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**NOTICE AND SUMMARY OF
EX PARTE PRESENTATION**

March 15, 2005

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Portals II, Room TW-A325
Washington, DC 20554

*Re: Level 3 Communications LLC Petition for Forbearance, WC Docket No. 03-266
IP-Enabled Services, WC Docket No. 04-36*

Dear Ms. Dortch:

On March 14, 2005, Jeff Lanning, and I, on behalf of the United States Telecom Association (USTA), along with five representatives from USTA member companies, met with Daniel Gonzalez, Senior Legal Advisor to Commissioner Kevin J. Martin, regarding the above-referenced matter. The representatives from USTA member companies were Kevin J. Albaugh with North Pittsburgh Telephone Company, Trenton D. Boaldin with Epic Touch Company, Aubrey E. Judy, III with CT Communications, Inc., Keith H. Oliver with Home Telephone Company, Inc., and Glenn Rabin with ALLTEL Corporate Services, Inc.

The purpose of this meeting was to urge the Commission to deny Level 3's Petition and not to grant similar relief in another docket. The participants discussed: (1) the practical difficulty of identifying traffic from Voice over Internet Protocol providers, which makes implementation of Level 3's proposal costly and time consuming, and will encourage further gaming of the intercarrier compensation system; (2) the reasons the so-called rural carve-out in Level 3's petition would not work due to how local interconnection and transit service arrangements work between rural ILECs and neighboring large ILECs, leaving rural ILECs unable to collect access charges; (3) the asymmetrical treatment under Level 3's petition of calls originating on the PSTN and terminating on VoIP networks, which will still generate terminating access charges, compared with the proposed treatment of calls originating on VoIP networks and terminating on the PSTN, which would not generate terminating access charges; (4) how the numerous and substantial errors in the study by QSI Consulting submitted in this docket make it impossible for the Commission to rely on its analysis or results; (5) the ways in which Level 3's petition is a misuse of the forbearance process because it requires substantial additional rulemaking to implement and it actually seeks different regulation (changing the regulated price from access to reciprocal compensation) rather than deregulation; (6) how Level 3's proposal would negatively impact broadband deployment, particularly in rural areas; and (7) why the Regulatory Flexibility Act precludes the Commission from adopting interim rules at this time, as those rules necessarily would have an adverse impact on small incumbent local exchange carriers qualifying as small businesses under the RFA.

In accordance with Section 1.1206(b)(2) of the Commission's rules, this letter is being filed electronically with your office.

Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "James W. Olson". The signature is written in a cursive style with a large initial "J" and "O".

James W. Olson
Vice President–Law and General Counsel

cc: Daniel Gonzalez