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August 7, 2007

VIA ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W., TW-A325
Washington, DC 20554

Subject: In the Matter of Payphone Access Line Rates, Docket CC No. 96-128

Dear Ms. Dortch:

In accordance with Section 1.1206 of the Commission's rules, 47 C.F.R. section 1.1206, we hereby provide you with notice of an oral ex-parte presentation in connection with the above-captioned proceeding. On August 6, 2007, Brooks E. Harlow of Miller Nash LLP and Justin Lilley talked with Tom Navin, of the Wireline Competition Bureau, by phone. Messrs. Harlow and Lilley appeared on behalf of the plaintiffs/appellants in *Davel Communications, et al. v. Qwest*, Ninth Circuit Case No. 04-35677 ("*Davel* case"). The plaintiffs in the *Davel* case filed a petition for declaratory ruling in this docket on September 11, 2006 ("*Petition*").¹

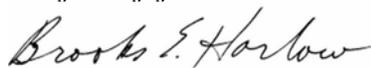
On the phone call we discussed an opinion issued last week in *TON Services v. Qwest Corp.*, 10th Circuit Court of Appeals, No. 06-4052 (July 23, 2007) ("*TON* case"). Specifically, we noted that in the *TON* case the Tenth Circuit reaffirmed and followed the holdings of the Ninth Circuit in the *Davel* case. Further, we urged that the Commission not unduly delay completion of its ruling on the *Davel* Petition due to the need to review the *TON* case.

¹ A complete listing of the clients in the *Davel* case is attached to the Petition.

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We trust you will find this information to be useful. Should you have any questions or require any additional information, please contact the undersigned counsel directly.

Very truly yours,

A handwritten signature in cursive script that reads "Brooks E. Harlow".

Brooks E. Harlow, P.C.

cc: Mr. Thomas Navin (via e-mail)
Mr. Justin Lilley (via e-mail)