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June 10, 2016

VIA ECFS

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

Re: Revised Notice of *Ex Parte* Presentation, American Teleconferencing Services, Ltd., d/b/a Premiere Global Services *Application for Review of Decision of the Wireline Competition Bureau and Request for Waiver of One-Year Downward Revision Deadline for FCC Forms 499-A, WC Docket No. 06-122*

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's rules, American Teleconferencing Services, Ltd., d/b/a Premiere Global Services ("ATS"), a wholly owned subsidiary of Premiere Global Services, Inc. ("PGI"), by and through its undersigned counsel, submits this revised letter¹ to supplement its March 3, 2016 meeting and subsequent *ex parte* notice to provide further information in support of ATS's Application for Review of Decision of the Wireline Competition Bureau and Request for Waiver of One-Year Downward Revision Deadline for FCC Forms 499-A ("Application for Review").² Specifically, this letter provides

¹ Further to a conversation with Commission staff, we submit this revised letter to narrow the scope of our request for confidential treatment in our previous *ex parte* letter of April 14, 2016. See Letter from Steven A. Augustino, Counsel to ATS, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 06-122 (April 14, 2016). This revised letter is substantively the same as our original letter, but replaces select words with generic descriptors, such as "vendor" and "report," and removes other confidential information, so that we may submit the entire letter publicly.

² See Application for Review by American Teleconferencing Services, Ltd., d/b/a Premiere Global Services of Decision of Wireline Competition Bureau and Request for Waiver of One-Year Downward Revision Deadline for FCC Forms 499-A, WC Docket No. 06-122 (filed July 9,

additional information to demonstrate (1) the timing of the availability of the new capabilities and information that led to the ministerial error on ATS's Revised 2012 FCC Form 499-A were out of ATS's control and (2) the circumstances leading to ATS's ministerial error represent a wholly unique and one-time issue that is highly unlikely to recur.

I. The Availability of the New Reporting Capabilities and Information Was out of ATS's Control

Despite prompt and persistent efforts, ATS was unable to obtain and isolate foreign-to-foreign revenue information earlier than 2013. ATS began reporting and contributing to the Universal Service Fund ("USF" or "Fund") after the *InterCall Order* in 2008, when the Commission first required stand-alone audio-bridging providers to contribute to the Fund. To meet this reporting obligation, ATS and its third-party vendor undertook significant modifications to the vendor's reporting systems. These upgrades took years and several iterations.

Around May 2012, ATS began to notice a growing receivable on its books that resulted in the company paying more in USF contributions than it was collecting from its customers. To determine the cause of this imbalance, on May 16, 2012, ATS made its first request to the vendor for detailed call detail information related to international and foreign traffic. The vendor informed ATS that compiling the information would require the vendor to create custom reports (at significant cost to ATS) that ATS would be required to parse in order to accurately determine the cause of the USF imbalance.

In July 2012, the vendor began modifying its reports to include additional raw data related to calling information. On August 22, 2012, the vendor made available an initial modified report for calendar year 2011, and over the next six months, ATS staff worked diligently to parse this 2011 data to isolate non-assessable foreign-to-foreign traffic and revenue. Parsing the data was a considerable challenge. For example, it took over three weeks just to upload the data files onto the shared FTP site. In addition, when the initial batch of raw data proved insufficient to determine foreign-to-foreign traffic, PGI needed to request additional, more granular information from the vendor. Thereafter, ATS technical staff needed to (1) develop new reports based on the data; (2) review those reports with ATS' accounting department; (3) test, validate, and reconcile numbers; and (4) run final numbers into prior years' data to test for consistency and confirm ATS's analysis was correct. It was only by going through this process—which required several teams of ATS staff, multiple follow-up requests to

2015) ("Application for Review"); Letter from Steven A. Augustino, Counsel for ATS, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 06-122 (March 7, 2016); see also *In the Matter of Universal Service Contribution Methodology, Request for Review and Waiver by American Teleconferencing Service, Ltd. d/b/a Premiere Global Services*, WC Docket No. 06-122, Order (June 9, 2015) ("ATS Waiver Order").

the vendor, and an in-depth analysis of its bill codes—that ATS was able to gain the visibility required to accurately determine its non-assessable foreign-to-foreign revenue totals.

In late February 2013, ATS finally completed its analysis of the 2011 data (including the breakdown of calls into foreign-to-foreign call legs). As soon as practicable after determining the correct assessable and non-assessable amounts (i.e., March 28, 2013), ATS filed its Revised 2012 FCC Form 499-A, on which it made the ministerial error at issue in this proceeding. As a result, although ATS reported international and foreign-to-foreign traffic to the best of its abilities throughout the relevant time period, it only acquired the precise reporting capabilities and relevant information in late February 2013. Its March 2013 revision thus was its first opportunity to file with the new, more precise information and capabilities.

II. This Circumstances Here Are Unique and Unlikely to Recur

The circumstances leading up to the ministerial error are unique and unlikely to recur. As explained above, ATS lacked insight into the tracking of particular types of calls and related call leg detail until it received the modified reports from the vendor and developed the capabilities to analyze the data. Moreover, global audio-bridging presents unique challenges for contributors that make it more difficult to isolate foreign-to-foreign calls. Specifically, unlike traditional telecommunications involving only two participants, audio-bridging involves multiple participants, each of which can be located domestically or internationally, can be bridged in any location, and can be connected to different bridges that themselves are linked together. Therefore, the challenge that ATS faced to obtain the relevant jurisdictional data, analyze it, and isolate non-assessable traffic is not faced in typical Form 499 reporting situations.

Further, the circumstances here are unlikely to recur within the audio-bridging industry. The market for global audio-bridging has substantially matured since the 2008 *InterCall Order*, and providers, including ATS, have undertaken good faith efforts to comply with the Commission's contribution rules. Only a few audio-bridging providers operate globally, so few providers face the issue of identifying foreign-to-foreign audio bridging revenues. As a result, it is unlikely that another audio-bridging provider will make the same ministerial error that ATS made on its Revised 2012 FCC Form 499-A.

* * * *

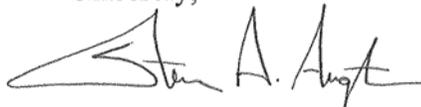
Because the timing of the new capabilities and information was out of ATS's control and the underlying circumstances are unique and unlikely to recur, the Commission should grant ATS's Application for Review and allow ATS to refile its Second Revised 2012 FCC Form 499-A.

Ms. Marlene H. Dortch
June 10, 2016
Page 4

KELLEY DRYE & WARREN LLP

In accordance with Section 1.1206(b)(2)(iii), this notice is timely filed.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven A. Augustino". The signature is stylized with a large, sweeping initial "S" and a distinct "A" and "Augustino" following.

Steven A. Augustino
Jameson J. Dempsey
*Counsel for American Teleconferencing
Services, Ltd. d/b/a Premiere Global Services*

cc: Chin Yoo
Carol Pomponio
Soumitra Das
Regina Brown