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April 24, 2008

VIA ELECTRONIC FILING

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

Re: FCC Docket No. 99-68

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, Pac-West submits this ex parte for inclusion in the above referenced docket. Pac-West understands that oral argument on the Core Mandamus petition is scheduled for May 5, 2008. Pac-West respectfully requests that as the Commission considers its options, it carefully evaluate all of the record evidence concerning the classification of ISP-bound traffic. On August 25, 2004, Pac-West submitted a Response to Bell Operating Company arguments on this matter. That Response, which is attached hereto, showed that Section 251(b)(5) provides the only authority for an intercarrier compensation regime for ISP-bound traffic. In addition, as Pac-West explained in its April 21 and 22 ex partes, 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 therefore urges the Commission to respond to the court's 2002 remand by finding that ISP-bound traffic is subject to Section 251(b)(5) and should be exchanged at the same rate as voice traffic.

Sincerely yours,

/s/ electronically signed

Tamar E. Finn

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