

Alan Buzacott
Executive Director
Federal Regulatory Affairs



December 4, 2014

1300 I Street, NW, Suite 400 West
Washington, DC 20005

Phone 202 515-2595
Fax 202 336-7922
alan.buzacott@verizon.com

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 a Unified Intercarrier Compensation Regime, CC Docket No. 01-92; Federal State Joint Board on Universal Service, CC Docket No. 96-45

Dear Ms. Dortch:

Today, Kathleen Grillo, Chris Miller and Alan Buzacott of Verizon met with Daniel Alvarez, Legal Advisor to Chairman Wheeler, to discuss the above-referenced proceeding.

We explained that the Commission has already determined in a series of decisions – including the *YMax Order*, the *USF-ICC Transformation Order*, and the *Clarification Order* – that a LEC cannot assess end office switching access charges when it routes over-the-top VoIP traffic over the public Internet, because neither the LEC nor its retail VoIP partner performs end-office switching in this scenario.¹ We said that reversing this conclusion would encourage arbitrageurs to use over-the-top VoIP autodialing equipment to collect originating switched access through new robocall schemes. And we explained that, if the Commission nevertheless now intends a different outcome, it would have to change its existing rules or its existing interpretation of those rules, and its new rule could only have prospective effect.

¹ See *AT&T Corp. v. YMax Communications Corp.*, Memorandum Opinion and Order, 26 FCC Rcd 5742, ¶¶ 36-45 (2011) (“*YMax Order*”); *Connect America Fund*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663, ¶ 970 n.2028 (2011) (“*USF-ICC Transformation Order*”); *Connect America Fund*, Order, 27 FCC Rcd 2142, ¶¶ 4-5 (2012) (“*Clarification Order*”).

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This letter is being filed electronically pursuant to Section 1.1206 of the Commission's rules. Please contact me if you have any questions.

Sincerely,

/s/ Alan Buzacott

cc: Daniel Alvarez