



October 23, 2012

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

Re: *In the Matter of Special Access Rates for Price Cap Local
Exchange Carriers - WC Docket No. 05-25*

Dear Ms. Dortch:

This is to inform you that on October 22, 2012, the following persons met with Nick Degani, Legal Advisor to Commissioner Pai, in connection with the proceeding identified above: Maggie McCready representing Verizon; Frank Simone and Robert Barber representing AT&T; Melissa Newman representing CenturyLink; and the undersigned representing USTelecom.

During this meeting, the industry representatives discussed the proposed mandatory data request to evaluate competition in the market for high capacity services. This discussion focused on the importance of gathering data adequate to evaluate potential competition in order to properly inform the Commission's evaluation of competitive alternatives to ILEC provided special access. We emphasized that the Commission must take a forward-looking view of the market to evaluate contestability, including mandating the provision of information concerning where providers have the ability to compete or provide service. In particular, we urged the Commission to obtain maps or similar information demonstrating the geographic areas where competitors offer or plan to offer retail or wholesale high-capacity services.

In addition, we explained that the Commission must ensure that the data collection effort is comprehensive, and thus should explicitly reject any blanket *de minimis* exception to the requirement that all providers respond to the data request. Such an approach would exclude significant amounts of competitive facilities from the Commission's ultimate data base, as demonstrated in recent *ex parte* filings from AT&T.¹ Moreover, there is no economically or statistically valid basis for defining a *de minimis* standard without first identifying the size of the geographic market. In fact, any attempt to establish a *de minimis* exception would necessarily require the Commission to pre-judge one of the principle questions for which it is gathering data in the first place.

¹ See, *Ex Parte* Letter from Frank Simone, AT&T, WC Docket 05-25 (October 15, 2012).

Ms. Marlene Dortch
October 23, 2012
Page 2 of 2

This ex parte letter is being filed pursuant to Commission rules. Please contact me if you have additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Glenn Reynolds". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Glenn Reynolds
Vice President, Policy

cc: Nicholas Degani