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April 22, 2015

VIA ECFS

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

**Re: Notice of Ex Parte Presentation,
CC Docket No. 01-92, WC Docket Nos. 10-90 and 14-228**

Dear Ms. Dortch:

On April 20, 2015, representatives of a broad coalition of local exchange carriers (collectively, the “LEC Coalition”)¹ met with the Commission staff copied below. These LEC Coalition representatives were: Tim Boucher of the CenturyLink LECs, Jennifer Prime of Cox Communications, A.J. Burton of Frontier Communications, Terri Natoli of Time Warner Cable, Eric Einhorn of Windstream, Yaron Dori of Covington & Burling LLP and Michael Pryor of Cooley LLP (as outside counsel to the CenturyLink LECs), Christopher W. Savage of Davis Wright Tremaine LLP (as outside counsel to Bright House Networks), and the undersigned (as outside counsel to Cox Communications, Frontier Communications, LICT Corp., Time Warner Cable, and Windstream).

The meeting focused on the Petition for Declaratory Ruling and reply comments filed by the LEC Coalition in this proceeding, which demonstrate that the Commission’s “intraMTA rule” entitles *wireless carriers* to enter into reciprocal compensation arrangements with respect to the exchange of LEC-CMRS traffic but has no application to traffic exchanged between LECs and *interexchange carriers* over switched access trunks. We noted that the record overwhelmingly supports this position and confirms that granting the Petition, and the relief sought therein, would be consistent with longstanding industry practice, Commission and judicial precedent, and the public interest. We observed that the only IXC that have opposed the Petition (Sprint, Verizon, and Level 3) are those whose conduct and lawsuits necessitated the filing of the Petition in the first place, and that even those IXCs (i) do not dispute the core facts alleged in the Petition, (ii) cannot explain why they voluntarily paid access charges for years for

¹ A complete list of the entities included in and represented by the LEC Coalition can be found in the Petition for Declaratory Ruling filed on November 10, 2014 in the above-referenced proceeding.

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purported intraMTA traffic in spite of their (newfound) contention that such charges are unlawful, (iii) fail to address the plain language and intent of the intraMTA rule, and (iv) mischaracterize the relevant Commission precedent and case law.

We explained that, for these reasons, the Commission should promptly grant the requested declaratory ruling. We further stated that, if, *assuming arguendo*, the Commission were to conclude that IXCs should be exempt from tariffed access charges where they voluntarily route such traffic via LECs' switched access services—often bypassing LEC-CMRS agreements that provide for the exchange of such non-access traffic on a bill-and-keep basis—then it could do so on a prospective basis only, as a retroactive change in widespread industry practice would be contrary to law, manifestly unjust, and inconsistent with the public interest. In all events, the LEC Coalition stressed the need for expedited resolution of the matters addressed in its Petition, which lie at the center of scores of lawsuits that have been consolidated in a multidistrict litigation proceeding in the U.S. District Court for the Northern District of Texas.

Please contact the undersigned should you have any questions regarding this submission.

Respectfully submitted,

/s/ Matthew A. Brill
Matthew A. Brill
Jarrett S. Taubman

cc: Pamela Arluk
Victoria Goldberg
Rhonda Lien
Deena Shetler