

October 23, 2012

VIA ECFS

EX PARTE

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

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 October 19, 2012, Rochelle Jones of tw telecom inc. (“TWTC”) discussed the mandatory data request in the above-referenced proceeding with Betsy McIntyre, Jamie Susskind, and Eric Ralph of the Wireline Competition Bureau. During the discussion, Ms. Jones made the following points:

- TWTC generally does not provision Ethernet service to locations at which it has previously provided TDM-based services;
- TWTC encounters problems when seeking to purchase Ethernet services from incumbent LECs as inputs to TWTC’s downstream retail services; such problems include incumbent LECs’ (1) slow provisioning, which occurs where the incumbent LECs state that they must construct new facilities in order to provide Ethernet and where the incumbent LECs cannot provide TWTC with accurate information regarding the locations to which the incumbent LECs must construct new facilities, and (2) apparent practice of waiving special construction charges for their retail end users but not for tw telecom;
- TWTC does acquire dark fiber local transmission facilities pursuant to IRUs in some situations; where this is the case, TWTC only signs long-term IRUs (never short-term IRUs such as five-year commitments); TWTC does not sign IRUs for OCn circuits; short-term IRUs would only be suitable where the facilities in question are used to provide services under customer contracts with terms equal to or shorter than the IRU commitment;
- TWTC’s prices are determined by a product team with the input of the sales force; the level of competition TWTC faces in a particular circumstance affects its prices; prices for services

provided to enterprise customers are set differently from prices for services provided to carriers and aggregators due to differences in levels of competition and volume commitments; TWTC does reserve the right to set prices to meet the individual circumstances of a customer; TWTC and other non-incumbent LECs generally commit not to increase their prices during the life of a contract, whereas incumbent LECs' prices are often subject to increases in base monthly prices.

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: Betsy McIntyre
Jamie Susskind
Eric Ralph