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June 27, 2012

EX PARTE NOTICE

VIA ECFS

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

**Re: WC Docket Nos. 10-90, 07-135, 05-337, 03-109, 05-25, and 11-118
GN Docket No. 09-47, 09-51, 09-137, RM-10593, RM-11358, CC Docket No.
01-92 and 96-45**

Dear Ms. Dortch:

On June 25, 2012 Jerry James, Alan Hill and the undersigned of COMPTTEL met with Commissioner Rosenworcel and her legal advisor, Priscilla Delgado Argeris, in which issues related to the above-reference proceedings were discussed. In the meeting, COMPTTEL provided information on the line of business of the members of COMPTTEL and stressed the issues of importance to ensuring a robust and competitive communications market, providing greater choice and innovation for the business sector of the market.

In particular, we stressed the importance of the Commission to move expeditiously to confirm facilities-based VoIP providers' rights to direct IP-to-IP interconnection pursuant to section 251(c) of the Communications Act, as amended, which will foster the transition to the more efficient IP technology.¹ We emphasized that, as AT&T and Verizon have stated to their

¹ VoIP providers are telecommunications providers and, as result, are entitled to interconnection with non-ILEC telecommunications carriers pursuant to 251(a) and direct interconnection with ILECs, in particular, pursuant to section 251(c). Regardless of whether a voice call originates and/or terminates in IP, the subscriber is receiving a service that provides real-time voice transmission for a fee. The form and content of the information sent by the caller, in a voice call, is the same as that received by the called party. Therefore, regardless of whether the voice call originates and/or terminates in IP, the provider of the voice transmission service is providing a service that meets the statutory definition of a telecommunications service and, consequently, is a telecommunications carrier entitled to interconnection at any technically feasible point (including e.g., the interface port of a Session Border Controller or its equivalent) pursuant to section 251(c) of the Act.

U-verse and FiOS customers, respectively, managed VoIP services are isolated from the public Internet traffic.² Therefore, claims that this is tantamount to regulation of the public Internet are without merit.³

We also emphasized the need for the Commission to reform the pricing for ILEC special access services which will provide businesses substantial savings to enable them grow and invest. The Phase II Price Flexibility rules are inherently flawed and further entrench the major ILEC dominance of the market by failing to take in account the uniqueness of the ubiquity of the major ILEC networks and by allowing these ILECs to significant raise their basic rates substantially above the price cap level, only to provide discounts through term and volume commitments that thwart the ability of competitors to compete for the major purchasers of special access services – those with multiple-locations.

COMPTEL also discussed the fact that access to unbundled network elements (“UNEs”) has allowed competitive carriers to condition copper loops and combine them with their own network facilities to provide voice, video, DSL, Ethernet and other broadband services to their customers. We emphasized that last mile access to customers remains a bottleneck in the ILECs’ networks and the need for the Commission to preserve competitors’ rights to such facilities at cost-based rates in order to facilitate competition in the provision of broadband services. In 2009, COMPTEL submitted a proposal⁴ to the Commission regarding access to copper facilities when an ILEC is permitted to “retire” a copper loop, so that those facilities may be utilized by an entrant to the broadband market, consistent with the Commission’s duty under the American Recovery and Reinvestment Act to provide “maximum utilization of broadband infrastructure.”⁵ Moreover, the current Commission rules recognize that an ILEC cannot completely escape its unbundling obligations by “retiring” it’s copper loop and replacing it with

² See <http://newscenter.verizon.com/press-releases/verizon/2010/fios-digital-voice-heres.html> [“To understand the features and quality of FiOS Digital Voice, you first need to know that the service is not the same as the services you get with a little Internet adapter for your modem and phone, and it does not touch the public Internet.”] See also, <http://www.att.com/u-verse/explore/home-alarm.jsp>. [“AT&T U-verse Voice service is provided over AT&T’s world-class managed network and not the public Internet...providers who utilize the public Internet are less able to control the traffic and ensure voice quality...With AT&T U-verse Voice...the voice packets do not traverse the public Internet.”](emphasis added).

³ With this ex parte, COMPTEL is providing Ms. Argeris the comments and reply comments COMPTEL filed on this matter in response to the Commission’s Further Notice of Proposed Rulemaking released on November 18, 2011 (FCC 11-161).

⁴ Letter of Karen Reidy, COMPTEL, to Marlene Dortch, FCC, GN Docket Nos. 09-47, 09-51, 09-137 and RM-11358, dated Dec. 7, 2009.

⁵ American Recovery and Reinvestment Act, Pub.L.No. 111-5, Section 6-001(k)(2)(A) and (B)(emphasis added.)

fiber and, as such, require the ILEC to provide a certain level of capacity over its fiber facilities.⁶ The rules, however, need to be modified to recognize that current technology enable substantially more bandwidth over copper than when the rules were adopted and, therefore, the level of capacity offered over the facilities replacing the copper should reflect that fact.

We also discussed the need for the Commission to clarify or forbear from regulations that hinder mergers and acquisitions between cable operators and competitive LECs.⁷

Please do not hesitate to contact me if you have any questions regarding this submission.

Respectfully submitted,

/s/ Karen Reidy

Karen Reidy

cc (via email): Priscilla Delgado Argeris

⁶ 47 CFR § 51.319(a)(3)(iii)(C).

⁷ See Conditional Petition for Forbearance, National Cable & Telecommunications Association, WC Docket No. 11-118, filed Jun. 21, 2011; See also, Comments of COMPTTEL, WC Docket No. 11-118, filed Aug. 22, 2011. There has been limited opposition to the petition.