

KELLEY DRYE & WARREN LLP

A LIMITED LIABILITY PARTNERSHIP

3050 K STREET, N.W.

SUITE 400

WASHINGTON, D.C. 20007

(202) 342-8400

FACSIMILE

(202) 342-8451

www.kelleydrye.com

DIRECT LINE: (202) 342-8518

EMAIL: tcohen@kelleydrye.com

NEW YORK, NY
TYSONS CORNER, VA
CHICAGO, IL
STAMFORD, CT
PARSIPPANY, NJ
BRUSSELS, BELGIUM
AFFILIATE OFFICES
MUMBAI, INDIA

November 21, 2006

VIA ECFS

Marlene Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

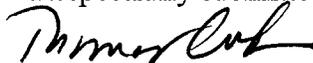
Re: Ex Parte Notification: WC Docket No. 01-92

Dear Ms. Dortch:

On November 20, 2006, Lisa Youngers of XO Communications LLC ("XO"), with Thomas Cohen and Chip Yorkgitis with Kelley Drye & Warren LLP, representing XO, NuVox Communications, Inc., Broadview Networks, and One Communications (collectively, the "CLEC Representatives") met with Michelle Carey, Legal Advisor to Chairman Kevin J. Martin, to discuss the Missoula Plan for intercarrier compensation reform filed by the NARUC Task Force on Intercarrier Compensation in this docket on July 24, 2006. At the meeting, the CLEC Representatives presented their views as to why the Missoula Plan should not be adopted because it is inconsistent with the goals of the Commission in this proceeding and rests on dubious policy and legal foundations. The CLEC Representatives also encouraged the Commission to adopt measures to reduce greatly, if not eliminate, phantom traffic and to provide clarity to the questions surrounding intercarrier compensation for the exchange of voice over Internet protocol traffic. The attached agenda was left behind at the meeting.

This Notice of an *ex parte* meeting is being filed consistent with the Commission's Rules. Please contact the undersigned if there are any questions.

Respectfully submitted,



Thomas Cohen

TC:cpa
cc: Michelle Carey

FCC MEETINGS ON MISSOULA INTERCARRIER COMPENSATION PLAN
20 November 2006

PARTICIPANTS

XO Communications -- Lisa Youngers; Kelley Drye & Warren LLP -- Thomas Cohen, Chip Yorkgitis

AGENDA

1. Introductions
2. Opposition to the Plan is Broad-based
3. Overview of Informal Responses from the States Received by Company Representatives
4. The Plan Conflicts with the Commission's Goals in This Proceeding
 - Efficient use of, and investment in, telecommunications networks and efficient competition
 - The Plan promotes arbitrary, non-cost-based rates and seeks to reform access charges unnecessarily
 - The Plan discourages efficient interconnection and strips carriers' of statutory interconnection rights
 - Technological and competitive neutrality
 - The Plan shields ILECs from competition
 - The Plan discriminates against non-ILEC competitors
 - Promotion of universal service
 - The Plan increases the burden on the universal service fund significantly
 - The Plan fails to require that savings be passed through and imposes increased costs on consumers
5. Many aspects of the Plan rest on a dubious legal foundation
6. The Commission should proceed now to address the limited "phantom traffic" problem and VoIP access charge questions to bring needed certainty to the industry which would tackle the most important intercarrier compensation questions