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October 28, 2008

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

Re: *Petition of AT&T for Interim Declaratory Ruling and Limited Waivers*, WC Docket No. 08-152; *Developing a Unified Intercarrier Compensation Regime*, CC Docket No. 01-92; *Intercarrier Compensation for ISP-Bound Traffic*, WC Docket No. 99-68; *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45,
Notice of Ex Parte contact

Dear Ms. Dortch:

On Saturday, October 25, 2008, Paul Kouroupas, Security Officer and Vice President, Regulatory Affairs, Global Crossing North America, Inc. (“Global Crossing”), together with the undersigned counsel to Global Crossing, spoke by telephone with Nicholas G. Alexander, Legal Advisor to Commissioner Robert M. McDowell to discuss Global Crossing’s position in the above-referenced proceedings.

The conversation focused on the reported proposal to classify traffic that undergoes a net protocol conversion on an end-to-end basis between Internet protocol (“IP”) and standard public switched telephone network (“PSTN”) protocols (such as time division multiplexing) as an information service under the exclusive jurisdiction of the Commission. Because Global Crossing has not seen the proposal under consideration, it is difficult or impossible to assess fully the implications and consequences of such a step. Nevertheless, Global Crossing made the following specific points:

First, Global Crossing urged the Commission not to take steps in this proceeding that increase the need to track and classify traffic by jurisdiction or type. Such action would undermine the benefits of other laudable steps being considered by the Commission that would minimize regulatory disparities in the treatment and compensation associated with today’s regulatory taxonomy of traffic types. Furthermore, such a rule would be difficult to implement, as it is often difficult to determine whether any given call will undergo a net protocol conversion on an end-to-end basis. Often, three or more carriers are involved in completing a call, and there is no reliable way today to determine the technology any carrier uses to serve a particular end user telephone number. Even the identity of the originating and terminating carriers may not

clarify the issue, because many carriers use more than one technology to serve end user customers. Verizon, for instance, serves customers using both POTS and FiOS, often within the same geographic area, and individual customers change their service from one to the other each day. Global Crossing receives traffic from a host of other carriers and it is seldom clear whether that traffic (i) originated as IP traffic, or was converted to IP at some earlier point in the transmission path; or (ii) will ultimately terminate to a customer served using POTS or IP.

Second, Global Crossing warned that a broad classification of all IP-PSTN traffic as an interstate information service could increase, rather than decrease, opportunities for carrier billing and interconnection disputes and litigation. If the Commission classifies VoIP as an interstate information service without clarifying interconnection rights and the intercarrier compensation arrangements applicable to such traffic, then the Commission will exacerbate the already interminable disputes about those matters that plague the industry today. Indeed, it would be irresponsible for the Commission to assert exclusive jurisdiction over VoIP without addressing the two most pressing concerns related to VoIP services. There are currently a myriad of petitions seeking clarification of these issues pending before the Commission,¹ and countless other court and state public utility commission proceedings where these issues are central. The Commission could largely resolve those matters by asserting exclusive jurisdiction over VoIP, affirming the rights of VoIP service providers to obtain interconnection services, and establishing the relevant prevailing reciprocal compensation rate as the default rate for termination of VoIP traffic.

Third, Global Crossing requested that the Commission take steps to ensure that any such classification does not inadvertently subject IP-PSTN traffic to increased intercarrier compensation rates. Today, the Commission has no established rate framework that applies to the exchange of interstate information service traffic. Further, local exchange carriers and VoIP providers have come to a range of results when exchanging traffic between their networks, which may turn on the precise nature of the technology involved (*e.g.* fixed or mobile VoIP), and the calls themselves. While in some cases, access charges may apply, in many others the parties have agreed on reciprocal compensation rates or even bill and keep arrangements. Global Crossing does not believe that any form of intercarrier compensation should increase as a result of the Commission's actions in this proceeding, but is concerned that such increases may result unless the Commission issues a clear prohibition on such increases, including specifically in connection with any classification of IP-PSTN traffic as an interstate information service.

¹ See, *e.g.*, Petition of AT&T Inc. for Interim Declaratory Ruling and Limited Waivers, WC Docket No. 08-152 (filed July 17, 2008); Petition of Feature Group IP for Forbearance from Section 251(g) of the Communications Act and Sections 51.701(b)(1) and 69.5(b) of the Commission's Rules, WC Docket No. 07-256 (filed Oct. 23, 2007); Petition of the Embarq Local Operating Companies for Forbearance from Enforcement of Section 69.5(a) of the Commission's Rules, Section 251(b) of the Communications Act and Commission Orders on the ESP Exemption, WC Docket No. 08-8 (filed Jan. 11, 2008).

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In general, Global Crossing urged the Commission, if it proceeds to classify all IP-PSTN traffic as an interstate information service, to do so in a way that does not open additional opportunities for arbitrage, interconnection and billing disputes, and litigation. The Commission should, at a minimum, clearly articulate and define continued carrier interconnection obligations in connection with the exchange of such traffic, the rates and rate ceilings that should apply to such traffic, and the relief available for carriers that cannot ascertain whether traffic will in fact undergo a net protocol conversion on an end to end basis.

Please contact the undersigned should you have any questions regarding this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Richard R. Cameron". The signature is fluid and cursive, with a long horizontal stroke at the end.

Richard R. Cameron

cc: Nicholas G. Alexander