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FEDERAL COMMUNICATIONS COMMISSION  
Wireline Competition Bureau  
Telecommunications Access Policy Division  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

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AUG 11 2004

Federal Communications Commission  
Office of the Secretary

August 11, 2004

Re: Federal-State Joint Board on Separations  
*Ex parte* communication in CC Docket Nos. 01-92, 96-98,  
99-68; ET Docket No. 04-295; WC Docket No. 04-36.

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

Read Ms. Dortch:

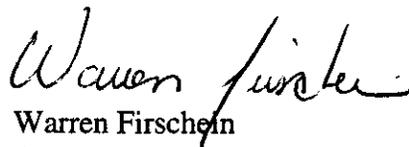
In accordance with the Commission's *ex parte* rules, 47 C.F.R. §§ 1.1200 *et seq.*, this letter is to transmit the text of a communication that was made by the state members of the Federal-State Joint Board on Separations to Chairman Michael K. Powell, Commissioner Kevin J. Martin, and Commissioner Michael J. Copps.

On July 21, 2004, the state members of the Federal-State Joint Board on Separations wrote a letter to the Federal members of the Joint Board addressing a number of issues, including the referral of additional issues to the Joint Board in the future. In this context, the letter included a statement that implicates the intercarrier compensation and Voice Over IP proceedings that are currently pending before the Commission. Specifically, the letter stated:

As state members of the Joint Board, we are anxious to engage in discussions concerning the critical issues that face us today. We believe strongly that issues such as VOIP and intercarrier compensation must be referred to the Joint Board on Separations. The effect of these issues on states is potentially profound and must be examined by the Joint Board so that a balanced solution to these issues may be brought forward.

The July 21, 2004 letter did not make any other statements that raise *ex parte* issues.

Please do not hesitate to contact me with any questions or comments. I may be reached at (202) 418-0844.

A handwritten signature in cursive script that reads "Warren Firschein".

Warren Firschein  
Attorney  
Telecommunications Access Policy Division  
Wireline Competition Bureau