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17 September 2008

BY ELECTRONIC FILING

Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20054

*Re: Assessment and Collection of Regulatory Fees for Fiscal Year 2008,
MD Docket No. 08-65—Notice of Ex Parte Presentation*

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 September 16, 2008, the following individuals met with Wayne Leighton, Special Advisor to Commissioner Deborah Taylor Tate, to discuss matters relating to the above referenced docket:

- Kent Bressie, Harris Wiltshire & Grannis, on behalf of Level 3 Communications, LLC
- William P. Hunt III, Vice President, Public Policy, Level 3 Communications, LLC
- Rogena Harris, Senior Counsel, Tata Communications (US) Inc.
- Martin L. Stern, K&L Gates LLP, on behalf of Pacific Crossing Limited and PC Landing Corp.
- 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
- Joel S. Winnik, Hogan & Hartson LLP, on behalf of Marine Cable Corp.

The submarine cable operators represented in this meeting indicated their support in principal for the system-based fee proposal advanced by AT&T and Verizon in their September 2, 2008, filing with the Commission.¹ Like the revised proposal made earlier this year and

¹ See Letter from James J.R. Talbot, AT&T, and Leslie V. Owsley, Verizon, to FCC Secretary Marlene H. Dortch, MD Docket No. 08-65 (filed Sept. 2, 2008) ("AT&T-Verizon Proposal").

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supported by 12 submarine cable operators,² the new AT&T-Verizon Proposal includes at its core a system-based flat fee for submarine cable operators and a reduced system-based flat fee for older, smaller-capacity submarine cable systems. Given that there is now broad industry consensus on the need for system-based flat fees, most supporters of the Revised Joint Proposal have decided to support the AT&T-Verizon Proposal in principal as the best chance for meaningful and timely reform of regulatory fees assessed on and collected from submarine cable operators.³

The participants described the support as “support in principal” only because they continue to work with AT&T and Verizon on a summary of the consensus proposal—addressing more technical matters that were not addressed explicitly in the AT&T-Verizon Proposal—and not out of any fundamental disagreement with AT&T and Verizon. Industry representatives hope to present this summary jointly at the earliest possible opportunity so that the Commission may act within the timeframe established in the report and order.⁴

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

cc: Wayne Leighton

² See Letter from Kent D. Bressie, Harris Wiltshire & Grannis, to FCC Secretary Marlene H. Dortch, MD Docket No. 08-65 (filed July 14, 2008) (“Revised Joint Proposal”).

³ One participant did express the view that the Commission should consider whether it might want or need to revisit one aspect of the AT&T-Verizon proposal in a future proceeding, but declined to elaborate pending further industry discussions.

⁴ See *Assessment and Collection of Regulatory Fees for Fiscal Year 2008*, Report and Order and Further Notice of Proposed Rulemaking, FCC 08-182 ¶ 24 (rel. Aug 8, 2008) (stating that the Commission “intend[s] to resolve this issue within 60 days of adoption of this Order.”).