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December 18, 2008

Via Electronic Delivery

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

Re: Notice of *Ex Parte* Presentation – WC Dkt. No. 07-256,
Feature Group IP Petition for Forbearance; WC Dkt. No. 08-8,
Embarq Local Operating Companies Petition for Forbearance;
and WC Dkt. No. 08-205, *Petition of the Frontier Local Operating
Companies for Limited Forbearance*.

Dear Ms. Dortch:

On Wednesday, December 17, 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 Amy Bender, Legal Advisor to Chairman Martin to discuss the above-referenced proceedings.

During the meeting, we urged that the FCC's overarching goal should be to promote the evolution of communications services by affirming and promoting deregulated information services. We noted that while the term "IP communications" can refer to either telecommunications or information services, the FCC should reaffirm the distinction between such services and focus on ensuring low barriers and burdens for information services.

We also reiterated that current law mandates that information service providers (ISPs) are not subject to carrier access charges, citing 47 C.F.R. § 69.5(a),(b). We explained that this position represents longstanding FCC precedent that has been reaffirmed repeatedly. *See, e.g., MTS and WATS Market Structure*, MO&O, 97 F.C.C.2d 682, ¶¶ 75-80 (1983) (finding providers of enhanced services are treated as end users); 1997 *Access Charge Order*, 12 FCC Rcd. 15982 at ¶ 341 (holding ISPs should not be required to pay access charges *to originate and terminate interstate calls*); and the *AT&T IP-in-the-Middle Order*, 19 FCC Rcd. 7457, ¶ 1 (2004) (resolving whether service was an access exempt information service or a telecommunications service).

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Google Inc. Ex Parte

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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,



Donna N. Lampert
Counsel for Google Inc.

cc: Amy Bender (amy.bender@fcc.gov)