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October 25, 2012

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
AT&T Corporation Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services, RM-10593

Dear Ms. Dortch:

On October 24, 2012, Cody Harrison, Bright House Networks (BHN), and the undersigned participated in a conference call with the following members of the FCC's Wireline Competition Bureau (WCB) staff regarding the above captioned matters: Elizabeth McIntyre; Jack Erb; Kenneth Lynch, and Eric Ralph.

Mr. Ralph discussed the upcoming data collection efforts the FCC intends to undertake in developing a new way to measure competition in the special access market. Toward that end, Mr. Ralph asked about BHN's capabilities to respond to information requests about commercial customers to whom it provides dedicated fiber services. In particular, he asked about the possibility of BHN providing addresses of commercial customers, latitude and longitude information; whether there is a fiber connection to the customer; the amount of sold bandwidth; whether the customer is located in a building or service is being provided to a cell site; and the amount of bandwidth sold in each situation. Mr. Ralph suggested that the Bureau might seek to collect this information in the form of copies of BHN's billing data, which would be subject to a second level Protective Order. Billing data for 2010 and 2012 would be sought to gauge changes in the market over time.

Mr. Harrison responded by noting, as in previous meetings with WCB staff, that customer data for the services involved were among the most competitively sensitive of all of BHN's records.

With that proviso, he agreed that customer locations served by competitive providers could be helpful to establishing a meaningful Commission test to measure the commercial services marketplace. But requiring BHN to produce pricing information about those customers would stray far from the goal of this proceeding to establish such a new test for ILECs to use in seeking pricing flexibility.

In particular, Mr. Harrison averred that the value of producing billing records that reveal detailed pricing information is far outweighed by the interest in preserving their confidential nature. A competitor's price is not probative to the question at issue, which is the availability of competitive commercial facilities faced by ILECs. Moreover, focusing on a competitor's prices, which may involve volume or bulk arrangements covering many locations and a variety of services, may lead to misleading or useless data collection. Competitors' pricing data does not tell the Commission anything about the incumbent's pricing, which is, after all, is the actual focus of concern inasmuch as in filing a petition in this context, an ILEC will be seeking pricing relief from the FCC.

Mr. Harrison did indicate, in response to questions from Mr. Ralph, that when BHN serves a building, it serves it with a fiber connection; and that BHN makes no use of facilities obtained under an indefeasible right of use (IRU) agreement with another facilities provider in offering dedicated fiber services.

If there are any questions, please contact the undersigned.

Respectfully submitted,

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cc: Jack Erb
Kenneth Lynch
Elizabeth McIntyre
Eric Ralph