



November 5, 2018

***Ex Parte***

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, D.C. 20554

Re: WC Docket No. 10-90 & CC Docket No. 01-92 – CenturyLink Petition for Forbearance

Dear Ms. Dortch:

On November 1, 2018, Michel Singer Nelson, representing O1 Communications (“O1”); David Aldworth, Alexander I. Schneider and Robert H. Jackson, representing Teliax, Inc. (“Teliax”), met with Preston Wise from Chairman Pai’s office with respect to O1’s and Teliax’s previously presented positions in the above-numbered proceedings. We also discussed the attached documents that were provided to Mr. Wise.

The Parties explained how they have invested in IP networks that provide additional and better quality services than TDM networks but must also invest in TDM capacity to interconnect with AT&T and Verizon. We stated that the Parties need to recoup their investments in advanced networks, such as Teliax’s Toll Free Exchange®, just as AT&T and Verizon were able to use access revenues for decades to pay for their TDM networks and associated operating costs.

We explained how over-the-top VoIP providers and their CLEC partners perform the very same functions as cable TV operators do for facilities-based VoIP services and as TDM voice providers do for traditional voice services. Additionally, the Parties showed that the provider of a broadband connection does not perform the functions necessary to offer voice services but merely transports packets.

Additionally, we clarified that the *Ymax Order*, 26 FCC Rcd 5742 (2011) was limited to a specific dispute between Ymax and AT&T over the meaning of Ymax’s “faulty” tariff, which did not describe IP services, and that the Commission recognized in the *2011 Transformation Order* that the *Ymax Order* was limited to the proposition that “a carrier may not impose charges other than those provided for under the terms of its tariff” and not a statement of policy that was intended to prevent LECs from offering end office services validly described in their tariffs. *2011 Transformation Order*, at ¶ 970, n.2026.

The Parties described the history of the *2011 Transformation Order*, including the record that developed on the *VoIP Symmetry Rule* months prior to the *Order*. In particular, the Companies presented Mr. Wise with a letter from AT&T, dated October 21, 2011, in which AT&T decried the application of any *VoIP Symmetry Rule* to over the top services. The Companies contrasted this letter with footnotes in the 2011 Transformation Order. See *In re Connect America Fund*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd. 17663, 18026-27, ¶¶ 970-971 n.2024-2026 (2011).

Pursuant to Section 1.1206(b) of the Commission's rules, a copy of this letter is being electronically submitted into the record of these proceedings and provided to the Commission participants. Please do not hesitate to contact the undersigned with any questions.

Sincerely,

/s/ Robert H. Jackson  
Robert H. Jackson  
Counsel for Teliax, Inc.

cc: Preston Wise