

May 15, 2014

**VIA ECFS**

***EX PARTE NOTICE***

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

**Re: *Technology Transitions, GN Docket No. 13-5; AT&T Petition to Launch a Proceeding Concerning the TDM-to-IP Transition, GN Docket No. 12-353; Connect America Fund, WC Docket No. 10-90; A National Broadband Plan for Our Future, GN Docket No. 09-51; Establishing Just and Reasonable Rates for Local Exchange Carriers, WC Docket No. 07-135; Developing an Unified Intercarrier Compensation Regime, CC Docket No. 01-92; Petition of tw telecom inc. et al. to Establish Regulatory Parity in the Provision of Non-TDM-Based Broadband Transmission Services, WC Docket No. 11-188; Petition for Declaratory Ruling That tw telecom inc. Has the Right to Direct IP-to-IP Interconnection Pursuant to Section 251(c)(2) of the Communications Act, as Amended, for the Transmission and Routing of tw telecom's Facilities-Based VoIP Services and IP-in-the-Middle Voice Services, WC Docket No. 11-119; Business Broadband Marketplace, WC Docket No. 10-188; Cbeyond, Inc. Petition for Expedited Rulemaking to Require Unbundling of Hybrid, FTTH, and FTTC Loops Pursuant to 47 U.S.C. § 251(c)(3) of the Act, WC Docket No. 09-223; Policies and Rules Governing Retirement Of Copper Loops by Incumbent Local Exchange Carriers, RM-11358; Special Access for Price Cap Local Exchange Carriers, WC Docket No. 05-25***

Dear Ms. Dortch:

On May, 13, 2014, Thomas Jones of Willkie Farr and Gallagher LLP on behalf of tw telecom, Joe Cavender of Level 3 Communications, Matt Wood of Free Press, Lisa Youngers of XO Communications, Harold Feld and Jodie Griffin of Public Knowledge, Sarah Morris of the New America Foundation's Open Technology Institute, Olivia Wein of National Consumer Law Center, Jennifer Bagg of Harris, Whiltshire and Grannis LLP on behalf of Sprint, Keith Buell and Charles McKee of Sprint Corporation, Julia Strow on behalf of Cbeyond, Susan Butler on behalf of COMPTTEL, Roger Fleming on behalf of Integra Telecom, and Karen Reidy and the undersigned of COMPTTEL met with Jonathan Sallet and Linda Oliver of the Commission's Office of General Counsel, and Julie Veach, Jamie Susskind, Matt Del Nero, and Tim Stelzig of the Wireline Competition Bureau, and Jonathan Chambers of the Office of Strategic Planning and Policy Analysis.

In the meeting we encouraged the Commission to issue an Order addressing the fatal flaws in AT&T's proposed Wire Center trials in order to ensure that, throughout and beyond the trials, the network values of competition, universal service, consumer protection, public safety

and reliability will be promoted; all consumers (residential, business, and wholesale consumers) benefit from the transition as contemplated by the FCC's January Order; and so that the information gathered will be sufficient to provide any assistance in the Commission's assessment of the impact of the transition on consumers and the marketplace. We also emphasized the importance of the Commission addressing the policy issues related to the IP transition, such as access to last mile facilities and interconnection. The Commission should not delay policy decisions until trials are completed, especially where consumers and competition are already being impacted.

We provided the following examples of how consumers should be protected during and after the trials, though this is not an exhaustive list:

- (1) The trials should not permit anyone to lose service. Basic service should continue to be affordable throughout and after the trials. The network compact must be preserved.
- (2) The trials must be voluntary for customers (especially for communities like the elderly, low-income households, and individuals with disabilities, who may particularly rely on the attributes of the existing network).
- (3) Notice of the trials to customers should include clear and prominent information about the possible limitations of the new technology, and should tell customers who they can contact at the federal, state, and local level to complain about service impairment.

With regard to wholesale products, in particular, we stressed the need for AT&T to make available to all competitive carriers sufficient detail of its replacement offerings – that meet the standard put forth by the Commission in its January Order. This information should be made publicly available, and should – at a minimum - include the following:

- (1) The functional definition of the replacement service and the prices, terms, and conditions of such offerings (so as to ensure equivalency), as well as installation intervals for replacement services;
- (2) Detailed explanation of how wholesale customers will avoid incurring any penalties for switching from TDM-based special access services to packet-based or other services;
- (3) If new facilities are required for provision of wholesale service, AT&T should specify the extent to which a competitive provider will be responsible for paying the special construction costs and how any such costs will be determined.
- (4) AT&T also should explain in detail how the bare copper loop will be made available to competitors. It should provide information regarding the location, length, and condition of its copper loops. Plans for retiring copper loops should be made available to competitors.

The FCC should establish a report format specifying the data to be collected during the trials.<sup>1</sup> The data should be comprehensive to show the complete competitive picture at each wire center. We also pointed out that the FCC will need more diverse information to have statistically significant sources of data. Specifically, AT&T's two test sites represent approximately 0.07% of AT&T's wireline customers and urban wire centers are not contemplated at all by AT&T's trial proposal. The FCC should consider these two trials as an acceptable first step only—a proof of concept—followed by testing that incorporates different population densities, weather, geographies, and demographics.

Respectfully submitted,

*/s/ Angie Kronenberg*

cc: Jonathan Sallet  
Julie Veach  
Jon Chambers  
Linda Oliver  
Jamie Susskind  
Matt Delnero  
Tim Stelzig

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<sup>1</sup> See Reply Comments of Sprint Corporation, GN Docket Nos. 13-5 and 12-353, filed on Apr. 10, 2014 and Reply Comments of Public Knowledge, GN Docket Nos. 13-5 and 12-353, filed on Apr. 10, 2014.