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Via ECFS

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street SW
Room TW-A325
Washington, DC 20554

**Re: Written *Ex Parte* Communication
WC Docket No. 10-90, GN Docket No. 09-51, WC Docket No. 07-135, WC Docket
No. 05-337, CC Docket No. 01-92, CC Docket No. 96-45, WC Docket No. 03-109, WT
Docket No. 10-208
Emery Telcom Petition for Limited Waiver of 47 C.F.R. § 51.917(c)(ii)**

Dear Ms. Dortch:

By this letter, Emery Telcom (Emery) seeks to clarify the facts in connection with its petition, filed on October 26, 2012, in which Emery asks the Commission to waive Section 51.917(c)(ii) of the Commission's rules to permit Emery to include within its Base Period Revenues amounts received after March 31, 2012 for Transitional Intrastate Access Service provided in Fiscal Year 2011 (FY2011). As explained in Emery's Petition, a significant portion of calls over direct trunks did not contain carrier identification information (CICs or OCNs) in the call detail records. Therefore, these calls appeared as phantom traffic and were not rated or billed by Emery's third party billing system. Upon further review, Emery determined that the interexchange carrier associated with the calls could be determined and the calls could be billed because they were over direct trunks. However, the traffic was not billed until December 28, 2011 and, as a result, Emery did not receive payment for a significant portion of FY2011 revenues until after the March 31, 2012 deadline.

To be clear, the traffic in question did not contain carrier identification information and, therefore, it appeared to be phantom traffic. As a result, the traffic was late billed and ultimately, the bills for a significant portion of traffic were late paid. It is this chain of circumstances which caused the need for Emery's waiver.

Pursuant to Section 1.1206 of the Commission's rules, a copy of this letter is being filed via ECFS. If you have any questions, please do not hesitate to contact the undersigned.

Respectfully submitted,

/s/ Mary J. Sisak

cc: Claude Aiken