

August 1, 2014

**VIA ECFS**

***EX PARTE***

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW, Room TW-A325  
Washington, DC 20554

**Re: *WC Docket No. 05-25; GN Docket No. 13-5***

Dear Ms. Dortch:

On July 30, 2014, Joe Cavender of Level 3, Roger Fleming, representing Integra Telecom, Eric Einhorn of Windstream, Charles McKee of Sprint, Jennifer Bagg and Adrienne Fowler of Harris, Wiltshire & Grannis LLP, representing Sprint, Rochelle Jones of tw telecom, Julia Strow, representing Cbeyond, Lisa Youngers of XO, Tom Cohen and Chip Yorkgitis of Kelley Drye & Warren LLP, both representing XO, Angie Kronenberg of COMPTTEL, and the undersigned met with Jon Sallet, Madeleine Findley, Diane Griffin Holland, and Joel Rabinovitz of the Office of General Counsel and Kalpak Gude, Deena Shetler, Eric Ralph, Doug Slotten, Marvin Sacks, and Pam Arluk of the Wireline Competition Bureau.

During the meeting, we stated that the FCC should (1) establish a legal framework for the review of incumbent LEC applications under Section 214 for the discontinuance of legacy DS1 and DS3 special access services; under the framework, the FCC should withhold approval of such a Section 214 discontinuance application unless and until the incumbent LEC has met appropriate conditions, including the removal of barriers (*e.g.*, unreasonable lock-up arrangements for special access services) to competitive carrier deployment of fiber local transmission facilities and the offer of replacement services, such as Ethernet, on reasonable rates, terms, and conditions; and (2) complete the special access proceeding as soon as possible.

Please do not hesitate to contact me if you have any questions or concerns regarding this submission.

Respectfully submitted,

*/s/ Thomas Jones*  
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*Counsel for Cbeyond Communications, LLC,  
Integra Telecom, Inc., Level 3 Communications, LLC,  
and tw telecom inc.*

cc: Meeting Participants