

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

Developing a Unified Inter-carrier Compensation Regime)	CC Docket No. 01-92
and)	
Establishing Just and Reasonable Rates For Local Exchange Carriers)	WC Docket No. 07-135

**MOTION OF FREECONFERENCECALL.COM TO CONSOLIDATE DOCKETS
CC DOCKET NO. 01-92 AND WC DOCKET NO. 07-135**

FreeConferenceCall.com hereby respectfully requests that the Federal Communications Commission (“Commission”) consolidate current Commission dockets CC 01-92 and WC 07-135. Consolidation of these dockets is appropriate because the proceedings are of the same nature, involve substantially the same issues, depend largely on the same evidence, and because consolidation will not prejudice any party’s rights in any of the proceedings.

FreeConferenceCall.com is an end user of telecommunications services that provides a wide array of information services, including conference calling, information hotlines, entertainment services and specialty bridging services to various communities of interest. In addition to providing choice to consumers who desire such services, the key appeal to consumers who use these services is the fact that they pay reasonable long-distance rates for access to the aforementioned services.

FreeConferenceCall.com mostly obtains telecommunications services from rural and competitive local exchange carriers (“RLECS” and “CLECS”) that are paid per-minute terminating fees by large interexchange carriers (“IXCs”) for terminating long-distance traffic. In terms of consumer expectation and cost, calls to FreeConferenceCall.com are functionally

identical to other long-distance calls: a willing consumer knowingly dials a distant area code to communicate with another end user for an amount of time wholly controlled by the call originating end user, who is then billed the reasonable and customary charges for the call. As with all long-distance calling, the consumer can keep his or her bills down by: (1) not placing the call; or (2) shortening the amount of time on the phone.

The Notice of Proposed Rulemaking in WC 07-135 proposes radically increased regulatory burdens and uncertainty on small carriers such as RLECs and CLECs, who provide telecommunications service at a relatively low cost to companies like FreeConferenceCall.com, and other similar end users. Specifically, WC 07-135 initiated the rulemaking proceeding to investigate cost and tariffing issues raised by allegations that some RLECs are experiencing significant increases in access demand, resulting in “unreasonable” access charges. The proposed regulations that the Commission seeks comment on in this docket effectively regulate carriers based on the business of their end user customers, like FreeConferenceCall.com—a classification which is, and always has been, irrelevant for the purposes of terminating a call to that customer. Creating any such new classification is antithetical to the Commission’s stated goal of unifying intercarrier compensation regimes in CC Docket No. 01-92. Consolidation is appropriate to ensure the Commission does not adopt in one proceeding regulations that are a cross-purpose with the goals of a related, but separate, proceeding.

Consolidation will promote the efficient administration of these proceedings. The “unified approach” to which the Commission repeatedly has referred to in CC 01-92 could address any of the concerns that have been raised in the comments filed in the proceedings referenced above. Myriad parties in countless Commission proceedings have expressed a need for comprehensive intercarrier compensation reform and agree that adoption of a unified system

is in the public interest.¹ Consolidating these proceedings would ensure that the Commission keeps its focus on its stated goal of a uniform regime to eliminate discriminatory treatment on a prospective basis. The current intercarrier compensation regime maintains widely disparate compensation rates for otherwise identical functionality. Consumers are harmed and the current compensation regime does not protect them because it creates implicit subsidies for certain technologies based not on economics, but on arbitrary regulatory distinctions.

For eleven years, the Commission repeatedly has expressed the need to reform intercarrier compensation regulations into a unified regime to eliminate regulatory arbitrage. Since the passage of the 1996 Telecommunications Act, the Commission repeatedly has emphasized its commitment to adopting a comprehensive intercarrier compensation framework in furtherance of Congress's goal of establishing a "pro-competitive, deregulatory national policy framework."² Toward that goal, the Commission opened its *Developing a Unified Intercarrier Compensation Regime* reform docket, CC 01-92.³ In that docket, the Commission sought to harmonize prospectively the requirements for all carriers and to supercede the antiquated regime that was based on arbitrary regulatory classifications. The establishment of separate dockets,

¹ See, e.g., Comments filed on December 17, 2007 in the *Establishing Just and Reasonable Rates for Local Exchange Carriers*, WC Docket No. 07-135. Nearly all commenters suggested that the Commission should deal with these issues in the comprehensive reform docket and should refrain from unnecessary piecemeal reform that creates additional regulatory burdens.

² *Qwest Forbearance Petition*, 22 FCC Rcd at 5232, ¶ 48 and n.135 (citing Joint Explanatory Statement of the Committee Conference, S. Conf. Rep. No. 230, 104th Cong., 2d Sess. 113 (1996)).

³ *Developing a Unified Intercarrier Compensation Regime*, CC Docket 01-92, Notice of Proposed Rulemaking, 16 FCC Rcd 9610 (2001) ("NPRM"); *Developing a Unified Intercarrier Compensation Regime*, Further Notice of Proposed Rulemaking, 20 FCC Rcd 4855 (2005) ("FNPRM").

such as WC 07-135, detracts from the need for comprehensive reform—the need for which increases daily.

There is no question all issues identified in WC 07-135 are subsumed in CC 01-92. The importance of these issues to the public interest in eliminating regulatory arbitrage and the Commission’s stated intercarrier compensation goals strongly militate for consolidating these dockets. Consolidation of these dockets would grant the Commission the benefit of making decisions based on a single complete record, rather than separate piecemeal records.

WHEREFORE, for the reasons set forth above, FreeConferenceCall.com respectfully request the Commission to GRANT this motion to consolidate existing Commission Dockets CC 01-92 and WC 07-135.

Respectfully Submitted,



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CERTIFICATE OF SERVICE

I, Ross A. Buntrock hereby certify that the foregoing Motion to Consolidate Dockets was served March 10, 2008 via electronic mail on the following parties:

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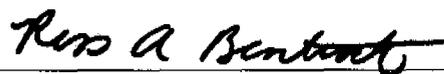
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