

WorldCom, Inc.
1133 19th Street, N.W.
Washington, D.C. 20036

December 11, 2002

EX PARTE

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

**Re: Petition of US LEC Corp. for Declaratory Ruling
Regarding Local Exchange Carrier Access Charges for
CMRS Traffic, CC Docket No. 01-92**

Dear Ms. Dortch:

Yesterday, Kecia Lewis, Peter Reynolds, and the undersigned met with the following members of the Wireline Competition and Wireless Communications Bureaus: Victoria Schlesinger, Steven Morris, Peter Trachtenberg, Stacy Jordan, and Joseph Levin. During the meeting we discussed why the Commission should reject US LEC's above-referenced petition for declaratory ruling. We presented the attached material.

Sincerely,

/s/

Henry G. Hultquist
Senior Attorney
(202) 736-6485

Cc: Victoria Schlesinger
Steven Morris
Peter Trachtenberg
Stacy Jordan
Joseph Levin

US LEC Petition

CC Docket No. 01-92

WorldCom, Inc.

December 10, 2002



Extent of Problem

- Most CLECs do not assess access charges for calls made by CMRS customers.
- But US LEC is not the only CLEC to do so.
 - Transtel correctly identified US Telepacific as another CLEC that does this.
 - WorldCom believes that there may be others.
- **Total CMRS billing by CLECs not fully known.**
 - Two CLECs billing WorldCom \$12M/yr for CMRS.
 - Extrapolation suggests \$100M+ hit for WorldCom and \$300M industry problem.

Scheme is Difficult to Uncover

- CLEC billing is for Millions of minutes & hundreds of end offices.
- Billing is aggregated, not “call detail”.
- CMRS traffic is “buried” in other traffic billing.
- Volume trends may not disclose CMRS usage.
- Audits required to compare CLEC billed volume against WorldCom switch records and known/assigned CLEC telephone numbers.
- CLECs may either not provide ANI info or create “pseudo-ANIs”.
- Call detail records from the CLEC needed to validate ANI information.
- Further audit and verification against industry number assignment necessary to specifically identify CMRS calls.

US LEC's Routing Scheme is Harmful to Access Competition

- **Public policy should encourage development of competitive transit services.**
 - Critical to the Commission's plan to rationalize intercarrier compensation.
- **Such services cannot compete with US LEC's routing scheme.**
 - A market will flourish only if rules require transit providers to offer value to IXCs and CMRS providers.

US LEC's Arguments are Unsound

- This is not a situation where two LECs jointly provide access.
 - A normal meet-point arrangement consists of a transit provider and a LEC providing end office functionality, not two transit providers.
- CLEC access charge order did not contemplate application of access charges to another carrier's traffic.
- CLEC access tariffs cannot create a right to bill when the CLEC provides neither end office nor tandem services.



No Justification for this Practice

- Blatant attempt to assess regulated access charges for CMRS-IXC traffic exchange.
 - Which the Commission has found to be completely deregulated.
- US LEC provides no benefit to the IXC.
- Replacement of CMRS tandem links is a benefit only to the CMRS provider.

Next Steps

- **Commission should expressly deny US LEC's petition, which does not present undisputed facts and does not rely on clear law.**
 - Could also note that if the facts are as described by WorldCom, US LEC's practice may raise substantial questions of lawfulness.
- **WorldCom could then proceed with enforcement actions and/or litigation against CLECs known to engage in this practice.**