

October 9, 2003

***EX PARTE***

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

Re: CC Docket No. 01-92, WC Docket Nos. 02-361, 03-211

Dear Ms. Dortch:

On October 8, 2003, Larissa Herda, CEO of Time Warner Telecom (“TWTC”), Paul Jones, General Counsel of TWTC, Kelsi Reeves, Vice President of TWTC, Don Shephard, Vice President of TWTC and the undersigned, met with Bill Maher, Jeff Carlisle, Tom Navin, Josh Swift, Deena Shetler, Aaron Goldschmidt, Jennifer McKee, Kathleen O’Neill, and Julie Saulnier of the Wireline Competition Bureau.

During the meeting, Ms. Herda explained that the absence of clear rules governing inter-carrier compensation for the exchange of voice over IP (“VoIP”) traffic (*i.e.*, rules governing the extent to which some or all kinds of VoIP should be subject to either reciprocal compensation or access charges) is imposing substantial costs on TWTC and other competitors. For example, TWTC has been forced to forego serving certain customers because it is uncertain as to what inter-carrier compensation costs it would incur for terminating such customers’ VoIP traffic. TWTC has also been implicated unintentionally in costly inter-carrier compensation disputes by ISP customers that have been delivering traffic that TWTC did not know was VoIP. As a result, traffic that TWTC thought was clearly subject to reciprocal compensation has become subject to incumbent LEC claims that terminating switched access applies.

Ms. Herda argued that these problems could be avoided if the FCC established clear rules at least regarding the extent to which terminating switched access or reciprocal compensation applies to VoIP at this time. Ms. Herda stated that TWTC is not strongly in favor of any particular resolution of the open questions regarding the exchange of VoIP traffic. Nevertheless, Ms. Herda stated that one sensible approach would be to presume that all traffic that terminates on the PSTN is subject to terminating switched access. To the extent that such a proposal were adopted, Ms. Herda asserted that

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it should apply to VoIP on a going-forward basis only and that VoIP traffic exchanged prior to the adoption of the presumption should be deemed not to have been subject to terminating switched access. Finally, Ms. Herda emphasized that the FCC must require that carriers exchange calling party number information to ensure that long distance traffic can be distinguished from local traffic and interstate traffic can be distinguished from intrastate traffic for purposes of inter-carrier compensation.

In accordance with the Commission's rules, a copy of this letter is being filed electronically for inclusion in the public record of each of the above-referenced proceedings.

Sincerely,

/s/

Thomas Jones

Counsel for Time Warner Telecom

cc: Bill Maher  
Jeff Carlisle  
Tom Navin  
Josh Swift  
Deena Shetler  
Aaron Goldschmidt  
Jennifer McKee  
Kathleen O'Neill  
Julie Saulnier