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June 20, 2012

Ex Parte Letter

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

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

Dear Ms. Dortch:

AT&T submits this letter to provide additional data demonstrating that there is no basis in the current record to conclude that the satisfaction of the Commission's existing fiber-based collocation triggers does not correlate with the existence of significant fiber-based competitive alternatives to ILEC special access facilities in those areas. On June 15, 2012, AT&T submitted detailed mapping data for San Antonio and San Francisco/Oakland (the two MSAs for which AT&T has pending Phase II pricing flexibility petitions) demonstrating that there is a near one-to-one correlation between wire centers that satisfy the triggers and widespread deployment of competitive fiber.[1] Attached to this letter are maps showing similar results for each of the eight additional MSAs in AT&T's service areas for which the Commission asked competitors to provide fiber and lit building location data.[2] In four of those MSAs (Atlanta, Los Angeles, Miami and San Jose) AT&T has qualified for and obtained Phase II pricing flexibility for both transport and channel terminations, and in the other four MSAs (Chicago, Detroit, Greenville, and New Orleans), AT&T has obtained Phase II flexibility only for transport.

In particular, AT&T has mapped, for each of these MSAs, the locations of the AT&T wire centers used to qualify for Phase II pricing flexibility and (1) the locations of competitive

[1] *See* Letter from David L. Lawson to Marlene H. Dortch, WC Docket No. 05-25, WCB/Pricing Dockets 12-05, 12-05 (June 14, 2012) ("AT&T June 14, 2012 Letter").

[2] Public Notice, *Data Requested in Special Access NPRM*, 25 FCC Rcd. 15146 (2010) ("First Voluntary Data Request").

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fiber facilities and lit buildings reported by competitors in response to the Commission's voluntary data requests and (2) the locations of competitive fiber as reported to GeoTel. As shown in the attached Exhibit A, even the small subset of competitive fiber voluntarily reported to the Commission confirms that competitors have deployed substantial fiber facilities in the MSAs for which AT&T has obtained Phase II pricing flexibility, particularly in the areas where significant demand for special access exists, and, indeed, that there is a near one-to-one correlation between wire centers relied upon to satisfy the stringent Phase II pricing flexibility triggers and the existence of competitive fiber. These maps further confirm that competitors have deployed fiber to numerous buildings in these areas. As shown in the attached Exhibit B, GeoTel data further confirms that substantial competitive fiber has been deployed in the MSAs for which AT&T has obtained Phase II pricing flexibility, and that there is a near one-to-one correlation between wire centers relied upon to satisfy the triggers and the existence of competitive fiber.

Moreover, these data unquestionably and substantially understate the actual amount of competitive fiber facilities and lit buildings in these MSAs. As the Commission has recognized, only a small number of competitors responded to the Commission's voluntary data requests.[3] And, as AT&T has demonstrated, GeoTel relies on data that have been shown to omit fiber from significant competitors (including cable companies) and also to understate (by half or more) the full extent of the fiber deployments of competitors that are included in the GeoTel data.[4] Accordingly, the actual amount of competitive fiber and lit buildings deployed in these MSAs is much greater than shown in the attached maps.

The bottom line is that there is no record – and no non-arbitrary basis – on which the Commission could justify interim measures that would halt the operation of the current pricing flexibility rules while the Commission collects the additional data it would need to reach defensible conclusions about the need for, and appropriate content of, any modifications to the current pricing flexibility triggers.

Respectfully submitted,

/s/ David L. Lawson
Attorney for AT&T Inc.

[3] Opposition of Federal Communications Commission to Petition for Writ of Mandamus, *In re COMPTEL, et al.*, D.C. Cir. No. 11-1262, at 1, 17, 20 (filed Oct. 6, 2011) (explaining that the that the vast majority of competitors have not responded to the Commission's data requests); *see also* AT&T June 14, 2012 Letter, at 4-6.

[4] AT&T June 14, 2012 Letter, at 3.

