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**John W. Kure**  
Executive Director - Federal Regulatory



*Ex Parte*

July 10, 2003

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

Re: The AT&T Petition for Declaratory Ruling that AT&T's Phone-to-Phone IP Telephony Services Are Exempt from Access Charges, WC Docket No. 02-361, and the pulver.com Petition for Declaratory Ruling, WC Docket No. 03-45

Dear Ms. Dortch:

Yesterday, Melissa Newman, Wendy Moser and I, all representing Qwest, met with Jeffery Carlisle, Tamara Preiss, Aaron Goldberger, Jennifer McKee, Rob Tanner, Tom Navin and Joshua Swift, all of the Wireline Competition Bureau, and J. Scott Marcus of the Office of Strategic Planning and Policy Analysis to discuss VoIP (Voice over Internet Protocol) and the above referenced proceedings. The material in the attached served as the basis for the discussion.

Pursuant to FCC Rule C.F.R. § 1.49(f), this *ex parte* letter with attachment is being filed electronically via the Electronic Comment Filing System for the inclusion in the public record of the above referenced dockets pursuant to FCC Rule C.F.R. § 1.1206(b)(2).

Sincerely,  
/s/ John W. Kure

cc: Jeffery Carlisle, Tamara Preiss, Aaron Goldberger, Jennifer McKee, J. Scott Marcus, Rob Tanner, Tom Navin, and Joshua Swift (all via email with attachment)

Attachment

# Qwest Perspectives on VoIP

July 9, 2003

# Proposed Regulatory Model VoIP

- FCC should not force VoIP into an existing regulatory category; rather the FCC should balance the competing interests of fostering a nascent technology and creating a level playing field among all providers of voice transmission. Accordingly, the FCC should determine which existing regulatory requirements should apply to VoIP and segment requirements based on whether and when a VoIP call touches the PSTN as set forth below:

	<b>VoIP -- Not PSTN</b>	<b>VoIP -- PSTN</b>
Access Charges	Not Applicable – doesn't touch the PSTN	Pay the applicable intra or interstate access charges
USF	Pay into the fund	Pay into the fund
Connection to PSTN	Not Applicable	Must connect via existing facilities, e.g., if LD, FGD; and if local, via local interconnection
Numbers	IP addresses to direct/switch calls within VoIP network	Can either obtain numbers from NANPA if a CLEC or through another local service provider
LNP	Not Applicable	If customer has a NANPA issued 10 digit number, it would be portable
911	Should provide subject to feasibility of tracking call-back or location	Should provide subject to feasibility of tracking call-back or location
Dialing Parity (1+)	Should have the same model as CMRS, i.e., no duty to give dialing parity	Should have the same model as CMRS, i.e., no duty to give dialing parity; customers could access another LD carrier via a different dialing pattern
CALEA	Applicable, subject to technical feasibility [NOTE: FBI/DOJ in pulver.com comments clearly indicated the need for CALEA compliance]	Applicable, subject to technical feasibility

# AT&T Phone-to-Phone IP Telephony Petition

## Qwest Position

- Service looks just like regular long distance service originated/terminated by calling/called parties over regular telephones attached to ILEC local telephone public switched telephone networks connected to an IXC's long distance network for the long haul transport piece of the service.
- Service fits classic definition of basic telecommunications service including fact that it is offered for a fee.
- Switched access charges should apply to phone-to-phone IP telephony service.
  - Finding AT&T phone-to-phone IP telephony to not be subject to switched access would violate fundamental principal of technological neutrality in 1996 Act.
  - IP in the transport leg of a phone-to-phone telephone call is merely a different transport technology that should not be favored over another technology.
  - Because there is no net change in any aspect of information as received/transmitted by end-users, this is not an information service.
  - Local service is not an appropriate substitute for Feature Group service for access to this product from end users.
- Declaratory ruling proceeding is not proper vehicle to overturn existing precedent; rulemaking is proper vehicle.
- Classification of this service as telecommunications service is unrelated to the deregulation of the public Internet and does not constitute taxation of the Internet.

# pulver.com Free World Dialup Petition

## Qwest Position

- Service allows limited group of subscribers without charge to establish voice connections over the Internet by providing to the requesting party the IP address of the desired party and whether the address is on-net.
- Not a telecommunications service because it is not offered for a fee and does not utilize local exchange switching facilities (the PSTN).
- Information pulver.com provides to its customers is a translation of a four digit identifier to an IP address, essentially an Internet directory service.
- Service is combination of information service and telecommunications
  - Utilizes telecommunications in its backbone.
  - Retrieves and translates information -- translates four digit identifier to IP address, retrieves
- Information as to whether retrieved IP address is currently on line and returns information to originator's IP phone.
- Voice connections are made between two IP addresses with no connection to the PSTN.
- If this service should expand to utilize PSTN, then appropriate payment should be made for access to and use of PSTN.

# Basic Voice over Internet Protocol (VoIP) Architecture

