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October 21, 2008

***Via Electronic Delivery***

Ms. Marlene H. Dortch  
Federal Communications Commission  
The Portals, TW-A325  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

Re: Notice of *Ex Parte* Presentation – CC Dkt. 01-92, *Developing a Unified Intercarrier Compensation Regime*; CC Dkt. 99-68, *Intercarrier Compensation for ISP-Bound Traffic*; CC Dkt. 96-45, *Federal-State Joint Board on Universal Service*; WC Dkt. 06-122, *Universal Service Contribution Methodology*; WC Dkt. 04-36, *IP-Enabled Services*

Dear Ms. Dortch:

On Monday, October 20, 2008, Richard S. Whitt, Washington Telecom and Media Counsel, Google Inc., and Mark O'Connor and the undersigned, both of Lampert, O'Connor & Johnston, P.C., met with Scott M. Deutchman, Competition and Universal Service Legal Advisor to Commissioner Copps, to discuss the above-referenced proceedings.

During the meeting, we explained that any FCC action to reform the intercarrier compensation (“ICC”) and universal service (“USF”) systems should promote the continued growth of innovative IP applications and services, and the deployment of affordable, ubiquitous broadband for all Americans. We noted that certain ICC and USF reform proposals, if adopted, unfortunately could have the significant unintended consequences of undermining innovation and economic growth. In particular, consistent with previous filings, we noted that the FCC has repeatedly and wisely chosen a path that allows enhanced applications and services to flourish without needless regulation. We explained further that the FCC should not now reverse course by eliminating the longstanding treatment of information service providers as end users (the so-called “ESP Exemption”), and should not expand regulation to and authority over information services, and other presently unregulated IP-based software applications.

**Lampert, O'Connor & Johnston, P.C.**

**Google Inc. Ex Parte**

CC Dkts. 01-92, 99-68 and 96-45; WC Dkts. 06-122 and 04-36

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Pursuant to the Commission's rules, this notice is being filed in the above-referenced dockets for inclusion in the public record. Please contact me directly should you have any questions.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'D. Lampert', with a long horizontal flourish extending to the right.

Donna N. Lampert  
*Counsel for Google Inc.*

cc: Scott Deutchman ([Scott.Deutchman@fcc.gov](mailto:Scott.Deutchman@fcc.gov))