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April 23, 2008

VIA ELECTRONIC FILING

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

Re: CC Docket No. 99-68, CC Docket No. 01-92, WCB Docket No. 07-135

Dear Ms. Dortch:

On behalf of Pac-West Telecomm, Inc. ("Pac-West") and pursuant to Section 1.1206 of the Commission's Rules, 47 C.F.R. § 1.1206, this is to provide notice of an ex parte meeting in connection with the above-referenced proceedings. On April 22, 2008, Pac-West representatives Andrew Burroughs, Chief Operating Officer and Ethan Sprague, Director-Regulatory, along with the undersigned, met separately with Chris Moore, Legal Advisor to Commissioner Tate; Scott Bergmann, Senior Legal Advisor to Commissioner Adelstein; and Dana Shaffer, Chief, Wireline Competition Bureau, and Randy Clarke, Lynne Engledow, Victoria Goldberg, Marcus Maher, Deena Shetler, and Douglas Slotten, also with the Wireline Competition Bureau.

Pac-West discussed the Core Communications Mandamus Petition. It explained that the public policy concerns that prompted the Commission to adopt an interim rate plan for intercarrier compensation of ISP-bound traffic have abated. Dial-up ISP traffic has been declining and the majority of dial-up users are low-income, urban users that cannot afford to switch to broadband. Pac-West urged the Commission to respond to the court's 2002 remand by finding that ISP-bound traffic is subject to § 251(b)(5) and should be exchanged at the same rate as voice traffic.

Pac-West opposes triggers, revenue sharing prohibitions, net payor tests, or other regulations that would impose penalties on CLECs that succeed in winning market share, thereby increasing traffic on their network and realizing greater economies of scale. It would be discriminatory to place net payor tests on CLECs that want to compete with the large cable and telco conglomerates offering bundled services. These bundled offerings by dominant carriers have net payor components, but because the companies are jointly owned it does not matter which affiliate books the revenue. In order to compete with these large multi-affiliate entities, competitive carriers need to be able to partner with service providers to offer a competitive alternative. A net payor test would limit opportunities for smaller carriers and service providers and

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ultimately limit consumer choices. If the Commission determines that bright line tests are necessary, Pac-West urged the Commission to adopt narrow tests that are tailored to the perceived problem, excessive rural access rates and exorbitant traffic volumes.

Finally, Pac-West requested that the Commission close the arbitrage opportunities for wireless carriers that are sending millions of minutes to Pac-West for termination and refusing to enter into a traffic exchange agreement other than bill and keep.

Sincerely yours,

/s/ electronically signed

Tamar E. Finn

cc (by email): Chris Moore
Scott Bergmann
Dana Shaffer
Randy Clarke
Lynne Engledow
Victoria Goldberg
Marcus Maher
Deena Shetler
Douglas Slotten