EXHIBIT A

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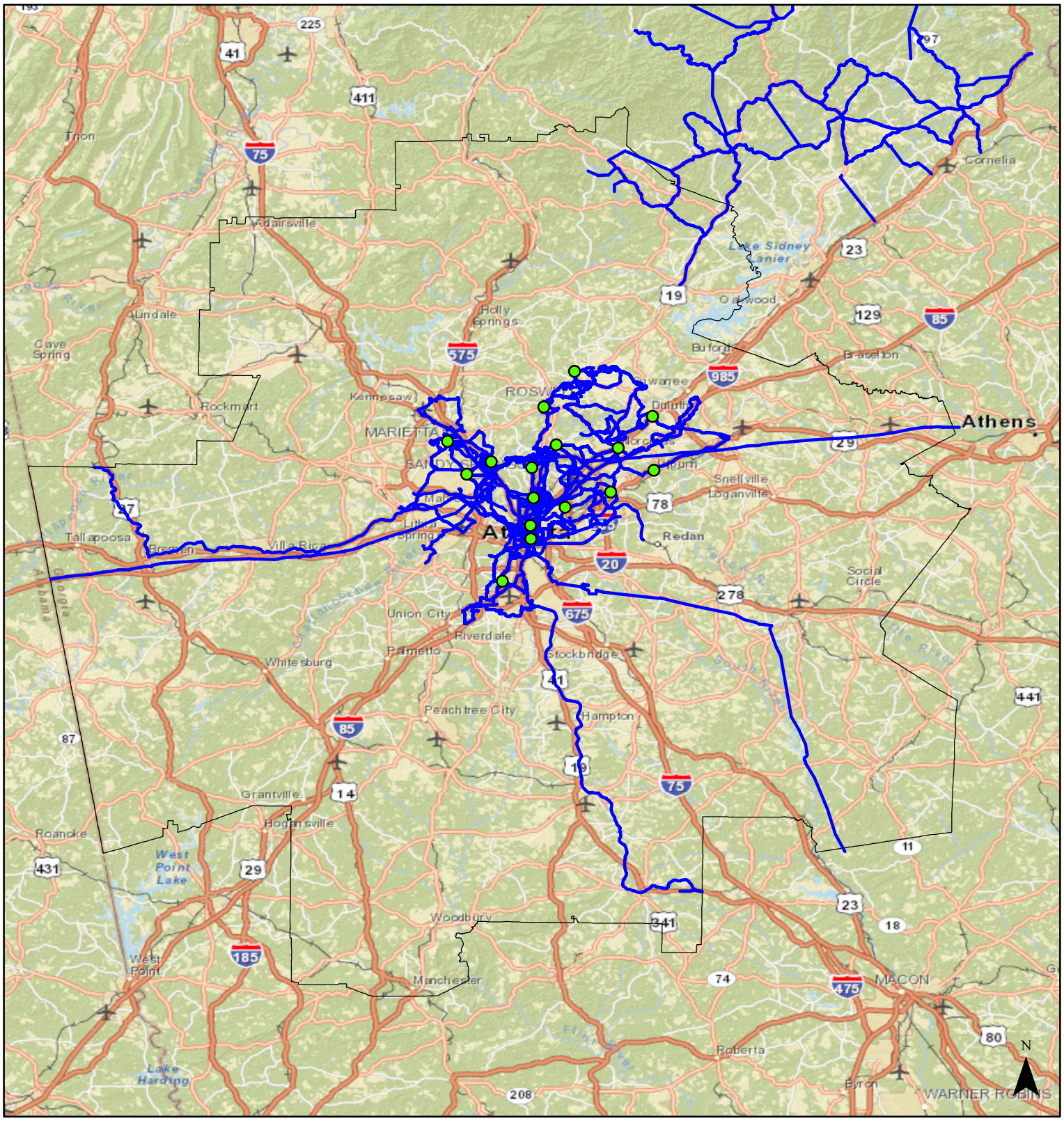
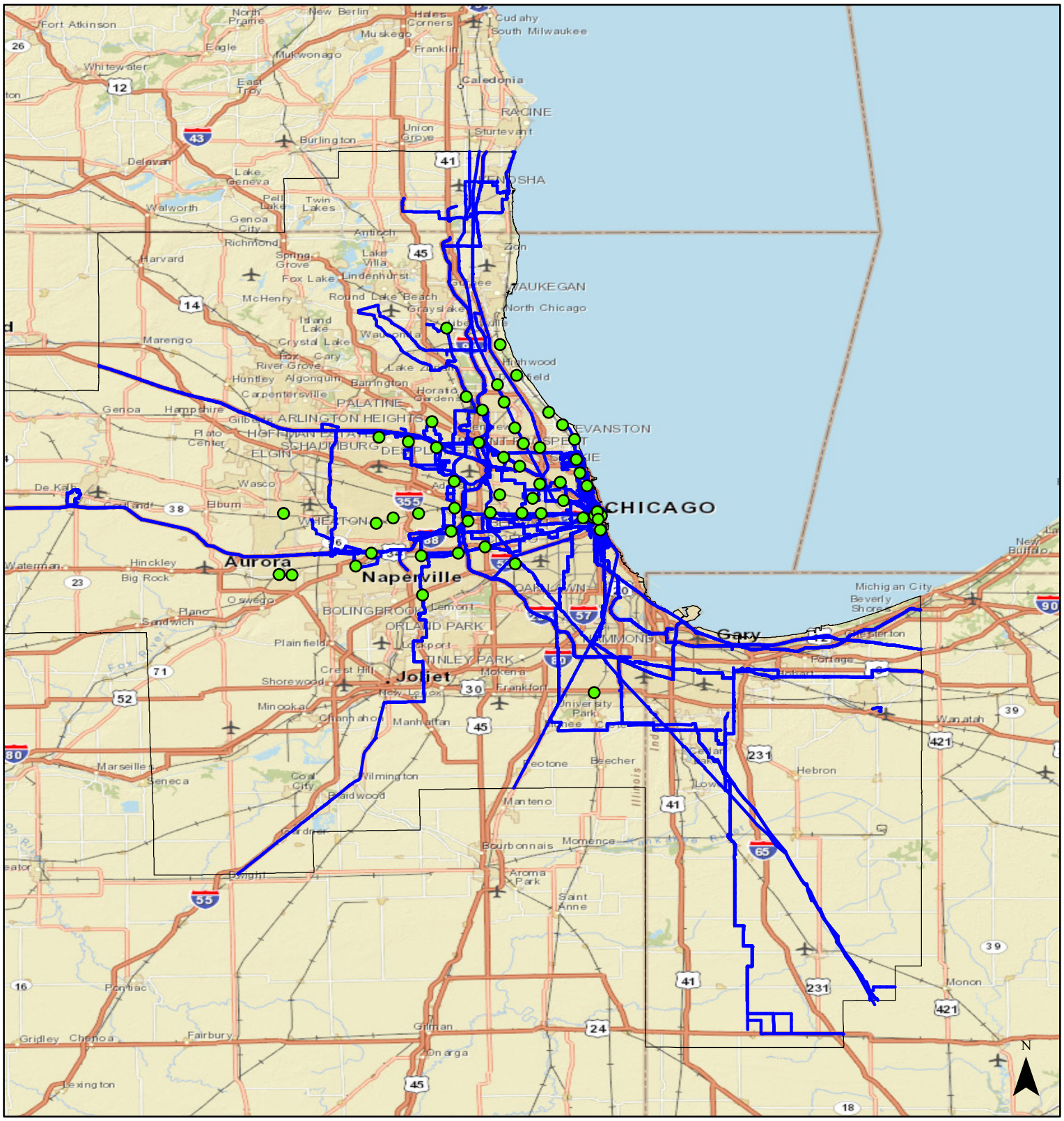
EXHIBIT B

