

August 22, 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 Nos. 05-25, 10-90, 01-92; GN Docket No. 13-5*

Dear Ms. Dortch:

On August 20, 2014, on behalf of Cbeyond, Inc., Integra Telecom, Inc., Level 3 Communications, LLC, and tw telecom inc., I discussed the status of the FCC's review of incumbent LEC special access services and incumbent LECs' duty to provide interconnection in IP for the exchange of voice traffic with Matt DeNero of the Wireline Competition Bureau. During the discussion, I made the following points:

- The large volume commitments that incumbent LECs require their customers to make in order to obtain special access circuit portability and price discounts are slowing competitive wholesale carriers' deployment in new fiber loops and business customers' adoption of packet-based services. The Commission should address this problem as soon as possible by, among other things, limiting the total volume commitment that a special access buyer must make in order to obtain a benefit, such as circuit portability or a discount.
- The FCC should establish robust standards applicable to incumbent LEC petitions for discontinuance of legacy TDM-based services under Section 214 of the Communications Act. Among other things, those standards should prohibit an incumbent LEC from discontinuing legacy services unless and until the incumbent offers successor services on rates, terms, and conditions that are equivalent to those on which it offered the legacy services.
- The FCC should clarify that incumbent LECs must provide interconnection in IP for the exchange of voice traffic under Section 251(c)(2) of the Act, and it can do so by classifying VoIP as a telecommunications service or by relying on its ancillary jurisdiction.

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

Respectfully submitted,

/s/ Thomas Jones

cc: Matt DelNero