



900 17th Street, NW, Suite 400, Washington, DC 20006. PH:202 296 6650. FX:202 296 7585. www.comptel

November 25, 2008

By Electronic Filing

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: *Ex Parte Notice*; WC Docket No. 03-109, 04,-36, 05-337, 06-112; CC Docket Nos. 96-45, 96-98, 99-68, 99-200 and 01-92

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's rules, COMPTEL hereby gives notice that, on November 24, 2008, Matt Salmon and Karen Reidy of COMPTEL and Pat Williams of The Cormac Group met with Commissioner McDowell and Nicholas Alexander, Legal Advisor to Commissioner McDowell. We discussed certain aspects of the Commission's Order on Remand and Report and Order and Further Notice of Proposed Rulemaking, FCC 08-262, released November 5, 2008.¹

Specifically we discussed the devastating impact too short a transition to new rates for intercarrier compensation will have on the industry and need for the Commission to take a reasoned and deliberate approach to intercarrier compensation reform. We also discussed the fact that, while the Commission can establish the methodology states use in setting intercarrier compensation rates, the Commission does not have jurisdiction to set actual intrastate rates as it proposes to do in the transition period as outline in Appendices A and C.

Additionally, we discussed the fact that the Commission does not need to classify IP/PSTN traffic in order to implement intercarrier compensation reform; that classifying

¹ Our discussion reflects the positions of a majority of COMPTEL members. Individual members may be advocating positions on some issues that are different from those stated herein.

these services as information services jeopardizes competitors' rights to obtain interconnection and unbundled elements under Section 251 of the Communications Act, as well as their rights to state commission arbitration of interconnection disputes under Section 252 of the Act; and, finally, that the classification of IP/PSTN voice services as information services is not consistent with the statutory definition of information and telecommunications services.

Please feel free to the contact me if you have any questions.

Sincerely,
/s/ Karen Reidy

cc: Nicholas Alexander