HARRIS,
WILTSHIRE &
GRANNIS LLP

1200 18TH STREET, N.W.
WASHINGTON, D.C. 20036-2516
U.S.A.

TEL +1 202 730 1337
FAX +1 202 730 1301
WWW.HARRISWILTSHIRE.COM

ATTORNEYS AT LAW

11 July 2008

BY ELECTRONIC FILING

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

Re: Notice of Ex Parte Presentation, MD Docket No. 08-65, RM-11312—Erratum

Dear Ms. Dortch:

In filing the attached notice, the attachment to the letter—containing the Revised Joint Proposal—was inadvertently omitted. We are therefore re-filing a complete copy of the original letter with the attachment. A copy of the presentation has already been served on the relevant Commission staff.

Respectfully submitted,

Kent D. Bressie
Counsel for Level 3 Communications, LLC

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10 July 2008

BY ELECTRONIC FILING

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

Re: Notice of Ex Parte Presentation, MD Docket No. 08-65, RM-11312

Dear Ms. Dortch:

Pursuant to Section 1.1206(b) of the Commission's rules, I hereby notify the Commission of an *ex parte* presentation made in the above-referenced proceeding. On July 9, 2008, the following individuals met with Brent Greenfield, Special Counsel to Chairman Kevin Martin, to discuss matters relating to the above referenced dockets:

- William P. Hunt, III, Vice President, Public Policy, Level 3 Communications, LLC
- Michael Donahue, Senior Corporate Counsel, Level 3 Communications, LLC
- Kent Bressie, Harris Wiltshire & Grannis, on behalf of Level 3 Communications, LLC
- Rogena Harris, Senior Counsel, Tata Communications
- Todd Rahimi, General Counsel, Pacific Crossing Limited
- Martin L. Stern, K&L Gates, on behalf of Pacific Crossing Limited
- Troy Tanner, Bingham McCutchen, on behalf of Brasil Telecom of America, Inc.; Columbus Networks USA, Inc., ARCOS-1 USA, Inc., and A SUR Net; Inc.; and Hibernia Atlantic US LLC

Specifically, we discussed the attached Revised Joint Proposal, which addresses concerns expressed on the record regarding the impact of the proposed SCS Fee on smaller-capacity submarine cable systems using older technologies.

The Revised Joint Proposal is now supported by the following companies:

- Brasil Telecom
- Columbus Networks
- Global Crossing Ltd. (new supporter since filing of original Joint Proposal)
- Level 3 Communications, LLC
- Hibernia-Atlantic
- Pacific Crossing Limited
- Tata Communications (fka VSNL) (new supporter since filing of original Joint Proposal)

Should you have any questions or require further information, please contact me by telephone at +1 202 730 1337 or by e-mail at kbressie@harriswiltshire.com.

Respectfully submitted,

Kent D. Bressie
Counsel for Level 3 Communications, LLC

Attachment

cc: Brent Greenfield

REVISED JOINT PROPOSAL

1. **Create New Regulatory Fee Category for Submarine Cable Systems ("SCS Fee")**: facilities-based 214 holders would remain in the IBC fee category ("New IBC Fee").

2. **Create "Revenue Requirement" for SCS Fee**: split existing revenue requirement for existing IBC Fee ("Old IBC Fee")—$8,149,636 for FY 2008—between SCS Fee category and New IBC Fee category.

   - Use as a starting point a 50-50 split of the Old IBC Fee category, meaning that the starting point for calculating a revenue requirement for the new SCS Fee for FY 2008 would be $4,074,818.

   - Revise downward the percentage allocated to the SCS Fee category based on FCC's internal calculations of regulatory effort expended to regulate undersea cables, which have long suggested that the Commission expends less effort regulating undersea cable operators than international facilities-based common carriers.

3. **Define "Payment Unit" of New SCS Fee**: payment unit defined as submarine cable system connecting international points and for which the FCC has issued a separate cable landing license, unless the system is a small-capacity system.

   - Small-capacity systems—defined as systems with less than STM-64 of available capacity as reported in most recent FCC Circuit Status Report for calendar year ending in the current Fiscal Year—would pay at a half-unit rate, meaning that the per-system fee for small-capacity systems would be half that of the fee for high-capacity systems.

   - Consortium cables would be treated as a single licensee and the responsibility for payment of the fee would be governed by the terms of the consortium agreement.

4. **Determine SCS Fee By Dividing New Revenue Requirement by Number of Payors in SCS Fee Category**

   - Resulting per-system fee for FY 2008 would be a maximum of $121,636 for large systems and a maximum of $60,818 for small systems (these fees would be lower with any downward revision of the revenue allocation, as proposed in Part 2 above), based on 28 large systems and 11 small systems, for total of 33.5 SCS payment units.

   - SCS Fee would apply to submarine cables in commercial service as of December 31st of each year.

5. **Calculate New IBC Fee By Dividing New Revenue Requirement by Number of Active Circuits Reported in Aggregate in Circuit-Status Reports**

- Based on the 7,558,072 active circuits reported in the most recent circuit-status report, the per-circuit New IBC Fee would be $0.54 per 64 KB circuit or circuit-equivalent.

6. **Address Any Reform for Remaining IBC Fee Payors (*i.e.*, Holders of Facilities-Based International Section 214 Authorizations) in Separate Proceeding**