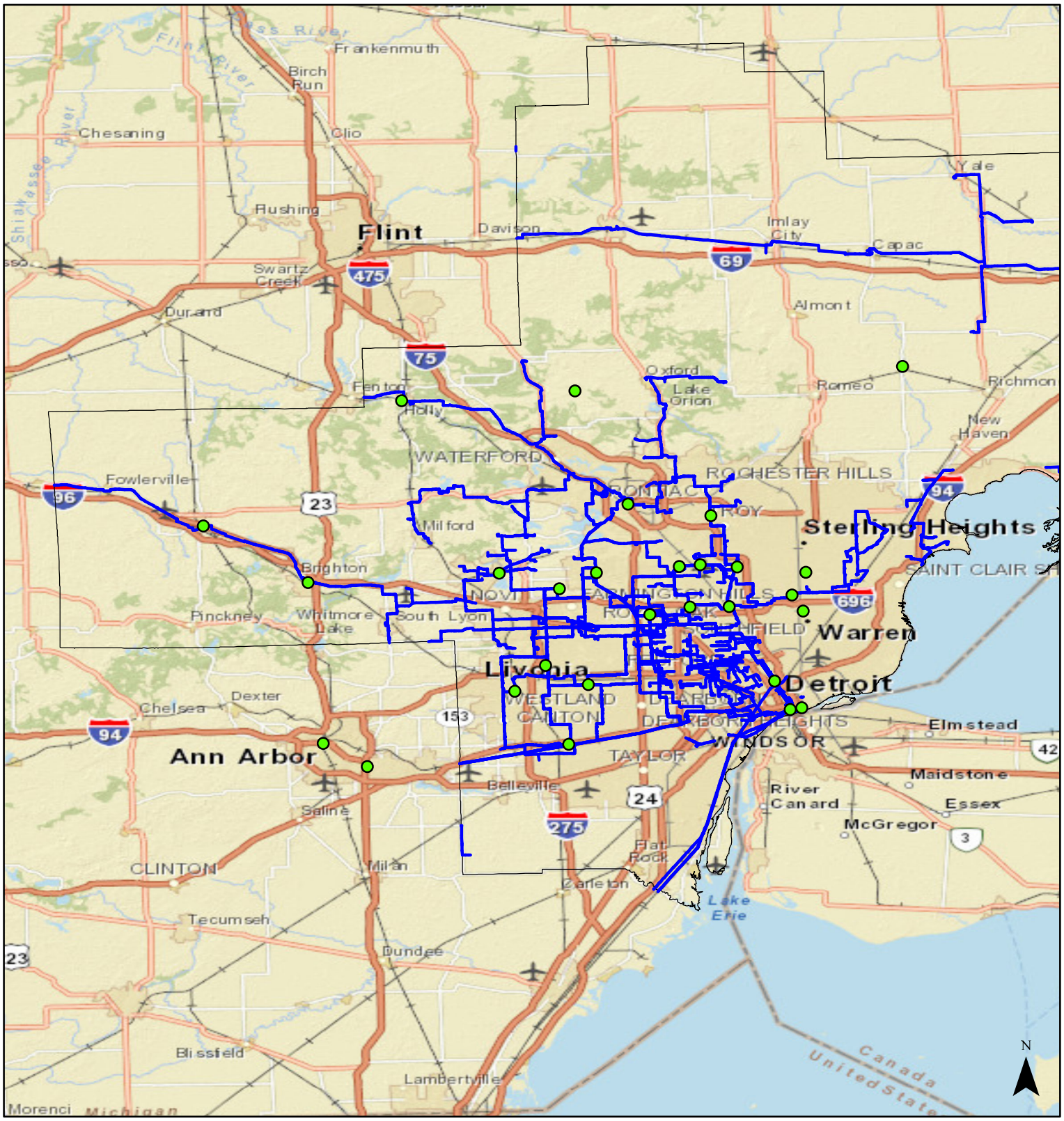
GeoTel Reported CLEC Fiber Routes and Wirecenters
Atlanta-Sandy Springs-Marietta, GA MSA



