



February 21, 2014

*Ex Parte*

Ms. Marlene H. Dortch  
Secretary  
Office of the Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
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 February 19, 2014, the undersigned and Jeffrey L. Sheldon of Levine, Blaszak, Block & Boothby, along with Susan M. Gately of SMG Consulting, on behalf of the Ad Hoc Telecommunications Users Committee (“Ad Hoc”), met with Christopher Koves, William Layton, Susan Lee, Elizabeth McIntyre, and Eric Ralph of the Wireline Competition Bureau to discuss the data collection adopted in the above-referenced proceeding.

We discussed the definitions and questions applicable to end users in the data collection as they appeared in the Bureau’s *Report and Order*<sup>1</sup> in the above-referenced proceeding.

We described in general the buying patterns of business end users or “enterprise customers” of telecommunications. We noted that, as described in Ad Hoc’s various comments filed in this docket, enterprise customers most frequently buy special access service only indirectly, when they purchase interstate interexchange services from interexchange carriers (“IXCs”) who in turn purchase special access directly from local exchange carriers (“LECs”) in order to provision the end points of the interstate connections IXCs provide to their business customers. We noted our concern that, if end users are required to respond to the data request with information regarding their expenditures for interexchange services, that information will not be probative of

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<sup>1</sup> *Special Access Rates for Price Cap Local Exchange Carriers, WC Dkt. No. 05-25, AT&T Corp. Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services, RM-10593, Report and Order, DA 13-1909 (rel. Sept. 18, 2013).*



expenditures for special access from LECs and, if the Commission treats those expenditures as if they represented expenditures for special access, will overstate the revenues from and the number of providers of special access.

We described the occasional end user practice of sharing self-provisioned broadband capacity on private fiber or microwave systems on a non-fee, non-carrier basis with other end users, to confirm that it does not fall within the scope of “connections” as defined in the Bureau’s *Order*.

We discussed the dearth of information typically available to end users regarding the identity of the individual access providers whose facilities may be used by IXCs to provision the end points of an end user’s service.

We described the typical rate structure of MPLS offerings and the difficulty of mapping that rate structure to the CBDS and PBDS service categories used in the Bureau’s *Order*.

Finally, we discussed the instructions which appear in Appendix A of the *Order* and indicate the Bureau’s receptivity to responses that provide narrative descriptions of end user purchasing practices in cases where those practices do not parallel the purchasing practices of carriers or the assumptions on which the data request is based.

Pursuant to Section 1.1206(b) of the Commission’s Rules, this letter is being filed electronically in the above-referenced proceeding. Please feel free to contact me with any questions or concerns regarding this filing.

Very truly yours,

A handwritten signature in cursive script that reads "Colleen Boothby".

Colleen Boothby  
Counsel, Ad Hoc Telecommunications Users  
Committee

cc: Christopher Koves  
William Layton  
Susan Lee  
Elizabeth McIntyre  
Eric Ralph