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January 15, 2004

### **By Electronic Filing**

Marlene Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

Re: WC Dockets 03-211, 03-45, and 02-361; Notice of *Ex Parte*  
Presentation

Dear Ms. Dortch:

On Monday, January 12, 2004, Glen Post, Karen Pucket and John Jones of CenturyTel, Inc. and I met with Commissioner Abernathy and Matt Brill, and with Commissioner Martin and Dan Gonzalez, concerning the above-captioned dockets, and in particular the AT&T petition referenced above. On Tuesday, January 13, 2004, John Jones of CenturyTel and I met with Commissioner Adelstein and Lisa Zaina concerning the same proceedings. In these meetings, we summarized the arguments made in CenturyTel's Comments in Docket 03-211 filed October 27, 2003, summarized in the attachment to this letter. CenturyTel also urged the commissioners to quickly and clearly respond to the AT&T petition, that all interexchange telecommunications services that use the exchange access services of local exchange carriers remain subject to access charges unless and until the law is changed. CenturyTel supports the initiation of a comprehensive rulemaking to consider the appropriate classification and regulation of all services provided over packet-switched technologies such as Internet Protocol, including VOIP. Please direct any questions concerning this matter to me.

Very truly yours,



Karen Brinkmann

Enclosure

cc: Honorable Kathleen Q. Abernathy  
Honorable Jonathan S. Adelstein  
Honorable Kevin J. Martin  
Matthew Brill  
Dan Gonzalez  
Lisa Zaina

**VOICE OVER INTERNET PROTOCOL & OTHER PACKET-SWITCHED PLATFORMS**  
**CENTURYTEL, INC.**  
**JANUARY 12, 2004**

- I. There Is Nothing Unique About VOIP -- IP Telephony Must Be Analyzed Under Current Definitions of Telecommunications Service and Information Service
  - A. The definition of “telecommunications” is the transmission of information of the end user’s design and choosing between points designated by the end-user without change in form or content
    - 1. IP telephony is *not* “Internet *access*” service – there is no information retrieval, storage, processing, or other manipulation or enhancement
    - 2. Conversion of the signal to IP, in itself, does not transform the nature of the *service* offered to the public, any more than the creation of electronic “touch tones” or the conversion from analog to digital -- The technology used is transparent to the end-user, and irrelevant to the classification
    - 3. Telecom carriers perform no “net protocol conversion to the end user”
  - B. Where customers can use ordinary CPE for voice or data telecommunications, and reach all telephone numbers on the North American Numbering Plan, they are using a telecommunications service, not an information service
- II. Providers of Comparable Services Should Be Subject to Comparable Regulation
  - A. Access charges apply to all inter-exchange services that use LEC switching
  - B. Packet-switched services have never enjoyed special classification -- If the Commission reclassifies IP-based services as non-telecommunications services, it must do so for all providers
    - 1. ILECs such as CenturyTel are employing packet-switching technology in their “public” networks, and are likely to do even more extensively in the future
    - 2. The provision of IP-capable leased lines to Internet access service providers currently is a telecommunications offering – reclassification of IP-based services will affect such offerings
  - C. The Commission may distinguish between services over dedicated facilities (private telecommunications or information access) and services over switched facilities, but such distinctions should apply to all service providers
  - D. National infrastructure considerations (network reliability, cooperation with law enforcement (CALEA), E-911, homeland security) demand a uniform approach – the Commission should conduct a comprehensive review of its classifications