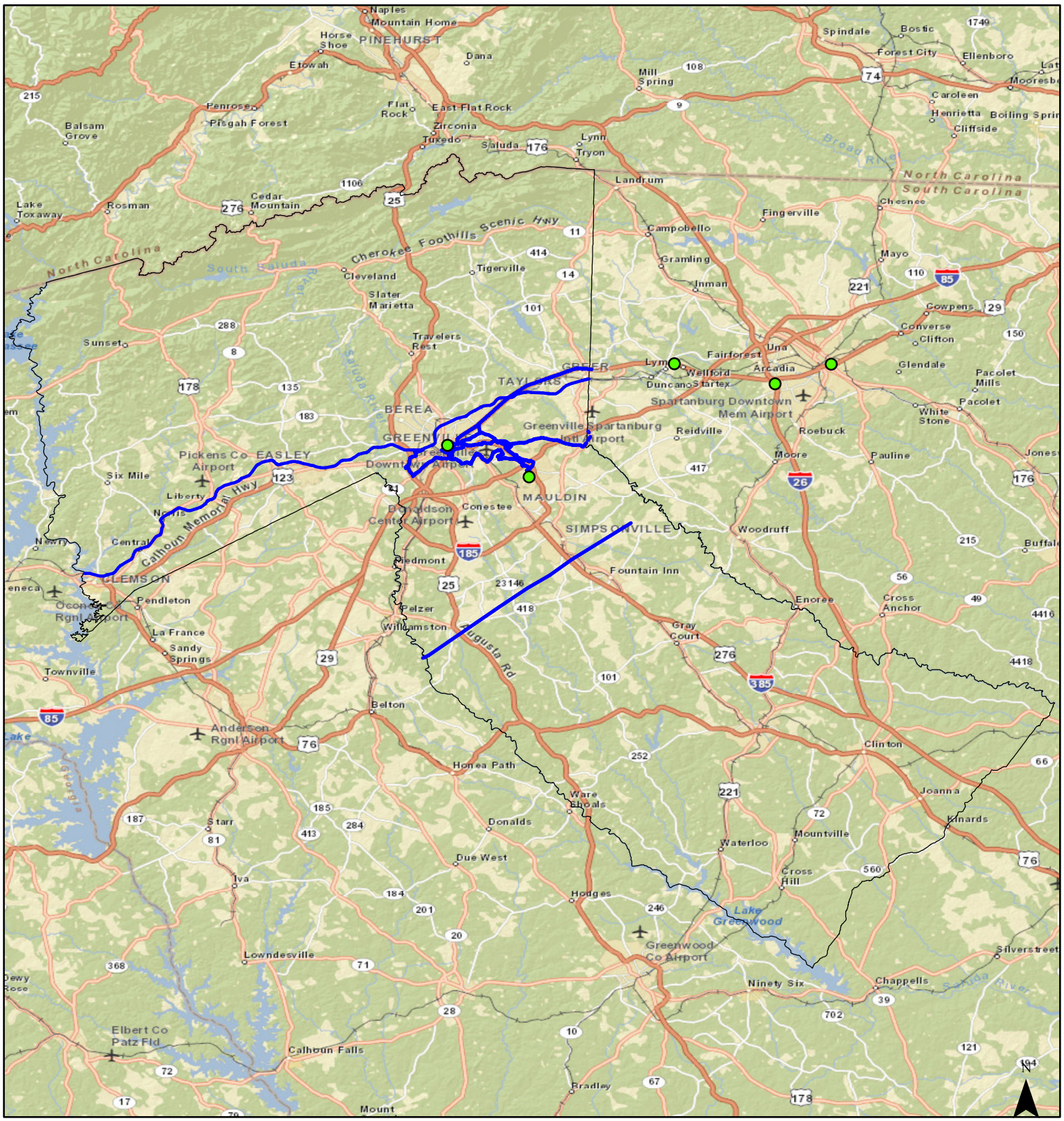
GeoTel Reported CLEC Fiber Routes and Wirecenters
Chicago-Naperville-Joliet, IL-IN-WI MSA



