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Via Electronic Filing

March 27, 2012

Ex Parte

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

Re: *Special Access Rates For Price Cap Local Exchange Carriers, WC Docket No. 05-25 and RM-10593*

Dear Ms. Dortch:

Through its recent Commission advocacy, Level 3 Communications, LLC (“Level 3”) has described an approach for how the Commission can expeditiously address the lack of competition in the special access marketplace by addressing the exclusionary contracting practices (“lock-ups”) imposed by price-cap local exchange carriers.¹

To further demonstrate its position that such practices broadly stifle competition, Level 3 references the recent article submitted by its CEO James Q. Crowe and published by Forbes on March 23, 2012, discussing how the lack of competition in the special access market, driven by lock-ups, exacerbates the nation’s spectrum shortage.² The

¹ See Letter from Michael Mooney, General Counsel, Regulatory Policy, Level 3 Communications, LLC, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 05-25 and RM-10593 (filed Feb. 22, 2012); Letter from Erin Boone, Senior Corporate Counsel, Federal Regulatory Affairs, level 3 Communications, LLC to Marlene H. Dortch, Secretary, Federal Communications Commission, WC, Docket No 05-25 and RM-10593 (filed March 1, 2012); Letter from Andrew D. Lipman, Bingham McCutchen, LLP, counsel for Level 3 Communications, LLC to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 05-14, RM-10593 (filed March 15, 2012).

² See Eric Savitz “The Solution to the Wireless Spectrum Shortage: More Wires,” Forbes (March 23, 2012) available at <http://www.forbes.com/sites/ciocentral/2012/03/23/the-solution-to-the-wireless-spectrum-shortage-more-wires/>.

article describes how focusing on spectrum alone is unlikely to solve wireless network congestion in the long run, and that if consumer demand for wireless broadband continues to increase, policymakers will need to utilize all available methods to promote efficient use of wireless spectrum.

Sincerely,

A handwritten signature in black ink, appearing to read 'MJ Mooney', written in a cursive style.

Michael J. Mooney

cc: Michael Steffen
Sharon Gillett
Deena Shetler
Nick Alexander
Elizabeth McIntyre
Andrew Mulitz
Eric Ralph
Steven Rosenberg
Richard Kwiatkowski
Daniel Shiman