

W. Scott McCollough
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April 8, 2009

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Room TWB-204
Washington, DC 20554

Notice of *Ex Parte*

RE: *Petition of Worldcall Interconnect, Inc. for Designation as an Eligible Telecommunications Carrier in the State of New York*, CC Docket 96-45 (filed Oct. 20, 2008); Notice of *Ex Parte* Communication

Dear Ms. Dortch:

Worldcall Interconnect, Inc. (“WCX” or “the Company”) hereby gives notice that on Saturday April 4, 2009 the principal of the Company sent an email to Jennifer McKee that may require disclosure under the “permit but disclose” rules. The principal and Ms. McKee had an oral communication on Friday, April 3, 2009 concerning USF matters related to implementation of the state of Texas’ designation of WCX as an ETC for the state of Texas.¹ This conversation was not covered by the “permit but disclose” rules and disclosure was not required.

Subsequent to the phone call that dealt with Texas matters, WCX’s principal sent a follow-up email that mentioned, for the first, time, WCX’s application to the Commission for ETC designation in the state of New York. Since the Commission’s Comment Cycle Notice indicated that the application is subject to the “permit but disclose” rules,² out of an abundance of caution WCX is filing a copy of the email in question as part of a Notice of *Ex Parte* Communication.

WCX addressed governmental transparency and indicated that timely and dispositive decisions are critical to the industry in general and WCX in particular during

¹ Texas gave formal notice to the Commission and USAC of WCX’s Texas ETC designations in Docket 96-45, See,

http://gulfoss2.fcc.gov/prod/ecfs/retrieve.cgi?native_or_pdf=pdf&id_document=6520205163,
http://gulfoss2.fcc.gov/prod/ecfs/retrieve.cgi?native_or_pdf=pdf&id_document=6520205164,
http://gulfoss2.fcc.gov/prod/ecfs/retrieve.cgi?native_or_pdf=pdf&id_document=6520205165,
http://gulfoss2.fcc.gov/prod/ecfs/retrieve.cgi?native_or_pdf=pdf&id_document=6520205160,
http://gulfoss2.fcc.gov/prod/ecfs/retrieve.cgi?native_or_pdf=pdf&id_document=6520205161,
http://gulfoss2.fcc.gov/prod/ecfs/retrieve.cgi?native_or_pdf=pdf&id_document=6520205162.

² Public Notice, *Comment Sought On The Petition Of Worldcall Interconnect, Inc. For Designation As An Eligible Telecommunications Carrier In The State Of New York*, DA: 08-2638, CC Docket No. 96-45 (rel. Dec. 4, 2008).

the phone conversation and in the attached email. President Obama recently issued a directive that bears precisely on this topic.³ WCX is attaching the directive to this Notice.

Thank you for your attention to this matter.

Sincerely,

W. Scott McCollough
General Counsel

xc: Jennifer McKee

³ The directive is also available at http://www.whitehouse.gov/the_press_office/TransparencyandOpenGovernment.

From: Lowell Feldman [lowell.feldman@gmail.com]
Sent: Saturday, April 04, 2009 10:00 AM
To: 'Jennifer McKee'
Subject: Forms and WCX NY Application

Jennifer,

I was thinking about our conversation yesterday, and it occurred to me that we did not discuss the WCX NY ETC application, which was filed several months ago, clearly specifies that WCX NY will operate under the exemption and has as part of the application (Exhibit C I think) proposed submission forms to USAC. The WCX proposed LSS Form (which is part of our application) is identical to the current ILEC form used which has already received OMB approval; and the proposed form for high cost loop is what is similar to what used by NECA internally toward their member ILECs for obtaining the Study Area Cost Per Loop; and follows the detailed rules in part 32, 36 and 54 just as the ILECs do.

That application was noticed for public comment three months ago and did in fact receive public comment support from a public interest group as appropriately following and appropriately implementing the FCC's exemption for a CMRS keeping its own cost. Importantly there were no negative comments. I bring this up, because I do not see how any other "filing" or "petition" at the FCC could be more on point about requesting implementation. It has also already survived the public comment cycle.

You mentioned that there are a lot of questions being asked about implementation, but I know of no one else who has filed an application much less already having been through a comment cycle.

I would like to discuss what process might exist to get the NY application processed, and why those proposed forms would either work or not work as presented.

Let me know when you have time to discuss.

Lowell



MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Transparency and Open Government

My Administration is committed to creating an unprecedented level of openness in Government. We will work together to ensure the public trust and establish a system of transparency, public participation, and collaboration. Openness will strengthen our democracy and promote efficiency and effectiveness in Government.

Government should be transparent. Transparency promotes accountability and provides information for citizens about what their Government is doing. Information maintained by the Federal Government is a national asset. My Administration will take appropriate action, consistent with law and policy, to disclose information rapidly in forms that the public can readily find and use. Executive departments and agencies should harness new technologies to put information about their operations and decisions online and readily available to the public. Executive departments and agencies should also solicit public feedback to identify information of greatest use to the public.

Government should be participatory. Public engagement enhances the Government's effectiveness and improves the quality of its decisions. Knowledge is widely dispersed in society, and public officials benefit from having access to that dispersed knowledge. Executive departments and agencies should offer Americans increased opportunities to participate in policymaking and to provide their Government with the benefits of their collective expertise and information. Executive departments and agencies should also solicit public input on how we can increase and improve opportunities for public participation in Government.

Government should be collaborative. Collaboration actively engages Americans in the work of their Government. Executive departments and agencies should use innovative tools, methods, and systems to cooperate among themselves, across all levels of Government, and with nonprofit organizations, businesses, and individuals in the private sector. Executive departments and agencies should solicit public feedback to assess and improve their level of collaboration and to identify new opportunities for cooperation.

I direct the Chief Technology Officer, in coordination with the Director of the Office of Management and Budget (OMB) and the Administrator of General Services, to coordinate the development by appropriate executive departments and agencies, within 120 days, of recommendations for an Open Government Directive, to be issued by the Director of OMB, that instructs executive departments and agencies to take specific actions implementing the principles set forth in this memorandum. The independent agencies should comply with the Open Government Directive.

BARACK OBAMA

