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December 9, 1998

Magalie Roman Salas
Secretary
Federal Communications Commission
Rm 222
1919 M Street, NW
Washington, DC 20554

Re: Ex Parte
Reciprocal Compensation for Dial-up Calls to ISPs
CC Docket No. 98-96/CPD No. 97-30

Dear Ms. Salas:

Pursuant to Sections 1.1206(b)(2) of the Commission's rules, 47 C.F.R. Section 1.1206(b)(2), I am providing this notice of an oral *ex parte* presentation in the above-captioned matters.

On behalf of KMC Telecom, Inc. ("KMC") I spoke with Tamara Preiss, Competitive Pricing Division, Common Carrier Bureau on December 4, 1998 by telephone concerning issues in the above captioned proceeding. I presented views expressed in earlier *ex parte* presentations by KMC. I stated that the Commission must conclude that dial-up calls to Internet Service Providers ("ISPs") are subject to reciprocal compensation because the Commission has determined that "telecommunications" and "information services" under the 1996 Act are mutually exclusive regulatory categories and that, therefore, the telecommunications portion of the call terminates when it reaches the ISP. I also presented the view that states may exercise authority over reciprocal compensation even for jurisdictionally interstate calls.

Four copies of this letter are enclosed.

Sincerely,



Patrick Donovan

cc: Tamara Preiss

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