



1717 Pennsylvania Avenue,  
N.W.  
12<sup>th</sup> Floor  
Washington, D.C. 20006

Tel 202 659 6600  
Fax 202 659-6699  
www.eckertseamans.com

James C. Falvey  
jfalvey@eckertseamans.com  
Phone: 202 659-6655

October 30, 2014

**Notice of Ex Parte**

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

**Re: Notice of Ex Parte Communication (CC Docket No. 96-45;  
CC Docket No. 01-92; WC Docket No. 03-109; WC Docket  
No. 05-337; WC Docket No. 07-135; WC Docket No. 10-90;  
GN Docket No. 09-51)**

Dear Ms. Dortch:

On October 30, 2014, Kyle Bertrand, VP, Network Planning and Regulatory, Broadvox-CLEC, LLC (“Broadvox”), and the undersigned met with Nick Degani, Wireline Legal Advisor to Commissioner Pai. Broadvox provided the attached presentation and discussed the VoIP Symmetry Rule. Broadvox emphasized the VoIP Symmetry Rule’s importance to Broadvox as an over-the-top VoIP provider and the need to ensure that any clarifications the Commission makes to the order are retroactive to the effective date of the *Connect America Fund Order*.

Broadvox also discussed the fact that Verizon’s effort to exclude originating 8YY access from the VoIP Symmetry Rule is not justified. Excluding such traffic would create the very asymmetry that the Commission intended to avoid, by permitting traditional local exchange carriers to collect full originating access on such 8YY calls but not VoIP providers partnered with competitive carriers such as Broadvox. Moreover, interexchange carriers (IXCs) that deliver calls to their 8YY customers will still collect the same rates from those customers, but would pay a discounted originating access rate on every such call that happens to originate from a VoIP provider customer. The Commission should ensure that IXCs do not receive such a windfall and that VoIP providers have an even chance to compete by guaranteeing equivalent compensation for all types of traffic.



Ms. Marlene H. Dortch  
October 30, 2014  
Page 2 of 2

As required by Section 1.1206(b), this *ex parte* notification is being filed electronically for inclusion in the public record of the above-referenced proceedings. If you have any questions or require additional information, please do not hesitate to contact me at 202.659.6655.

Sincerely,

/s/ James C. Falvey  
James C. Falvey  
*Counsel for Broadvox-CLEC, LLC*

Enclosure

cc: Nick Degani  
Kyle Bertrand