

February 6, 2014

**EX PARTE NOTICE**

VIA ECFS

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

Re: Technology Transitions Policy Task Force, GN Docket No. 13-5; Petitions to Launch a Proceeding Concerning the TDM-to-IP Transition, GN Docket No. 12-353; Connect America Fund, WC Docket No. 10-90; Special Access Rates for Price Cap Local Exchange Carriers, WC Docket No. 05-25, RM-10593; Copper Retirement, RM-11358.

Dear Ms. Dortch:

On February 4, 2014, Greg Rogers of Bandwidth, Robert McCausland and Doug Davis of HyperCube, Eric Einhorn of Windstream, John Harrington of Inteliquent, Eric Branfman of Bingham McCutchen on behalf of U.S. TelePacific, Joe Cavender of Level 3 Communications, Samuel Kline and Michael Galvin of Granite Telecommunications, Thomas Jones of Willkie Farr & Gallagher on behalf of tw telecom, Level 3 Communications, EarthLink, Integra Telecom and Cbeyond, Roger Fleming on behalf of Integra Telecom, Julia Strow on behalf of Cbeyond, Lisa Youngers of XO Communications, Chris Murray of EarthLink, and Karen Reidy and the undersigned from COMPTEL (the “Competitive Companies”) met with Jon Sallet, Linda Oliver, and Stephanie Weiner of the Commission’s Office of General Counsel and Julie Veach, Lisa Gelb, and Patrick Halley of the Commission’s Wireline Competition Bureau.

In the meeting, the Competitive Companies discussed the Commission’s next steps for consideration for the managerial framework for its ongoing review of the legal and policy issues that must be addressed to ensure that consumers continue to have competitive options during and after the technology transitions. The Competitive Companies urged the Commission to follow up on its observations and recommendations in the National Broadband Plan. There the Commission acknowledged that its wholesale policies are flawed, stating that they have created a “hodgepodge of wholesale access rights and pricing mechanisms that were developed without the benefit of a consistent, rigorous analytic framework. Similar network functionalities are regulated differently, based on the technology used. Therefore, while networks generally have been converging to integrated, packet-mode, largely-IP networks, regulatory policy regarding wholesale access has followed the opposite trajectory. This situation undermines longstanding competition policy objectives. In some cases it limits the

ability of smaller carriers—often those specializing in serving niche markets such as SMBs—to gain access to the necessary inputs to compete.”<sup>1</sup>

Indeed, in the National Broadband Plan, the Commission made the following recommendations:

Recommendation 4.7: The FCC should comprehensively review its wholesale competition regulations to develop a coherent and effective framework and take expedited action based on that framework to ensure widespread availability of inputs for broadband services provided to small businesses, mobile providers and enterprise customers.<sup>2</sup>

Recommendation 4.8: The FCC should ensure that special access rates, terms and conditions are just and reasonable.<sup>3</sup>

Recommendation 4.9: The FCC should ensure appropriate balance in its copper retirement policies.<sup>4</sup>

Recommendation 4.10: The FCC should clarify interconnection rights and obligations and encourage the shift to IP-to-IP interconnection where efficient.<sup>5</sup>

Accordingly, as part of the managerial framework addressing the legal and policy issues applicable to the technology transition, the Competitive Companies urged the Commission to follow through on the Commission’s observations and recommendations in the National Broadband Plan, and correct its course to ensure that consumers will benefit from access to competitors through consistent and reasonably priced last mile options. Moreover, the Competitive Companies discussed the importance for interconnection policies to be addressed so that IP interconnection will offer consumers all the benefits of IP networks. While some states are now beginning to review IP interconnection, and some have found that Sections 251/252 of the Act require incumbents to facilitate IP interconnection, the Commission’s leadership on this issue will further assist the States in their consideration of IP interconnection requests.

The Competitive Companies urged the Commission for decisive and speedy consideration of these critical issues that will determine whether there is a competitive broadband market. They also reiterated their support in assisting the Commission in its efforts to have fully developed records to decide these long outstanding matters quickly.

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<sup>1</sup> National Broadband Plan at 47.

<sup>2</sup> *Id.* at 48.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.* at 49.

Sincerely,

/s/

Angie Kronenberg

cc: Jon Sallet  
Julie Veach  
Linda Oliver  
Stephanie Weiner  
Lisa Gelb  
Patrick Halley