

9 March 2005

Ex Parte – Electronic Filing

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20065

Re: Level3 Petition for Forbearance, WC Docket No. 03-266

Dear Ms. Dortch:

On Tuesday, 8 March 2005, Jeff Campbell of Cisco Systems, Inc. and undersigned counsel met with Scott Bergmann, legal advisor to Commissioner Adelstein. On behalf of Cisco Systems we urged the Commission to grant Level3's Petition for Forbearance or to grant similar relief for the following reasons.

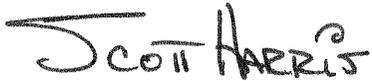
1. Cisco believes that IP-PSTN traffic is an information service under existing law and not subject to access charges.
2. Nevertheless, enough uncertainty about this conclusion now exists that the risk that access charges may be imposed, perhaps retroactively, is adversely affecting investment in facilities for VoIP traffic.
3. If the Level3 Petition is denied, the uncertainty over the application of access charges to IP-PSTN traffic will increase exponentially and could entirely derail the growth of VoIP facilities.
4. It is the Commission's fundamental obligation to remove uncertainty over the scope and applicability of its rules -- and it should not duck that responsibility.
5. Denying the Level3 Petition will upset the essential status quo for IP-PSTN traffic. The Commission, by granting the Petition, can keep this "real world" status quo in place until it resolves the bigger question of intercarrier compensation reform.

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6. The WiTel proposal will not solve the problem and should be rejected.
7. Denying the Level3 Petition will make intercarrier compensation reform more difficult.

Please direct any questions regarding this notification to me.

Respectfully submitted,

A handwritten signature in black ink that reads "SCOTT HARRIS". The signature is written in a cursive, slightly stylized font with all caps.

Scott Blake Harris
Counsel to Cisco Systems, Inc.

Cc: Scott Bergmann