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April 4, 2008

**VIA ELECTRONIC FILING**

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

**Re: Notice of *Ex Parte*: CC Nos. 01-92 and 99-68**

Dear Ms. Dortch:

I submit this notice of an *ex parte* meeting held on April 3, 2008 between Core Communications, Inc. ("Core") and Scott Bergmann, Legal Advisor to Commissioner Adelstein. Chris Van de Verg, Bret Mingo, and I attended the meeting on behalf of Core.

During the meeting, the attached documents served as the basis for discussion. Core urged the Commission to respond to the Court of Appeals for the District of Columbia Circuit's remand in *WorldCom v. FCC*, 288 F.3d 429 (D.C. Cir. 2002). Pursuant to the plain language of the Communications Act and the D.C. Circuit's *WorldCom* decision, the Commission is compelled to conclude that ISP-bound traffic is telecommunications traffic that falls within the ambit of section 251(b)(5). Core further stated that in order to address the *WorldCom* court's mandate, the Commission must, at a minimum, offer a statutory basis to support the regime the FCC established in the *ISP Remand Order*, 16 FCC Rcd 9151 (2001), nearly seven years ago. The D.C. Circuit has had no ability to review the merits of the FCC's *ISP Remand Order* regulations because the FCC has never presented a valid statutory basis for promulgating those regulations.

Sincerely,

/s/

Michael B. Hazzard  
*Counsel for Core Communications, Inc.*

Attachments

cc: Scott Bergmann (via electronic mail)