GeoTel Reported CLEC Fiber Routes and Wirecenters
Detroit-Warren-Livonia, MI MSA



GeoTel Reported CLEC Fiber Routes and Wirecenters
Greenville, SC MSA



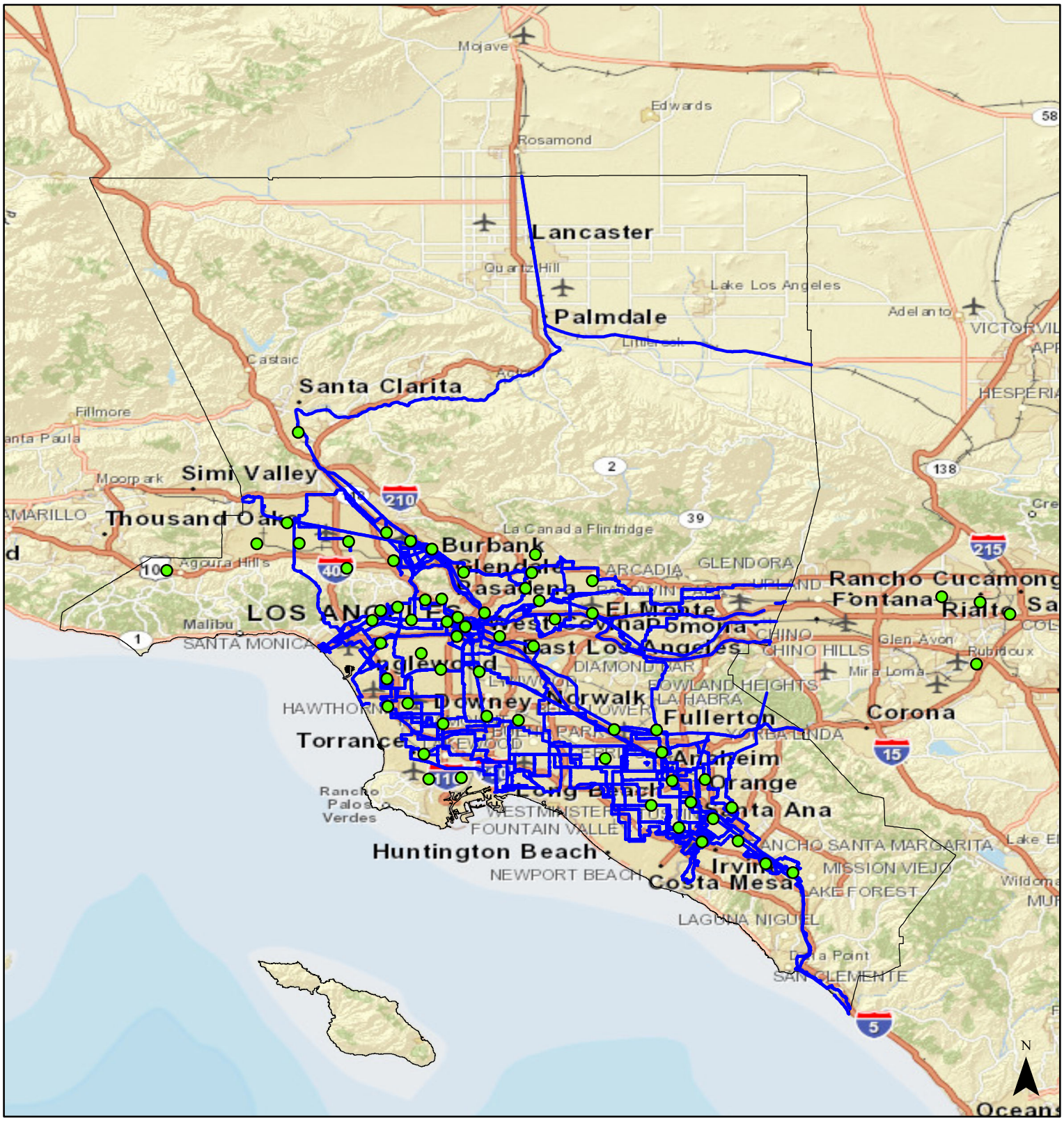
0 5 10 20 Miles

GeoTel Reported CLEC Fiber Routes

Wirecenter Locations with Transport

MSA Boundary

GeoTel Reported CLEC Fiber Routes and Wirecenters
Los Angeles-Long Beach-Santa Ana, CA MSA



