unlawful preemption of the underlying fact-driven MPUC Order of July 9, 2010.

Thank you for your consideration.

Sincerely,
KELLY & ASSOCIATES, LLC

By: _____


William S. Kelly
Counsel to UniTel, Inc.

Cc: Jennifer Prime
Tim Stelzig