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October 25, 2007

VIA ECFS

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

RE: *In the Matter of Developing a Unified Inter-carrier
Compensation Regime; In the Matter of The Missoula
Inter-carrier Compensation Reform Plan; In the Matter of the
Missoula Inter-carrier Compensation Reform Plan; Missoula
Plan Phantom Interim Process and Call Detail Records
Proposal, WC Docket 01-92*

Dear Ms. Dortch:

Feature Group IP files this *ex parte* letter in the above captioned proceeding and will follow up with in person visits after the initial hearing in the Texas PUC case (Docket 33323) we site below.

On October 23, 2007, Feature Group IP filed a Forbearance Petition (not yet assigned a WC Docket Number) to forbear from rules that ILECs have misapplied in order to impose Exchange Access charges on Feature Group IP or its direct customers when Feature Group IP provisions its Internet Gateway Intermediation Point of Presence (“IGI-POP”) service to an Enhance Service Provider, *even though* that service is wholly within the LATA in which Feature Group IP provides service. I am attaching the Forbearance Petition hereto (without the voluminous Appendices) so that this Commission and its industry participants are aware of Feature Group IP’s efforts in this matter. Feature Group IP believes that any actions, even intermediate actions, with respect to inter-carrier compensation must take into account the current economic phenomena known as “Group Forming Networks” which *requires user control of their identity*.

As this Commission is aware through prior filings,¹ Feature Group IP is the inventor of the Universal Tele-traffic Exchange (“UTEx”), as well as a diligent carrier citizen and participant in efforts to protect new technology applications, providers and users from the quagmire of legacy billing practices with respect to “Exchange Access.” Feature Group IP has also been stating that the so called “Phantom Traffic” problem may be greatly eased or even eliminated if the incumbent LECs would simply work with the new technology providers in a non-threatening way. To that end we feel it is important to disclose to this Commission that at&t recently produced to Feature Group IP redacted studies² and an explanation (this week) of the studies which quantifies the alleged “misrouting”³ of Feature Group D traffic onto Feature Group IP’s IGI-POP services. **What amazed Feature Group IP is that these studies show less than one-half of one percent of the calls even come from IXCs.** In fact if Feature Group IP applied a normal IXC termination rate to this traffic it would amount to less than \$180 per day.

¹ *Ex parte* letter from W. Scott McCollough, on behalf of Feature Group IP to Marlene H. Dortch, Secretary Federal Communications Commission, dated March 28, 2007, in CC Docket No. 01-92, In the Matter of the Missoula Intercarrier Compensation Reform Plan; Missoula Plan Phantom Interim Process and Call Detail Records Proposal (presenting method to uniquely identify, represent and allow callback to an IP endpoint from the Legacy Public Switched Telephone Network).

² These studies have been declassified in Texas PUC Docket 33323.

³ To the best of Feature Group IP’s knowledge, there has been no “Adjunct to Basic” test performed, so all Feature Group IP knows in this regard is that the traffic originated on the PSTN and was delivered to a Feature Group D carrier. It is still possible that this traffic is “Enhanced”, and Feature Group IP intends to implead the potential offending IXCs into the proceeding.

Feature Group IP must also reiterate herein that it does not agree that even the traffic that at&t has identified is not exempt under the applicable rules. More information is necessary to see if the call session is part of an enhanced/information service in that there is a change in content and/or non adjunct to basic enhanced functionalities are offered. Indeed, the call itself could be part of an enhanced session. For example, the call itself may be addressed to an enhanced platform, which then provides further processing. As such, the last leg of the call is not properly subject to access. Therefore, even if access is properly applied at the originating end, it may not be proper at the terminating end. And, what appears to be an intrastate call may be (and would be) jurisdictionally interstate, if the platform is enhanced and, in particular, if additional legs that go to the PSTN in other states ensue. This is a direct application of the traditional “end-to-end” test. In sum, one cannot draw firm conclusions from the data that the “matched” calls are indeed traditional toll calls that are being misrouted. On the other hand, it is clear the remaining traffic on Feature Group IP’s network that was not matched is clean. This fact is significant, because it proves Feature Group IP’s contention in its Missoula comments that the problem is illusory and small. *See* Comments of Feature Group IP, *In the Matter of the Missoula Intercarrier Compensation Reform Plan, CC Docket No. 01-92*, at pp. 7-8 (submitted October 25, 2006); *see also*, Comments of Feature Group IP, *Missoula Plan Phantom Interim Process and Call Detail Records Proposal, CC Docket No. 01-92* at p. 5 (submitted December 7, 2006).

That means the studies also prove the converse, *i.e.*, that 99% of the traffic did not originate on the legacy PSTN and that our pro competitive policies are working.

Again, we emphasize that this limited test result by at&t serves only to prove that the new and the old can in fact be differentiated in the routing set up as between the ILEC and the CLEC when new non-geographic technology is involved.⁴

We will be happy to discuss this in person when we are able to set up some meetings. Please do not hesitate to contact me should you have any questions.

Respectfully submitted,

/s/

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⁴ at&t has confirmed that Texas is one of its most populous states and that Feature Group IP is the largest CLEC carrying this type of traffic by a wide margin in Texas. For this calendar year we will interconnect via our local trunks close to 1 billion minutes.