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BY HAND

Honorable Jaclyn A. Brillling
Secretary
New York State Public Service Commission
Three Empire State Plaza
Albany, New York 12223

Re: Case 06-M-0043 – Proceeding on Motion of the Commission to Examine Issues Related to the Deployment of Broadband Over Power Line Technologies

Dear Secretary Brillling:

Time Warner Telecom-NY, LP (“Time Warner Telecom respectfully submits this letter in lieu of comments in response to the New York State Public Service Commission’s January 25, 2006 Order Initiating Proceeding and Inviting Comments in the above-referenced case (“January 25, 2006 Order”).

Time Warner Telecom, as a true facilities-based provider of competitive telecommunications services, supports the Commission's ongoing efforts to promote competition in New York. The January 25, 2006 Order seeks comment on the Commission's two tentative conclusions:

- 1) Economically viable BPL services will benefit New Yorkers through the provision of broadband services from a new facilities-based platform; and
- 2) Electric utilities should not directly provide BPL services to the public. Rather, they should explore ways of granting unaffiliated BPL providers appropriate access to the electric system at market determined prices.

Time Warner Telecom agrees with the Commission's tentative conclusion that more facilities-based competition will benefit New York consumers. Sustainable competition requires an independent pathway to the customer, such as the one Time Warner Telecom provides to many end users today. Time Warner Telecom has no basis to take a position on whether or not BPL services will prove to be economically viable.

However, Time Warner Telecom welcome's the Commission's recognition of the many benefits of true facilities-based competition.

Turning to the Commission's second tentative conclusion, Time Warner Telecom agrees that the optimum path is for the electric utilities to grant access to unaffiliated BPL providers at market prices, rather than directly provide BPL services to the public. Such a model is consistent with existing competition and would avoid the heavy burden necessary for the Commission to create and enforce regulations to prevent electric utility ratepayer harm. Such regulations might also have the unintended consequence of chilling future facilities based development. Instead of creating an entirely new regulatory regime, the Commission should, to the extent possible, rely on market forces to set the cost for those components necessary for the provision of BPL service.

If you have any questions regarding this filing, please contact me.

Respectfully submitted,

A handwritten signature in black ink, reading "Lockell D. Jones". The signature is written in a cursive style with a large initial 'L' and 'D'.