

**Harrington, J.G.**

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**From:** Harrington, J.G.  
**Sent:** Wednesday, September 21, 2011 5:40 PM  
**To:** 'victoria.goldberg@fcc.gov'  
**Cc:** 'travis.litman@fcc.gov'; ZZOhlson, Barry; ZZKoh, Grace  
**Subject:** Intercarrier compensation - transit  
**Attachments:** Nebraska PSC transit decision 0208.pdf; Youghioghney Communications Final Decision (CT DPUC transit) 100709.doc; QwestvNebraskaPSCDecision121708.pdf; SNET v CT DPUC 050611 (D CT transit).pdf

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**Written Ex Parte Communication - Developing a Unified Intercarrier Compensation Regime, CC Docket No. 01-92; High-Cost Universal Service Support, WC Docket No. 05-337; Establishing Just and Reasonable Rates for Local Exchange Carriers, WC Docket No. 07-135; Connect America Fund, WC Docket No. 10-90; A National Broadband Plan for Our Future, GN Docket No. 09-51**

Victoria -

As a follow-up to our discussion on Monday, I've attached four decisions that have useful analysis of the legal and policy issues affecting transit. These decisions relate to two proceedings - one that Cox litigated in Nebraska and one in Connecticut where Cox was a participant but was not the lead party. In both cases the state commission held that transit was a form of Section 251(c)(2) interconnection, and in both cases the U.S. District Court affirmed the state's decision. Neither court decision has been appealed. As the District Court in Connecticut noted (see footnote 2 on page 12), many other state commissions have reached the same conclusion as Nebraska and Connecticut.

If you have any additional questions, Cox would be happy to discuss transit issues further with you, Travis or anyone else on the staff. As we said at the meeting, transit continues to be an essential element of interconnection for Cox and all other competitive local carriers, and so Commission action consistent with the decisions by the state commissions and the courts is important to the ongoing development of local voice competition.

In accordance with the requirements of Section 1.1206 of the Commission's rules, one copy of this written ex parte communication will be filed electronically with the Commission.

**J.G.**

**J.G. Harrington**  
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