

November 6, 2014

Ex Parte

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

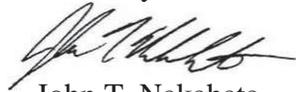
Re: *Connect America Fund*, WC Docket No. 10-90; *A National Broadband Plan for Our Future*, GN Docket No. 09-51; *High-Cost Universal Service Support*, WC Docket No. 05-337; *Developing an Unified Intercarrier Compensation Regime*, CC Docket No. 01-92; *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45

Dear Ms. Dortch:

On November 4, 2014, I, on behalf of Level 3 Communications, LLC (“Level 3”) spoke with Deena Shetler, Associate Bureau Chief of the Wireline Competition Bureau. I discussed that the third-party ISP’s gateways and routers are part of the local loop because they are similar to remote terminals in traditional TDM configurations that route calls from feeder to loop plant based on instructions from the local switch. Like a remote terminal in a TDM network, a third-party ISP gateway or router does not perform the essential call control functions necessary to set up, encode and decode, and take down the call. Level 3 and Bandwidth.com provided a detailed discussion of this distinction on pages 9-13 of their September 10, 2012 *ex parte*, available at <http://apps.fcc.gov/ecfs/document/view?id=7022010987>, which is incorporated by reference herein.¹

Please contact me if you have any questions.

Sincerely,



John T. Nakahata
Counsel to Level 3 Communications, LLC

cc: Deena Shetler

¹ Letter from John T. Nakahata, Counsel for Level 3 Communications, LLC and Tamar Finn, Counsel for Bandwidth.com, Inc., to Marlene H. Dortch, Secretary, FCC, at 9-13, WC Docket Nos. 10-90 & 05-337, CC Docket Nos. 01-92 & 96-45, GN Docket No. 09-51 (filed Sept. 10, 2012).