

September 12, 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; Special Access for Price Cap Local Exchange Carriers, WC Docket No. 05-25*

Dear Ms. Dortch,

On September 10, 2014, Chip Pickering, Angie Kronenberg and the undersigned from COMPTTEL, met with Jonathan Sallet, the Commission's General Counsel, Linda Oliver, Madeleine Findley and Jennifer Tatel, of the Office of General Counsel, and Julie Veach, Chief of the Wireline Competition Bureau ("WCB"), and Matt DelNero of WCB. In the meeting, we discussed the importance of timely action by the Commission in addressing critical competitive access issues. Angie Kronenberg had a subsequent conversation with Matt DelNero on September 11, 2014 on the same topics.

In particular, we discussed the following:

- The importance of the Commission taking action as soon as possible to address unjust and unreasonable terms and conditions in incumbent LEC special access volume and term plans. These exclusionary plans undermine competition and investments in network infrastructure, contrary to the Commission's objectives.
- We also emphasized that the Commission must ensure incumbents do not exploit their transition to IP technologies as a means of diminishing or degrading wholesale access needed to make it economically feasible for competitors to establish last-mile connections to business consumers. The Commission, therefore, should open a proceeding to establish fundamental criteria that a dominant provider of legacy services will need to meet in a Section 214 discontinuance request stemming from the TDM-to-IP transition.
- We also stressed the importance of the Commission acting promptly to analyze the market for TDM and non-TDM special access services and implement rate reform accordingly. Broadband enterprise service is a multi-billion dollar business, impacting a

significant portion of the economy. The rates for special access effect competition in the downstream markets for retail broadband services provided to small businesses, mobile customers and enterprise customers.

- Finally, we emphasized the importance of the Commission’s confirming its authority to address IP interconnection rights for the exchange of managed voice traffic pursuant to Sections 251(c)(2) and 252 of the Act.¹ Recognition of the right to IP interconnection is one of the critical factors to eliminating barriers to the industry’s transition to IP – such as competitors having to downgrade their services to TDM format in order to exchange traffic with an incumbent LEC – and to ensuring that competition will not be stifled once the technology transitions that are well underway are complete. We also stressed that the specific object of the IP-NNI Task Force, an industry group that was formed to address certain technical issues, is to “identify a baseline set of features that should be common to all IP-NNI implementations for voice service.” Its mission statement acknowledges that it is not intended to address issues related to carriers’ rights to IP interconnection or ensuring good faith negotiations.²

Please do not hesitate to contact us if you have any questions about this submission.

Respectfully submitted,

/s/ Karen Reidy

cc: Jonathan Sallet
Julie Veach
Linda Oliver
Jennifer Tatel
Matt DelNero
Madeleine Findley

¹ We also mentioned that this issue had been arbitrated before the Michigan Public Service Commission (“PSC”) and is on appeal. Following the meeting COMPTTEL sent the following links for the underlying arbitration proceeding before the Michigan PSC, Case No. U-17349: <http://efile.mpsc.state.mi.us/efile/viewcase.php?casenum=17349&submit.x=0&submit.y=0>, Case No. U-17569: <http://efile.mpsc.state.mi.us/efile/viewcase.php?casenum=17569&submit.x=0&submit.y=0>, noting the decision is on appeal before the United States District Court Western District of Michigan, Case No. 1:14-cv-00416 and that COMPTTEL joined an Amici Curiae Brief in Support of the Michigan PSC IP Interconnection decision, available at: [http://www.comptel.org/Files/filings/2014/08-15-14 COMPTTEL MACC Amici Curiae Brief in Support of Michigan PSC IP Interconnection Decision.pdf](http://www.comptel.org/Files/filings/2014/08-15-14%20COMPTTEL%20MACC%20Amici%20Curiae%20Brief%20in%20Support%20of%20Michigan%20PSC%20IP%20Interconnection%20Decision.pdf)

² <http://www.atis.org/ipnni/mission.asp>