

September 11, 2019

VIA ECFS

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

**Re: *Updating the Intercarrier Compensation Regime to Eliminate Access Arbitrage*
 WC Docket No. 18-155**

Dear Secretary Dortch,

On September 10, 2019, the undersigned and Lauren Wilson, on behalf of T-Mobile USA, Inc. ("T-Mobile"), had a telephone call with Kris Monteith, Lisa Hone, Gil Strobel, Lynne Engledow, and Albert Lewis of the Wireline Competition Bureau to discuss the draft Report and Order that was circulated in the above-captioned proceeding ("Draft Order").

During the meeting, we discussed the benefits of clarifying in the Draft Order that (i) manipulating traffic flows to defeat the purpose of the 6:1 terminating-to-originating ratio will not be permitted, and (ii) the Commission will take into account the actual beginning and end point of calls to determine the ratio of terminating-to-originating traffic and whether its 6:1 ratio has been exceeded. The Commission has traditionally applied an end-to-end analysis to calls, and clarifying that it will also do so here will conserve agency resources by reducing the likelihood that various parties will reconfigure traffic flows to support frivolous claims that they have not exceeded the 6:1 terminating-to-originating traffic ratio. Therefore, T-Mobile recommends the addition of the following footnote at the end paragraph 45 of the Draft Order:

"For purposes of applying the 6:1 terminating-to-originating traffic ratio, the Commission will rely on its traditional "end-to-end" analysis under which the agency "considers the continuous path of communications, beginning with the end point at the inception of a communication to the end point at its completion" and "reject[s] attempts to divide communications at any intermediate points." *Vonage Holdings Corporation Petition for Declaratory Ruling Concerning an Order of the Minnesota Public Utilities Commission*, Memorandum Opinion and Order, 19 FCC Rcd, 22404, 22413, para. 17 (2004); see also, e.g., *AT&T Corp., Petition for Declaratory Ruling Regarding Enhanced Prepaid Calling Card Services*, Order and Notice of Proposed Rulemaking, 20 FCC Rcd 4826, 4834 (2005) (applying the end-to-end analysis to calling card platforms)."

Pursuant to Section 1.1206(b) of the Commission's rules, an electronic copy of this letter is being filed in the above-referenced docket, and a copy is being provided to the staff with whom we spoke.

Please direct any questions regarding this filing to me.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Todd D. Daubert', with a long horizontal flourish extending to the right.

Todd D. Daubert
Counsel to T-Mobile USA, Inc.

cc: Kris Monteith
Lisa Hone
Gil Strobel
Lynne Engledow
Albert Lewis