

March 5, 2004

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

**Re: *Petition for Declaratory Ruling That AT&T's Phone-to-Phone Internet Protocol ("IP")
Telephony Services are Exempt From Access Charges, WC Docket 02-361***

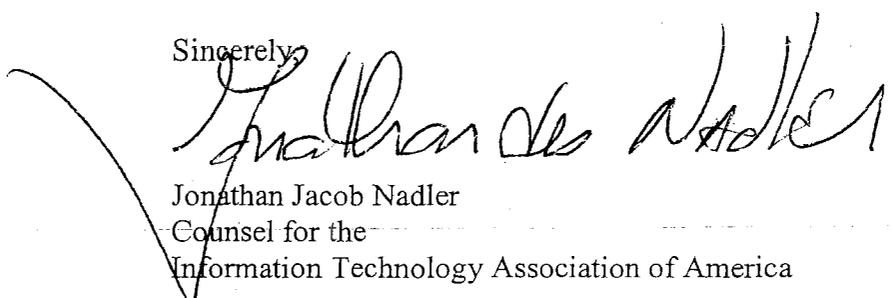
Dear Ms. Dortch:

Today, the Information Technology Association of America ("ITAA") sent the attached letters to Chairman Powell and Commissioners Abernathy, Copps, Martin, and Adelstein in the above-captioned proceeding.

ITAA expressed its support for AT&T's petition for a declaratory ruling and urged the Commission to address all issues related to the regulation of VOIP services in its upcoming VOIP proceeding (WC Docket 04-36). In the interim, ITAA believes that the Commission should preserve the *status quo* – under which all VOIP services are presumed to be unregulated information services and, therefore, are not subject to carrier access charges.

Pursuant to Section 1.1206(b) of the Commission's rules, 47 C.F.R. § 1.1206(b), one electronic copy of this notice is being filed in the above-captioned proceeding.

Sincerely,



Jonathan Jacob Nadler
Counsel for the
Information Technology Association of America

Direct: +1.202.626.6838
jnadler@ssd.com

March 5, 2004

The Honorable Michael K. Powell
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: *Petition for Declaratory Ruling That AT&T's Phone-to-Phone Internet Protocol ("IP") Telephony Services are Exempt From Access Charges, WC Docket 02-361*

Dear Chairman Powell:

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comments that it filed in the Commission's *ILEC Broadband Non-Dominance, Universal Service*, and *Intercarrier Compensation* dockets.

ITAA has previously expressed its support for AT&T's petition. In comments filed with the Commission, ITAA observed that:

In the *Report to Congress on Universal Service*, the Commission ruled that it would continue to classify all forms of voice-over-Internet as information services until such time, if ever, as it is presented with evidence that demonstrates that a specific offering constitutes a telecommunications service. . . . Because AT&T's voice-over-Internet service continues to be classified as an information service, under current law AT&T is not obligated to pay carrier access charges. . . . [However, even] if the Commission were to conclude that, under existing law, AT&T's voice-over-Internet service constitutes a telecommunications service, AT&T would not be obligated to pay carrier access charges to the ILECs. In the *Report to Congress on Universal Service*, the Commission made clear that, under existing rules, a provider of voice-over-Internet services that the Commission found to be a telecommunications service is not required to pay carrier access charges. Given the difficult issues presented by voice-over-Internet services, the Commission deferred the question of what pricing regime to impose on providers of such services to "future proceedings." Because the Commission has yet to adopt a regime governing the duty of providers of such services to compensate the ILECs for the use of their local facilities, ILECs cannot require AT&T to pay carrier access charges.

Reply Comments of the Information Technology Association of America, WC Docket 02-361, at i-ii (filed Jan. 23, 2003).

During the last year, there have been significant developments. The market has continued to evolve rapidly, while several additional parties have filed petitions seeking either declaratory relief or forbearance. Recognizing the importance and complexity of the issues, the Commission conducted a forum to obtain further information, and will soon release a notice of proposed rulemaking.

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The Honorable Kathleen Q. Abernathy
Commissioner
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: *Petition for Declaratory Ruling That AT&T's Phone-to-Phone Internet Protocol ("IP") Telephony Services are Exempt From Access Charges, WC Docket 02-361*

Dear Commissioner Abernathy:

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445 12th Street, S.W.
Washington, D.C. 20554

Re: *Petition for Declaratory Ruling That AT&T's Phone-to-Phone Internet Protocol ("IP") Telephony Services are Exempt From Access Charges, WC Docket 02-361*

Dear Commissioner Copps:

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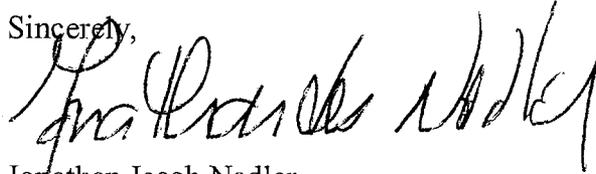
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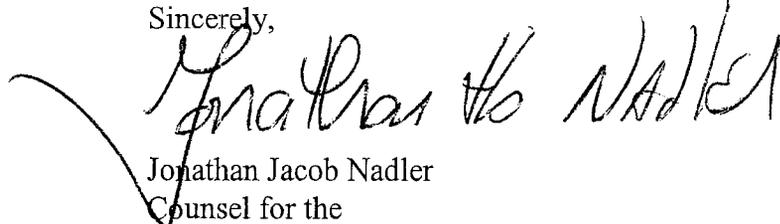
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