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December 6, 2012

VIA ECFS

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

Re: *National Broadband Plan, GN Docket No. 09-51; Petitions for Rulemaking and Clarification Regarding the Commission's Rules Applicable to Retirement of Copper Loops and Copper Subloops, RM-11358; Business Broadband Marketplace, WC Docket No. 10-188*
Notice of Ex Parte Communications

Dear Ms. Dortch:

On December 4, 2012, Nancy Lubamersky, Vice President Public Policy of U.S. TelePacific Corp. d/b/a TelePacific Communications (“TelePacific” or “Company”) and the undersigned met with Rebekah Goodheart, William Dever, Jennifer Prime, Heather Hendrickson, Tim Stelzig, Claude Aiken, Wesley Platt, John Visclosky, and Pamela Megna of the Wireline Competition Bureau along with Henning Schulzrinne of the Office of Strategic Planning and Policy Analysis. On December 5, 2012, Ms. Lubamersky and the undersigned met with Julie Veach, Bureau Chief, Deena Shetler, Lisa Gelb, and Travis Litman of the Wireline Competition Bureau. Ms. Lubamersky participated in both meetings by phone.

The purpose of the meetings was to follow-up on the October meetings during which TelePacific explained that it has made substantial investments in deploying Ethernet over Copper (“EoC”) capabilities and it needs regulatory certainty in order to continue making such investments. The participants discussed gathering data to refresh the record and show how competitive carriers are currently using EoC to provide high speed (in some cases up to 100 Mbps), affordable broadband to small and medium sized businesses, especially community and anchor institutions such as schools, libraries, and rural health care providers, who cannot afford fiber-based broadband.

The participants also discussed the changed circumstances that necessitate updates to the FCC’s copper retirement rules. Those changed circumstances include the explosion of EoC capability to provide high speed broadband Internet access, three consecutive FCC findings that broadband is not being deployed on a reasonable and timely basis, and the national goal of promoting affordable broadband. TelePacific argued that the “deemed denied” standard, uncertainty about the scope of what qualifies as “retirement,” uncertainty about ILEC obligations following retirement, the lack of comprehensive information about existing and planned retirements, and the fact that the objection rules do not apply to feeder, all chill additional investment in EoC deployment.

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TelePacific looks forward to working with the FCC and industry to update copper retirement rules so that they promote deployment of affordable broadband for small business customers.

Sincerely,

/s/ electronically signed
Tamar E. Finn

*Counsel for U.S. TelePacific, Corp. d/b/a
TelePacific Communications*

cc: (via E-Mail)

Julie Veach
Deena Shetler
Lisa Gelb
Travis Litman
William Dever
Jennifer Prime
Heather Hendrickson
Tim Stelzig
Claude Aiken
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