

# CompTel ASCENT

A L L I A N C E

March 10, 2004

VIA ELECTRONIC FILING

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

*Re: AT&T Petition for Declaratory Ruling, WC Docket No. 02-361; Vonage Holdings  
Petition for Declaratory Ruling, WC Docket No. 03-211; Level 3 Communications  
Petition for Forbearance, WC Docket No. 03-266*

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's rules, the CompTel/ASCENT Alliance ("CompTel") hereby gives notice that on March 9, 2004, its representative and a representative from CompTel Member Global Crossing Communications met with Bill Maher, Chief, Wireline Competition Bureau and Jennifer McKee and Robert Tanner of the Wireline Competition Bureau. In this meeting CompTel explained that the Commission, in order to promulgate a coherent policy with respect to VoIP, should decide the AT&T Petition concurrent with the Vonage Petition for Declaratory Ruling, WC Docket No. 03-211. Alternatively, CompTel suggested, the Commission could eliminate uncertainty over the intercarrier compensation rates applicable to traffic transiting an IP network for termination on the PSTN simply by granting Level 3 Communications' Petition for Forbearance, WC Docket No. 03-266.

Without comprehensive guidance from the Commission on the treatment of IP-PSTN traffic, CompTel explained that America's wholesale carriers and Internet backbone providers will likely be forced to implicitly incorporate the risk that they will be liable for access charges—along with litigation risk—into their future wholesale prices for IP transport service. CompTel and Global Crossing described how wholesale carriers providing backbone transport service to VoIP providers also include the advance numbering information ("ANI") along with these call transmissions. In a situation where the wholesale carrier knows, or has a sound basis to believe,

that the traffic was “IP-originated” (like the Vonage service) the wholesale carrier—having a choice as to whether to route the traffic onto the ILEC network over a feature group trunk or a local interconnection trunk—may be inclined to route the traffic over the local interconnection trunk.

However, if the FCC in the near future, issued a negative ruling on the AT&T petition, but was silent regarding the classification of all other types of IP-based traffic, then competitive wholesale carriers could certainly anticipate constant challenges by the ILECs to the carriage of any VoIP traffic over facilities that do not accrue access charges. The wholesale carrier, on the other hand, will have no way of demonstrating that the IP traffic (with ANI) that it is seeking to terminate is in any way different—and entitled to different treatment than the traffic the Commission decides to classify in the AT&T petition. CompTel and Global Crossing encouraged the FCC to act, through coordinated and simultaneous actions in the three above-reference proceedings, to ensure that all IP-PSTN traffic is rated similarly for intercarrier compensation purposes. To this end, CompTel and Global Crossing, urged the FCC to promptly grant the Level 3 petition for forbearance. During the meeting CompTel used the attached diagram to facilitate our conversation. Representing Global Crossing was Paul Kouroupas, and representing CompTel was the undersigned attorney.

Sincerely,

A handwritten signature in cursive script, reading "Jonathan D. Lee".

Jonathan D. Lee  
Sr. Vice President,  
Regulatory Affairs

