

EX PARTE OR LATE FILED

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September 7, 2012

FILED/ACCEPTED

VIA COURIER AND ECFS

SEP - 7 2012

EX PARTE

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

Federal Communications Commission
Office of the Secretary

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

Dear Ms. Dortch:

On September 5, 2012, in response to a request from Eric Ralph of the Wireline Competition Bureau, Rochelle Jones, Senior Vice President – Regulatory of tw telecom inc. (“tw telecom”) sent Mr. Ralph the attached email in which she briefly described the manner in which tw telecom provides services to its customers, the manner in which tw telecom bills its customers, and the data that tw telecom would be able to provide to the Commission in response to a mandatory data request in the above referenced proceeding. Ms. Jones also transmitted copies of the email Jack Erb of the Office of Strategic Planning & Policy Analysis and Kenneth Lynch, Jamie Susskind, William Layton, Elizabeth McIntyre, Ben Childers, and Luis Reyes of the Wireline Competition Bureau.

The email contains information that the Wireline Competition Bureau has deemed highly confidential under the *Second Protective Order*¹ in this proceeding. Specifically, it contains sample tw telecom bills that include the addresses of individual tw telecom customers, the services provided to

¹ *In the Matter of Special Access for Price Cap Local Exchange Carriers*, Second Protective Order, 25 FCC Rcd. 17725 (2010) (“*Second Protective Order*”); see also *Special Access for Price Cap Local Exchange Carriers*, Letter from Sharon E. Gillett, Chief, Wireline Competition Bureau to Paul Margie, Wiltshire & Grannis LLP, 26 FCC Rcd. 6571 (2011) (supplementing the *Second Protective Order*); *Special Access for Price Cap Local Exchange Carriers*, Letter from Sharon E. Gillett, Chief, Wireline Competition Bureau to Donna Epps, Vice President, Federal Regulatory Affairs, Verizon, 27 FCC Rcd. 1545 (2012) (“*Letter to Donna Epps*”) (further supplementing the *Second Protective Order*).

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those customers, and the prices that tw telecom charges its customers for those services. tw telecom keeps this information in the strictest confidence, and it is not available from public sources. If released, this information could jeopardize the privacy of these tw telecom customers. In addition, release of this information would reveal to tw telecom's competitors individual locations that tw telecom serves with its own facilities and facilities that it purchases at wholesale, the services demanded by customers at those locations, and the prices that tw telecom charges its customers for those services. Accordingly, this information is entitled to highly confidential treatment.²

Pursuant to the procedures outlined in the *Modified Protective Order*³ in this proceeding, the original highly confidential version of this filing is being filed with the Secretary's Office under separate cover, and two copies of the highly confidential version of this filing will be delivered to Marvin Sacks of the Pricing Policy Division of the Wireline Competition Bureau. Additionally, one machine-readable copy of the redacted version of this filing will be filed electronically via ECFS.

Please do not hesitate to contact me at (202) 303-1111 if you have any questions or concerns about this submission.

Respectfully submitted,

/s/ Thomas Jones

Counsel for tw telecom inc.

cc: Eric Ralph
Jack Erb
Kenneth Lynch
Jamie Susskind
William Layton
Elizabeth McIntyre
Ben Childers
Luis Reyes

Enclosures

² See *Second Protective Order* ¶ 6 (deeming “The locations that companies serve with last-mile facilities” and “The types of customers companies serve and the types of special access-type services demanded by those customers” to be eligible for highly confidential treatment); *Letter to Donna Epps* at 4, Category F (deeming “Pricing, to the extent such information is not publicly available, for *DS1s* and *DS3s* sold as unbundled network elements (UNEs) and as non-UNEs, as well as all *PSDS*” to be eligible for highly confidential treatment).

³ See *In the Matter of Special Access for Price Cap Local Exchange Carriers*, Modified Protective Order, 25 FCC Rcd. 15168, ¶ 5 (2010).

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From: Jones, Rochelle [mailto:Rochelle.Jones@twtelecom.com]
Sent: Wednesday, September 05, 2012 2:57 PM
To: Eric Ralph; Jones, Thomas
Cc: Jack Erb; Kenneth Lynch; Jamie Susskind; William Layton; Elizabeth McIntyre; Ben Childers; Luis Reyes
Subject: RE: Hybrid, that is, partially on-net and partially off-net, circuits

Eric

PROVISIONING

The vast majority of services where an off net facility/loop is used, the services are provisioned on at least two networks. (HYBRID)

One location would be served with the ILEC Loop that would hit the CLEC Colocation cage and then be carried over the CLEC transport network to the CLEC CO and then out the second location of the customer. The second location could be provisioned over the CLEC network (typical scenario) or over another carrier's network.

BILLING

In most cases the end user is billed for the entire service not the component parts of each network.

There are services where we do bill the off net facility component as a separate line item...typically voice services

For example

A typical application would be an MPLS service running between two or more customer locations.

Here is sample billing when the customer is on net [BEGIN HIGHLY CONFIDENTIAL]

Service Location: [REDACTED]
Name: [REDACTED] Address: [REDACTED]

Type of Service	PON	Charge From & To	Quantity	Amount
[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
TOTAL Service Location:			[REDACTED]	[REDACTED]

Service Location: [REDACTED]
Name: [REDACTED]
Address: [REDACTED]

Type of Service	PON	Charge From & To	Quantity	Amount
[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]
TOTAL Service Location:			[REDACTED]	[REDACTED]

[END HIGHLY CONFIDENTIAL]

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Here is a multi-location Virtual private network that is both on and off net but you cannot tell by the billing

[BEGIN HIGHLY CONFIDENTIAL]

Service Location: [REDACTED]
Name: [REDACTED]
Address: [REDACTED]

Type of Service	PON	Charge From & To	Quantity	Amount
[REDACTED]		[REDACTED]	1	[REDACTED]
[REDACTED]		[REDACTED]	1	[REDACTED]
[REDACTED]		[REDACTED]	1	[REDACTED]

Service Location: [REDACTED]
Name: [REDACTED]
Address: [REDACTED]

Type of Service	PON	Charge From & To	Quantity	Amount
[REDACTED]		[REDACTED]	1	[REDACTED]
[REDACTED]		[REDACTED]	1	[REDACTED]
[REDACTED]		[REDACTED]	1	[REDACTED]
TOTAL Service Location: [REDACTED]				[REDACTED]
TOTAL Charges Without Tax For Section B				[REDACTED]

Service Location: [REDACTED]
Name: [REDACTED]
Address: [REDACTED]

Type of Service	PON	Charge From & To	Quantity	Amount
[REDACTED]		[REDACTED]	1	[REDACTED]
[REDACTED]		[REDACTED]	1	[REDACTED]
[REDACTED]		[REDACTED]	1	[REDACTED]

[END HIGHLY CONFIDENTIAL]

We are able to join two data sources to identify which services are associated with off net facilities

FOLLOW UP

I am looking for a diagram to show you. I should be able to send it by tomorrow AM

After that maybe we could organize a conference call to discuss your questions.

Rochelle D Jones
SVP Regulatory
rochelle.jones@twtelecom.com