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Melissa E. Newman
Vice President – Federal Regulatory

Ex Parte

January 29, 2004

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

Re: 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

Dear Ms. Dortch:

On Tuesday, January 27, 2004, Melissa Newman, Vice President, Federal Regulatory and Andy Crain, Associate General Counsel, Qwest, met with Matt Brill and Pilar Camus in Commissioner Abernathy's office and Jessica Rosenworcel in Commissioner Copp's office regarding the above-captioned docket. On Wednesday, January 28, Melissa Newman and Andy Crain also met with Christopher Libertelli in Chairman Powell's office.

In these meetings we explained that there was a line of cases that holds that forgiveness of past debts owed by a customer of a carrier for services rendered is not a proper function of this Commission. Thus, to the extent that AT&T has been originating and terminating interexchange traffic over Qwest's local exchange facilities via either local services purchased by AT&T or via competitive local exchange carriers pretending that the AT&T service was local, AT&T has incurred a legal indebtedness to Qwest which is enforceable and collectable in a court of law. The Commission does not have the power to forgive past debts owed by a customer to a carrier, or to retroactively change the law under which those debts were incurred.

We did not hand out any documents at these meetings. In the next few days, Qwest will file a legal memorandum with the Secretary's office on this matter.

Respectfully,

/s/ Melissa Newman

Ms. Marlene H. Dortch
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cc: Michael K. Powell – Chairman (via e-mail at michael.powell@fcc.gov)
Kathleen Abernathy – Commissioner (via e-mail at kathleen.abernathy@fcc.gov)
Michael Copps – Commissioner (via e-mail at michael.copps@fcc.gov)
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