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Joe A. Douglas  
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VIA EMAIL: [jdougla@neca.org](mailto:jdougla@neca.org)  
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RE: WC Docket No. 07-256; *FeatureGroup IP Petition For Forbearance From Section 251(g) of the Communications Act and Sections 51.701(b)(1) and 69.5(b) Of The Commission's Rules And CC Docket No. 01-92; Developing a Unified Intercarrier Compensation Regime*

Dear Mr. Douglas:

I write to you today to invite NECA and/or any of its individual "rural" and "2 percent" members to engage in discussions and, what I hope will prove to be good-faith negotiations, over the issues raised by the Forbearance Petition filed by FeatureGroup IP and some of the issues before the Commission in various parts of Docket 01-92. I respectfully request that you distribute this letter to your non-RBOC rural and "2 percent" members so they may decide whether they collectively or individually wish to engage.

I will assume for purposes of this communication that NECA representatives have read FeatureGroup IP's filings in CC Docket 01-92 and the Forbearance Petition (WC Docket No. 07-256) and that NECA therefore has some knowledge of FeatureGroup IP and its positions on the issues. Our Forbearance Petition is unique in many ways that may not be readily apparent. In particular our petition is not merely a repeat of the petition that Level 3 filed and then withdrew in WC Docket 03-266. We will be happy to provide more information in the context of any discussions that follow.

The FeatureGroup IP companies recognize that "rural" and "2 percent" ILECs have particular needs and characteristics that may justify different policies, rules and treatment with regard to intercarrier compensation in comparison to the rest of the LECs. We believe that there is room for compromise as a result. Three particular aspects of our advocacy filings should be of interest to your smaller company members, and those are the things we would like to address in discussions.

First, as you may be aware, FeatureGroup IP has presented a technical solution that we believe addresses at least some of the concerns raised by small ILECs with

(\*) FeatureGroup IP is the trade name for each of a set of affiliated companies individually known as FeatureGroup IP North LLC, FeatureGroup IP Southeast LLC, FeatureGroup IP Southwest LLC, FeatureGroup IP West LLC and UTEX Communications Corp. d/b/a FeatureGroup IP

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regard to the information signaled within what your members call "phantom" traffic (see [http://gulfoss2.fcc.gov/prod/ecfs/retrieve.cgi?native\\_or\\_pdf=pdf&id\\_document=6518915450](http://gulfoss2.fcc.gov/prod/ecfs/retrieve.cgi?native_or_pdf=pdf&id_document=6518915450)). Our solution would provide the information your members claim they need to identify the "responsible" provider so that the appropriate rating (whatever that may be) can be applied and invoiced. We believe this solution is superior to requiring the calling party number ("CPN") because an increasing amount of traffic is being initiated by users and devices that do not have and do not need legacy telephone numbers and are not served by traditional carriers. In an IP-enabled world, CPN is not a reliable indicator of the "jurisdiction" of a call, nor does it necessarily indicate the "responsible" provider or party for purposes of intercarrier compensation. Also, your smaller company members would benefit from participating in this solution, since it would ultimately reduce their need for transit service from the RBOCs and complete reliance on RBOC provision of call detail from their tandems. Again, the solution is expressly intended to not prejudge or determine the proper rating of traffic, so participation would in no way require either side to change their ultimate position on those issues.

Second, and with regard to rating, FeatureGroup IP – as noted – recognizes that small and rural ILECs are different from the larger RBOCs, and this difference may justify different public policy results when it comes to intercarrier compensation. We expressly stated in our Forbearance Petition that we would accept limits on relief if the Commission makes fact findings that it then holds justify limits on the relief that is granted for policy reasons. We are hopeful that the parties could reach some agreements or at least stipulations on this topic.

Third and finally, many of the constituents of NECA companies are Rural Cooperatives. Telephone Cooperatives are a species of Group Forming Networks ("GFN") although the phrase was not then used. Sixty years ago the challenge was to band together a part of society that resided in a common geographical area to address the fact that the Bell System refused to serve them. Today the challenge is binding users who use a common technology to communicate and relate on a social and commercial basis without being burdened by artificial costs and arbitrary rules imposed by a distant multi-national corporation more interested in capturing all the economic value to the detriment of the community. While I believe it is in the best interest of all users to be able to decide whether they should be able to enjoy the benefits that new technology can bring to them without having artificial, arbitrary and transfer-price-related costs being imposed upon them, it strikes me that Rural users and Rural Cooperative users, in particular, could benefit from being able to self-identify and self-select technologies that best meet their unique needs. Your members can help their own members enjoy one of the most significant and empowering societal events that has come along in years – and it is entirely consistent with the reason cooperatives were created and what they still do today in other ways.

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Please do me the favor of distributing this letter to your "rural" and "2 percent" members and then responding to advise me whether they collectively or individually wish to meet and discuss the issues that IP Embedded Voice technology creates. My contact information is on the letterhead.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Lowell Feldman", with a long horizontal flourish extending to the right.

Lowell Feldman