



October 26, 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 24, 2012, the undersigned representing USTelecom spoke separately by telephone with Angela Kronenberg, Legal Advisor to Commissioner Clyburn, and Priscilla Delgado Argeris, Legal Advisor to Commissioner Rosenworcel.

During these calls, I 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. I 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.

I further 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).

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Finally, I explained the importance of the Commission collecting data from competitive providers with respect to all services and facilities that serve business customers, including small businesses, regardless of whether the same or similar facilities or services may also be used and marketed to non-businesses consumers.

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 fluid and cursive, with a long horizontal flourish extending to the right.

Glenn Reynolds
Vice President, Policy

cc: Angela Kronenberg
Priscilla Delgado Argeris