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June 15, 2015

VIA ECFS

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

Re: Notice of Ex Parte Presentation: WC Docket No. 14-228

Dear Ms. Dortch:

On June 11, 2015, Joseph D. Murphy of Meyer Capel, Thomas J. Moorman of Woods & Aitken LLP and the undersigned met with the following individuals from the Commission's Wireline Competition Bureau (the "Bureau) or the Bureau's Pricing Policy Division regarding the above referenced proceeding: Deena Shetler (telephonically), Pamela Arluk, Victoria Goldberg, Rhonda Lien, and Douglas Slotten (telephonically). Along with the undersigned representing various Local Exchange Carriers ("LECs") operating in rural areas of the State of Missouri, Mr. Murphy was representing similar carriers in the State of Illinois and Mr. Moorman was representing similar carriers in the States of Georgia, Nebraska and New York and the Commonwealth of Pennsylvania.[1]

As the record in this proceeding reflects, the Petition demonstrates and therefore seeks confirmation from the Commission that no proper basis exists for certain access billing disputes that have been filed by Interexchange Carriers ("IXCs"). Specifically, those disputes are based on the erroneous legal contention that the Commission's "intraMTA rule" (47 C.F.R. § 51.701(b)(2)), applicable solely to certain defined wireless traffic exchanged between a Commercial Mobile Radio Service ("CMRS") provider and the LEC, allows an IXC to avoid payment for a LEC's Feature Group D ("FGD") access services that the IXC ordered and used. Further, as noted in the record, the disputes are

[1] Attachment A hereto lists of LECs being represented by Messrs. Murphy and Moorman and the undersigned as were otherwise identified in the submissions made separately by Mr. Murphy and by Mr. Moorman in this proceeding. The LECs being represented by the undersigned were previously identified in the Attachment to the Petition.

also based on the factually unproven claims that some amount of such access charges relates to calls from or destined to a CMRS provider's end users and that such calls were properly defined as intraMTA calls at the beginning of the call under Section 51.702(b)(2) of the Commission's Rules.

Consistent with the positions previously taken by the various LECs in this proceeding, we urged the Commission to grant the Petition in its entirety. We noted that grating the Petition would not only avoid on-going uncertainty and new opportunities for arbitrage in the on-going Intercarrier Compensation ("ICC") phase-down being implemented by the LECs, but also would allow the companies being represented in this meeting to focus their limited resources on serving their customers located in rural America. Moreover, Commission guidance with regard to issues presented in the Petition should reduce or eliminate the costs associated with protracted litigation before the United States District Court for the Northern District in Texas (the "Texas District Court") where dozens of complaints filed by Verizon and Sprint based on their misapplication of the intraMTA rule have been consolidated and are being litigated.[2] Further, we indicated that granting the Petition would, from a practical perspective, also address the disputes lodged by Level 3 Communications LLC which are not before the Texas District Court (and therefore will not be directly addressed absent FCC action). Granting the Petition would also avoid pressures on the CAF rate-of-return carrier recovery mechanism and the issues associated with the loss of access revenue that would need to be addressed by the FCC if the disputes filed by the IXCs identified in the Petition – Verizon, Sprint and Level 3 – were in any way found to have merit.

Consistent with other LEC-related submissions in this proceeding, we explained that Verizon, Sprint, and Level 3 do not dispute the following relevant facts: (1) the IXCs are not CMRS providers; (2) the IXCs have ordered and used LEC-provided FGD access services; (3) the IXCs have paid for that FGD access use without protest or dispute until 2014 (and, although the IXCs have been provided the opportunity in this proceeding, they cannot rationally explain why they now seek refunds of the payments they made for close to two decades for the access services that were indisputably provided by the LECs and used by the IXCs); (4) the IXCs continue to use the FGD access services of the LECs; and (5) the IXCs have not sought lawfully-established alternative interconnection arrangements in lieu of these tariffed FGD services. It was also noted that Verizon, Sprint and Level 3 have affiliated LECs whose access tariffs and practices do not exempt intraMTA wireless traffic from access charges.

In summary, we urged that the Petition be granted in its entirety and that the Commission confirm that the "intraMTA Rule" only applies to CMRS providers' traffic delivered pursuant to reciprocal compensation arrangements or interconnection agreements. And, in addition, we urged the Commission to confirm, based on the undisputed facts in this proceeding, that the IXCs must pay for FGD services that they have ordered, used and continue to use.

This letter is being filed pursuant to Section 1.1206 of the Commission's rules. Please direct any inquiries regarding this matter to the undersigned.

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[2] *See* In Re: IntraMTA Switched Access Charge Litigation, Civil Action No. 3:14-MD-2587-D (MDL No. 2587), (United States District Court Northern District of Texas).

Sincerely,

/s/ Trip England

William R. England, III

cc: Deena Shetler (via email)
Pamela Arluk (via email)
Victoria Goldberg (via email)
Rhonda Lien (via email)
Doug Slotten (via email)

Attachment A

Represented LECs

Meyer & Capel -- Illinois LECs

Adams Telephone Co-Operative
Adams Telsystems, Inc.
Egyptian Telephone Cooperative Association
Madison Telephone Company
McDonough Telephone Cooperative
Metamora Telephone Company
Mid Century Telephone Co-Operative
Shawnee Telephone Company
Wabash Telephone Cooperative, Inc.

Woods & Aitken LLP -- Multi-State LECs

Georgia

Alma Telephone Company
Bulloch Telephone Cooperative
Darien Telephone Company
Ellijay Telephone Company
Hart Telephone Company
Pembroke Telephone Company, Inc.,
d/b/a Pembroke Advanced Communications, Inc.
Pineland Telephone Cooperative
Plant Telephone Company dba Plant Telecommunications
Planters Rural Telephone Cooperative, Inc.
Progressive Telephone CO-OP
Public Service Telephone Company
Ringgold Telephone Company
Wilkes Telephone & Electric Company

Nebraska

Arlington Telephone Company
The Blair Telephone Company
Eastern Nebraska Telephone Company
Great Plains Communications, Inc.
The Hamilton Telephone Company
Huntel Cablevision, Inc.
The Nebraska Central Telephone Company
Northeast Nebraska Telephone Company
Rock County Telephone Company

New York

The Champlain Telephone Company,
Delhi Telephone Company
Empire Telephone Corporation
The Middleburgh Telephone Company
Ontario Telephone Company, Inc.

Pennsylvania

North Penn Telephone Company
The North-Eastern Pennsylvania Telephone Co.
Palmerton Telephone Company
South Canaan Telephone Company
Venus Telephone Corporation

Brydon, Swearengen & England P.C. -- Missouri LECs

BPS Telephone Company
Citizens Telephone Company of Higginsville, Mo.
Craw-Kan Telephone Cooperative, Inc.
Ellington Telephone Company
Fidelity Telephone Company
Goodman Telephone Company
Granby Telephone Company
Grand River Mutual Telephone Corp.
Green Hills Telephone Corp.
Holway Telephone Company
Iamo Telephone Company
Kingdom Telephone Company
K.L.M. Telephone Company
Lathrop Telephone Company
Le-Ru Telephone Company
Mark Twain Rural Telephone Company
McDonald County Telephone Company
New Florence Telephone Company
New London Telephone Company
Northeast Missouri Rural Telephone Company
Orchard Farm Telephone Company
Oregon Farmers Mutual Telephone Company
Ozark Telephone Company
Peace Valley Telephone Co., Inc.
Rock Port Telephone Company
Seneca Telephone Company
Steelville Telephone Exchange, Inc.
Stoutland Telephone Company