



1300 I Street, NW, Suite 400 West
Washington, DC 20005

Phone 202 515-2527
Fax 202 336-7922
donna.m.epps@verizon.com

October 22, 2012

Ex Parte

VIA ECFS

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

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

Dear Ms. Dortch:

On October 18, 2012, Maggie McCready, Fred Moacdieh, Curtis Groves, and the undersigned of Verizon met with Deena Shetler (by phone), Nick Alexander, and Travis Litman of the Wireline Competition Bureau to discuss the impending mandatory data request.

We reiterated why the Commission should include in the data request three questions regarding where providers offer service and where they have the ability to compete or provide service. We set forth these questions most recently in an October 15, 2012 ex parte letter, which we distributed in the meeting.¹ We focused specifically on the second of the three questions:

2. Provide data or maps that show the geographic area where you or your affiliate offers or plans to offer retail or wholesale high-capacity services, whether wireline or wireless, within the next two years. Providers should note on the maps where they can offer service over existing facilities, on other leased facilities, or on facilities they plan to build.

Where a provider offers service and where it plans to offer service are fundamental to analyzing competition. As the Commission has concluded elsewhere, "Offering service" is an appropriate measure of competitive entry."² And as we have explained, while a regression model may be useful to analyze competition, it should not be the only analytical tool. The

¹ Ex Parte Letter from Donna Epps, Verizon, to Marlene Dortch, FCC, WC Docket No 05-25 & RM-10593 (October 15, 2012). See also Ex Parte Letter from Maggie McCready, Verizon, to Marlene Dortch, FCC, WC Docket No 05-25 & RM-10593 (October 2, 2012); Ex Parte Letter from Donna Epps, Verizon, to Marlene Dortch, FCC, WC Docket No 05-25 & RM-10593 (July 31, 2012).

² *Access Charge Reform, et al.*, Fifth Report and Order and Further Notice of Proposed Rulemaking, 14 FCC Rcd 14221, ¶ 120 (1999).

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Commission needs to examine other competitive evidence, and the responses to this question may provide real-world information about competitive alternatives and competitors' plans that the model does not. This type of data should be readily available in advertising and marketing materials, and the Commission has said that "advertisements may well be probative of the extent of competitive offerings."³ Furthermore, this request would not materially increase the burden. We provided the attached example of the type of information found on websites that many competitors could easily provide.

Asking providers where they offer service may also shed light on where retail customers have competitive alternatives, whether facilities based or resale. If, for example, providers in a particular area are competing by purchasing ILEC special access at wholesale rates and reselling it, that could both discipline ILEC wholesale pricing and indicate that providers are able to compete. When the data are in, parties will be able to argue about what value to assign non-facilities-based competition versus facilities-based. But the Commission should not foreclose and decide those arguments now by not collecting the data in the first place.

Sincerely,

A handwritten signature in black ink that reads "Donna Epps". The signature is written in a cursive, slightly slanted style.

Attachment

cc Deena Shetler
Nick Alexander
Travis Litman

³ *Id.* ¶ 121.



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