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October 2, 2014

**VIA ECFS**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, D.C. 20554

Re: Notice of *Ex Parte* Presentation, InterCall, Inc.  
*Cisco WebEx LLC Request for Review of a Decision of the Universal  
Service Administrator, WC Docket No. 06-122*

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's rules, the undersigned counsel hereby provides notice that on September 30, 2014, InterCall, Inc. ("InterCall") met with members of the Wireline Competition Bureau concerning Cisco WebEx LLC's ("Cisco") Request for Review of a Decision of the Universal Service Administrator ("Request for Review").<sup>1</sup> In attendance on behalf of InterCall were Lynn A. Stang, Esq., Vice President, Deputy General Counsel, West Corporation; and Steven A. Augustino of Kelley Drye & Warren LLP. The following FCC personnel attended the meeting: Julie Veach (Chief, WCB) (by phone), Carol Matthey (Deputy Chief, WCB), Mark Walker (Legal Advisor, WCB), Ryan Palmer (Division Chief, TAPD), Chin Yoo (Deputy Division Chief, TAPD), and Carol Pomponio (attorney, TAPD).

During the meeting, InterCall stressed the need for a quick decision in response to Cisco's appeal. Cisco and InterCall compete in the market, both for the provision of WebEx

<sup>1</sup> See Public Notice, *Wireline Competition Bureau Seeks Comment on Cisco WebEx LLC Request for Review of a Decision by the Universal Service Administrative Company*, DA 13-717 (rel. Apr. 15, 2013); see also *Cisco WebEx LLC Request for Review of a Decision of the Universal Service Administrator, WC Docket No. 06-122* (filed Apr. 8, 2013) ("Request for Review").

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brand service and in desktop collaboration solutions generally. Cisco's failure to collect USF on the audio portion of its service provides it with a market advantage over InterCall, which collects USF in such situations. InterCall noted that since the petition was filed in April 2013, InterCall has continued to experience situations where customers are confused why USF is applied to the service when it is not applied by Cisco. Therefore, in order to level the playing field, it is important that the Commission act promptly to resolve the petition.

InterCall outlined the key points from its comments in opposition to Cisco's Request for Review. InterCall stated that WebEx audio and the WebEx desktop collaboration tool are not integrated, and that the relationship between the two services is akin to the menu of services analyzed in the *Prepaid Calling Card Order*. Specifically, InterCall argued that the FCC's *InterCall Order* concludes that conferencing calls terminate at the bridge,<sup>2</sup> and thus mandates a participant-by-participant analysis of USF applicability.

InterCall reiterated that the options available to WebEx customers demonstrate a lack of integration and the applicability of USF under FCC Orders. Most notably, WebEx allows participants to use the audio conferencing features even if no online collaborative feature is initiated or used.<sup>3</sup> The participant receives audio conferencing that is indistinguishable from the audio conferencing analyzed in the *InterCall Order*. The audio-only participant does not receive any of the alleged enhanced functionalities. Such a participant cannot use the collaboration functions, cannot send IM messages to participants, does not see the "active talker" features, etc. Instead, the audio-only participant's experience is the same as if the participant were dialed into an ordinary audio conferencing session. In other situations, because the participant has an option how to obtain audio, PSTN transmission is not inextricably intertwined with the online collaborative functions.

Finally, InterCall stated that Cisco's claim that the Fund is not harmed by its actions is incorrect. On the one hand, Cisco claims it pays its underlying carrier for audio minutes and thus pays USF indirectly. But Cisco also claims that it charges an above-market rate to end users for audio minutes. As a result, there is a significant markup between the price

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<sup>2</sup> See *Request for Review by InterCall, Inc. of Decision of Universal Service Administrator, Order*, 23 FCC Rcd 10731, ¶ 11 (2008) ("InterCall Order") (audio conferencing "allows end users to transmit a call (using telephone lines), to a point specified by the user (the conference bridge), without change in the form or content of the information as sent and received (voice transmission)"); *Universal Service Contribution Methodology (Petitions for Reconsideration and Clarification of the InterCall Order)*, Order on Reconsideration, 27 FCC Rcd 898, ¶ 9 (2012) ("InterCall Reconsideration Order") (same).

<sup>3</sup> Although Cisco states that it disabled this feature after the audit, during the time period in question, Cisco allowed WebEx users to use audio without any associated desktop collaboration capabilities.

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Cisco pays its vendor as a reseller and the amount that it charges end users for audio conferencing capabilities. Because Cisco is not paying USF when it is applicable, the USF contribution base is deprived of the amount represented by Cisco's markup of conferencing services.

In accordance with Section 1.1206(b)(2)(iii), this notice is timely filed.

Sincerely,

A handwritten signature in black ink that reads "Steven A. Augustino". The signature is written in a cursive style with a large, stylized initial 'S'.

Steven A. Augustino

*Counsel for InterCall, Inc.*

Enclosure

cc: FCC personnel listed above