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December 10, 2018

Ex Parte Notice

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

Re: *Developing a Unified Intercarrier Compensation Regime, CC Docket No. 01-92; Establishing Just and Reasonable Rates for Local Exchange Carriers, WC Docket No. 07-135 Connect America Fund, WC Docket No. 10-90; Updating the Intercarrier Compensation Regime to Eliminate Access Arbitrage, WC Docket No. 18-155.*

Dear Ms. Dortch,

On December 6, 2018, Hank Hultquist, Keith Krom and the undersigned of AT&T met with Jamie Susskind of Commissioner O’Rielly’s Office. During the meeting, AT&T discussed the attached PowerPoint presentation related to the Commission’s pending Access Stimulation Notice of Proposed Rulemaking, describing how arbitrageurs today focus their schemes on unreformed access charge elements, specifically, tandem-switching and transport charges.

AT&T encouraged swift Commission action to adopt the NPRM’s “prong one” which would require the cost causer in current schemes to accept the financial obligation for the routing they have chosen in associating their high-volume services in remote areas.

Specifically, AT&T described how conference calling and chat platforms select unreasonable, inefficient networking arrangements in conjunction with partner LECs to artificially inflate intercarrier compensation charges. The NPRM’s “prong one” arose from a joint industry effort to identify a method by which the Commission could quickly, under its established authority, act to curtail these schemes, based on the Commission’s full record and its legal and regulatory precedent.

AT&T also discussed how enacting the NPRM’s “second prong” would allow those engaged in arbitrage to dictate the marketplace, worsening the current conditions. AT&T remains open to mutually agreeable direct interconnect opportunities for non-access stimulation traffic; however, given the transient nature of access stimulation in that it can be shifted overnight by the arbitrageurs, the Commission should ensure that those engaged in access stimulation bear the full direct interconnection costs, ensuring that industry investment is not stranded.

Further, AT&T stated its support of Verizon’s ex parte comments of November 28, 2018, that a LEC should not enjoy the ability to tariff end-office switching charges on over-the-top voice traffic that is transmitted on the public internet. These schemes harm consumers as many are driven by robo-calling efforts; the Commission should act quickly to curtail this arbitrage



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scheme by denying CenturyLink's pending Petition for Declaratory Ruling and unequivocally reinforcing that over-the-top providers cannot demand switched access charges for functions they do not provide.

Finally, AT&T reiterated its general comments from the Commission's "Edge Refresh" public notice and encouraged Commission action to complete the transition it began in the 2011 Transformation Order to a nationwide de-tariffed regime in which carriers seek cost recovery from their own end users.

Sincerely,

A handwritten signature in black ink, appearing to be "Matt Nodine", with a long horizontal flourish extending to the right.

Matt Nodine

AT&T Services Inc.

Enclosure

Cc: Jamie Susskind

AT&T Ex parte

December 6, 2018

AGENDA

Access Stimulation NPRM

Access Stimulation Background

- After terminating end office charges moved to bill-and-keep, arbitrageurs focused their schemes on unreformed access charge elements.
 - For terminating calls, the focus turned to tandem-switching and transport charges.
- By artificially associating services like conference calling in remote areas, bad actors force legitimate carriers to route high traffic volumes via costly and inefficient means.
 - Access stimulators reap substantial ICC revenues by targeting unreformed charge elements, locating them in remote areas for the sole purpose of artificially inflating ICC charges.
 - No legitimate business or network engineering reason exists for the services that fuel these arbitrage schemes (e.g., free conference calling, foreign radio, etc.) to be associated with remote NPA-NXXs.
 - These schemes result in remote area traffic volumes that exceed traffic volumes in all of NYC.

Adopt NPRM “First Prong”

- The Commission can promote economic efficiency and substantially curtail arbitrage schemes by making access stimulators internalize the cost of routing decisions they control.
- The Commission should adopt the ‘first prong’ proposal AT&T and other industry members worked together to develop.
 - This proposal would shift tandem switching and transport costs to the carriers engaged in access stimulation.
 - As arbitrageurs are the “cost-causers,” it is only appropriate that they bear their schemes’ costs.
- The Commission should not adopt the NPRM’s ‘access stimulation direct interconnection’ second prong.
 - This prong gives arbitrageurs the marketplace control to force other carriers to inefficiently route traffic to remote locations.
 - This prong would promote additional arbitrage gamesmanship.