

REDACTED - FOR PUBLIC INSPECTION JUN 28 2012

Federal Communications Commission
Office of the Secretary

June 28, 2012

ORIGINAL

Via ECFS and Hand Delivery

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Room TW-A325
Washington, DC 20554

Re: In the Matter of Special Access Rates for Price Cap Local Exchange Carriers, WC Docket No. 05-25; AT&T Corp. Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services, RM-10593

Dear Secretary Dortch,

On behalf of Level 3 Communications, LLC ("Level 3"), enclosed for filing are two (2) copies of the public version of a written ex parte letter for association with the above referenced proceeding, in accordance with the procedures outlined in the Second Protective Order.¹

In accordance with the Second Protective Order, all pages of this filing are marked "REDACTED - FOR PUBLIC INSPECTION".

Please date-stamp and return the enclosed extra copy of this filing. Any questions relating to this submission should be directed to the undersigned.

Sincerely,

Eric J. Branfman

Enclosure

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- San Francisco
- Santa Monica
- Silicon Valley
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Bingham McCutchen LLP
2020 K Street NW
Washington, DC
20006-1806

¹ *In the Matter of Special Access for Price Cap Local Exchange Carriers, Second Protective Order, 25 FCC Rcd. 17725 (2010) ("Second Protective Order").*

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June 28, 2012

VIA ELECTRONIC FILING

EX PARTE

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

Re: Data Requested in Special Access NPRM, WC Docket No. 05-25 and RM-10593

Dear Ms. Dortch:

On behalf of Level 3 Communications, LLC (“Level 3”), I write to supplement the ex parte comments of Michael J. Mooney, filed June 27, 2012, with respect to Highly Confidential information provided in the June 6, 2012 ex parte filing of Maggie McCready, Vice President, Federal Regulatory Affairs, of Verizon.

First, Verizon discusses the fact that under its Commitment Discount Plan (CDP) the customer “receive[s] a discount based on the length of the term commitment they choose to make.” Verizon goes on to **[BEGIN HIGHLY CONFIDENTIAL]**

[REDACTED]

[END HIGHLY CONFIDENTIAL]

In its June 8, 2012 ex parte in these dockets, Level 3 discussed extensively the fact that the price cap LECs extract much longer term commitments than do CLECs,¹ and argued that “the fact that the price-cap LECs can extract term commitments that are not only longer but also much more ubiquitously applied as

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¹ See Letter from Michael J. Mooney to Ms. Marlene H. Dortch, Secretary, FCC, WC Docket No. 05-25; and RM 10593 (filed June 8, 2012) at 3-7, 11-14 .

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compared to their CLEC competitors (where competition is present) is . . . evidence of their dominance.”² Level 3 asserted that “the vast majority of special access circuits Level 3 orders” from Verizon are for 7 years.³ [BEGIN HIGHLY CONFIDENTIAL]

[REDACTED]
[END HIGHLY CONFIDENTIAL]
CONFIDENTIAL]

Second, Verizon contends that its demand for DS1 and DS3 special access services has declined [BEGIN HIGHLY CONFIDENTIAL] [REDACTED] [END HIGHLY CONFIDENTIAL] providing data. Verizon’s data reflect a [BEGIN HIGHLY CONFIDENTIAL]

[REDACTED]
[END HIGHLY CONFIDENTIAL]

Third, Verizon focuses on one set of special access customers, discussing wireless backhaul. Verizon asserts that [BEGIN HIGHLY CONFIDENTIAL]

² *Id.* at 14.

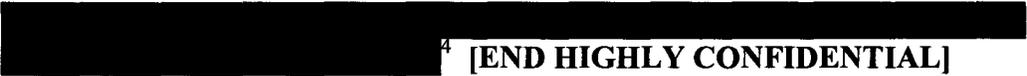
³ *Id.* at 12.

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⁴ [END HIGHLY CONFIDENTIAL]

Sincerely,

/s/

Eric J. Branfman

cc: (via email)

Deena Shetler (redacted version)

Nick Alexander (redacted version)

Elizabeth McIntyre (redacted version)

Jamie Susskind (redacted version)

Daniel Shiman (redacted version)

Jonathan Reel (redacted version)

Andrew Mulitz (Highly Confidential and redacted versions)

⁴ *See id.* at 18-19.