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July 1, 2003

**VIA ELECTRONIC FILING**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 - 12th Street, S.W.  
Room TW-A325  
Washington, D.C. 20554

Re: *Notice of Ex Parte Presentation*  
*CC Docket No. 01-92 – Inter-carrier Compensation*

Dear Ms. Dortch:

This is to inform you, pursuant to section 1.1206 of the Commission's rules, that on June 30, 2003, Charon Phillips of Verizon Wireless, and the undersigned on behalf of Verizon Wireless, met with Bryan Tramont, Senior Legal Advisor to Chairman Michael Powell, and Catherine Seidel, Deputy Chief, Wireless Telecommunications Bureau, to discuss issues in the above-referenced proceeding. The substance of our presentation is contained in the attached slides, which were distributed and discussed during the meeting.

In accordance with the Commission's Rules, this letter is being filed electronically in the above-referenced docket. Please address any questions regarding this filing to the undersigned.

Respectfully submitted,

WILKINSON BARKER KNAUER, LLP

By: \_\_\_\_\_/s/  
L. Charles Keller

Enclosure

cc (via email): Bryan Tramont  
Catherine Seidel

# LEC-CMRS INTER-CARRIER COMPENSATION



# THE PROBLEM

In an effort to continue to recover access charges unlawfully for intraMTA traffic, rural and other LECs have:

- Filed wireless termination tariffs
- Failed to negotiate or delayed negotiations
- Filed suits
- Improperly collected access charges from tandem operators
- Relied on pre TA96 LEC settlement agreements

# THE RESULT

- Rural and other ILECs are unlawfully avoiding reciprocal compensation obligations, undercutting one of the Telecom Act's key goals.
- CMRS carriers are paying access rates and in most cases not receiving any reciprocal compensation for intraMTA traffic.
- Rural LECs are refusing efficient indirect interconnection unless access rates apply.

# THE SOLUTION

- **First, clarify the MTA rule.**
- Traffic to or from LECs and CMRS carriers that originates and terminates within the same MTA is local and subject to reciprocal compensation unless it is carried by an IXC.
- LECs have the obligation to deliver traffic to CMRS providers without charge anywhere within the MTA, subject to LATA restrictions.

# THE SOLUTION

- **Second, declare wireless termination tariffs unlawful.**
- The Act requires negotiated or arbitrated agreements, not tariffs.
- Where no agreement exists, the appropriate compensation is not access and not necessarily bill-and-keep.
- Apply Section 20.11 of the FCC's rules.

# THE SOLUTION

- **Third, grant the Sprint Petition.**
- All carriers should load codes with rating and routing points designated by the code holder.
- The FCC should not mandate inefficient direct connection.

# THE SOLUTION

- **Resolution of transiting issues is not necessary at this time.**
- The FCC does NOT have to decide what compensation LECs may recover for transiting to rule on these petitions.
- As long as rural LECs cannot circumvent the MTA rule, and the transiting LEC can recover its costs, whether there is a duty to transit should not be an issue.