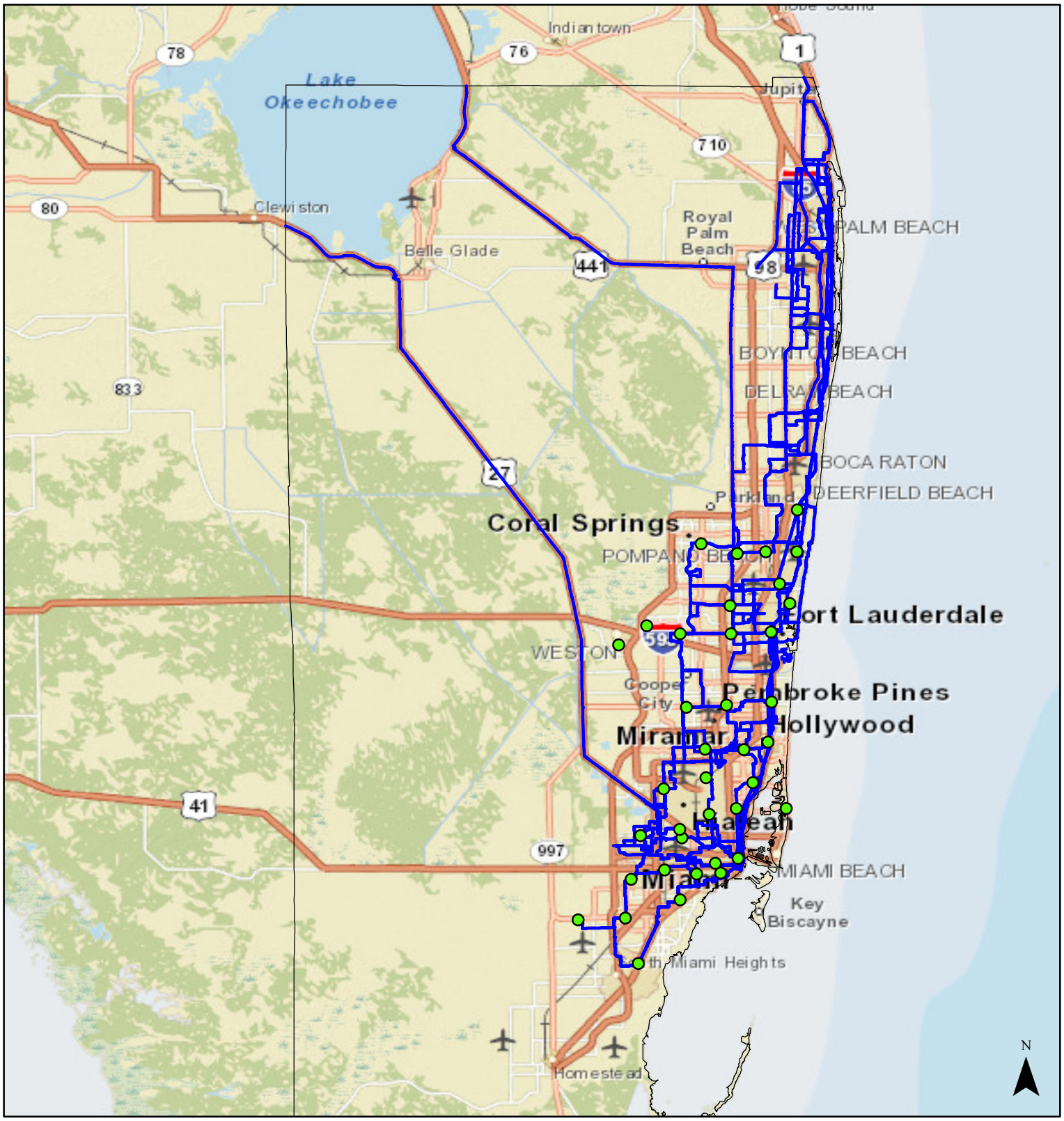
0 5 10 20 Miles

GeoTel Reported CLEC Fiber Routes

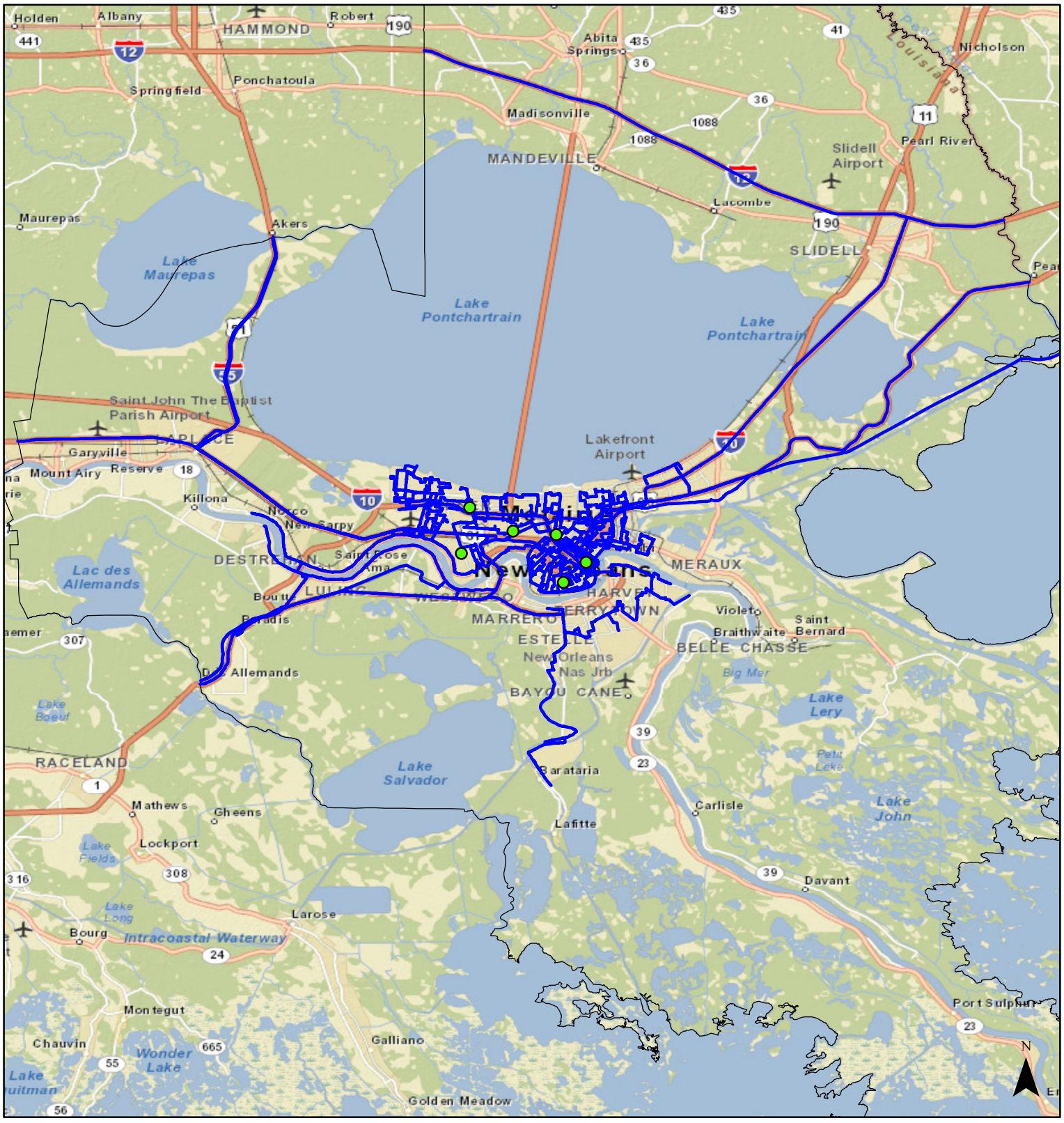
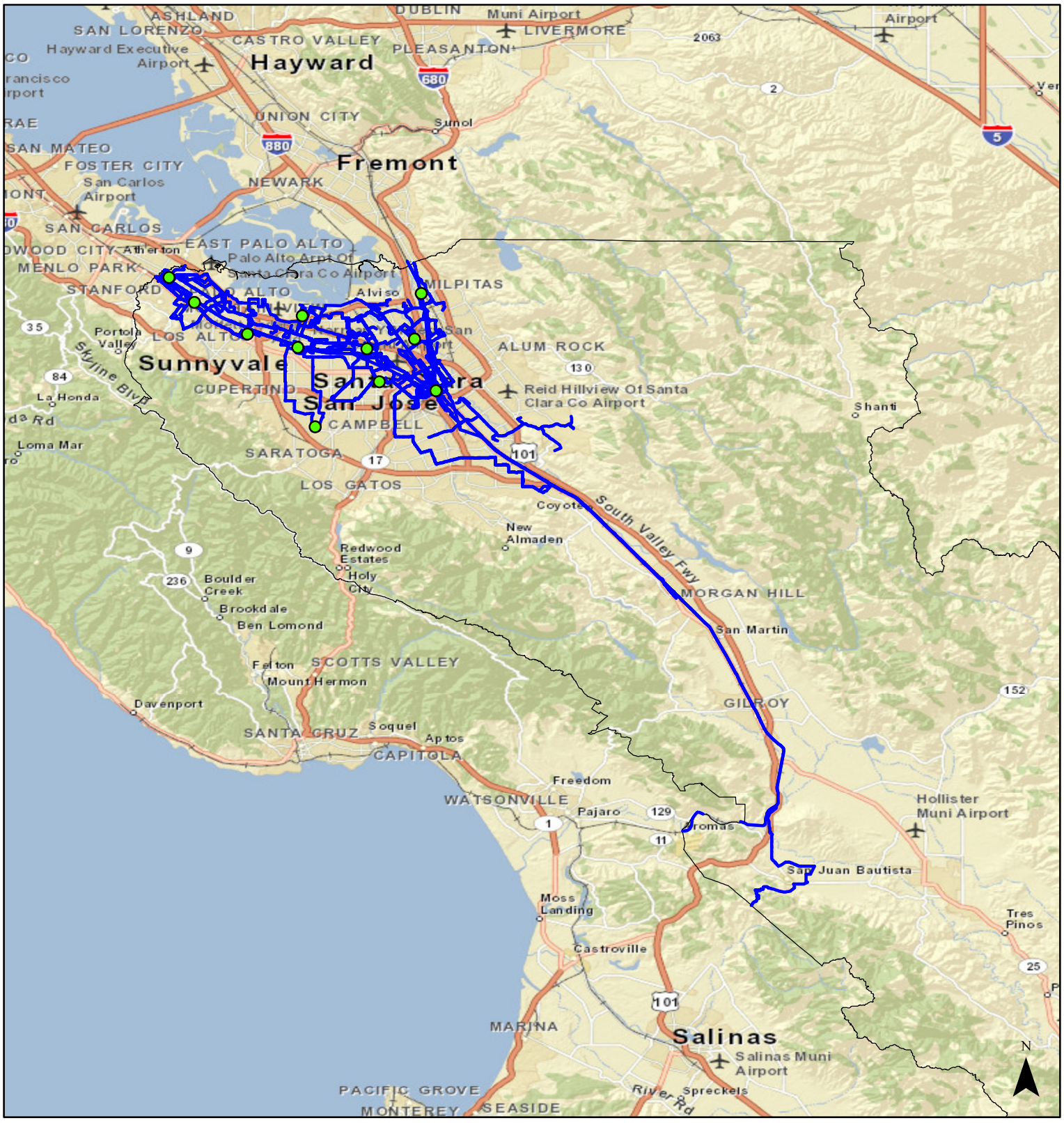
Wirecenter Locations with Transport

MSA Boundary

GeoTel Reported CLEC Fiber Routes and Wirecenters
Miami-Fort Lauderdale-Miami Beach, FL MSA



GeoTel Reported CLEC Fiber Routes and Wirecenters
New Orleans-Metairie-Kenner, LA MSA



GeoTel Reported CLEC Fiber Routes and Wirecenters
San Jose-Sunnyvale-Santa Clara, CA MSA