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April 20, 2004

VIA ELECTRONIC FILING

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW, Room TWB-204
Washington, DC 20554

Re: Notice of Ex Parte Presentation
*In the Matter of AT&T's Petition for Declaratory Ruling That AT&T's Phone-to-Phone IP
Telephony Services Are Exempt From Access Charges*, WCB No. 02-361

Dear Ms. Dortch,

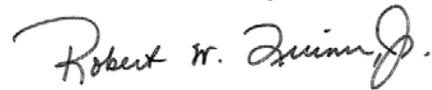
On Friday April 16, 2004, I spoke with Scott Bergmann, Commissioner Jonathan Adelstein's Legal Adviser, to discuss issues related to the aforementioned proceedings. During the course of those discussions, I reiterated that the Commission not to impose the existing PSTN access charge scheme on any VoIP applications individually or collectively as those regulations would disincet investment in this important new technology. I also explained that the Commission should not provide disincentives to backbone providers that will deter them from the process of upgrading and investing to expand their IP capabilities. That investment will be necessary for the industry to provide a seamless conversion to an IP-based infrastructure that is transparent to end-users.

I urged the Commission to continue the de-regulatory policies that were established in 1998 and reaffirmed in 2001 in the Commission's *Inter Carrier Compensation NPRM*. We reiterated the view that imposition of access charges on VoIP would disincet investment by backbone providers in IP architectures and thus slow investment in this key technology area (contrary to prior Commission policy). Finally, we explained that providers of IP based services were, in fact, compensating all LECs for terminating that traffic pursuant to the interconnection provisions of the Act. Consequently, all LECs were recovering their respective costs plus a reasonable profit for terminating that traffic and that any claim that a carrier was not recovering its costs was an outright fabrication. In the event the Commission feels compelled to act on the Petition standing alone, I urged that the Commission should grant the Petition and set

forth non-discriminatory policies for traffic that both originates and terminates on the public switched telephone network prospectively. To that end, I reiterated the arguments set forth in the ex partes previously filed by AT&T on March 31 and April 13, 2004.

The positions expressed in the meeting for each of these areas were consistent with those contained in the Comments, Reply Comments and ex parte filings previously made in the aforementioned dockets. One electronic copy of this Notice is being submitted for each of the referenced proceedings in accordance with the Commission's rules.

Sincerely,

A handwritten signature in cursive script that reads "Robert W. Quinn". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

cc: Scott Bergmann