

# Arent Fox

December 18, 2009

**VIA ECF**

Marlene Dortch, Secretary  
Federal Communications Commission  
445 12th St., SW  
Washington, DC 20554

**Ross A. Buntrock**

Attorney  
202.775.5734 DIRECT  
202.857.6395 FAX  
buntrock.ross@arentfox.com

**Re: Ex Parte Presentation: WC Docket No. 07-135**

Dear Ms. Dortch:

On December 17, 2009, David Erickson and Jeff Holoubek of Free Conferencing Corporation (“Free Conferencing”) and I had separate meetings with: met with Christi Shewman, Legal Advisor to Commissioner Attwell Baker, Jennifer Schneider, Legal Advisor to Commissioner Capps, and Angela Kronenberg, Legal Advisor to Commissioner Clyburn to discuss the interexchange carriers’ ongoing campaign of unlawful self-help. Free Conferencing specifically addressed AT&T’s recent *Ex Parte*<sup>1</sup> which purported to document its “expenses” to certain CLECs. Free Conferencing explained, however, that AT&T simply refuses to compensate these CLECs for terminating its customers’ traffic and therefore it is disingenuous at best to characterize unpaid bills as “expenses.” To set the record straight, Free Conferencing urged the Commission to require AT&T to file in this docket all of the information it has provided to Chairman Waxman in response to his October 14, 2009, request.<sup>2</sup>

Respectfully submitted,



Ross A. Buntrock,  
*Counsel to Free Conferencing Corporation*

---

<sup>1</sup> Letter from Brian J. Benison, Director — Federal Regulatory, AT&T Services, Inc., to Marlene Dortch, Secretary, FCC, WC Docket No. 07-135 (December 2, 2009) (“AT&T *Ex Parte*”).

<sup>2</sup> See Letter from the Honorable Henry A. Waxman, *et al.*, to Randall L. Stephenson, CEO of AT&T (October 14, 2009) (attached hereto).

HENRY A. WAXMAN, CALIFORNIA  
CHAIRMAN

JOHN D. DINGELL, MICHIGAN  
CHAIRMAN EMERITUS  
EDWARD J. MARKEY, MASSACHUSETTS  
RICK HOUCHER, VIRGINIA  
FRANK PALLONE, JR., NEW JERSEY  
BART GORDON, TENNESSEE  
BOBBY L. RUSH, ILLINOIS  
ANNA G. ESHOO, CALIFORNIA  
BART STUPAK, MICHIGAN  
ELIOT L. ENGEL, NEW YORK  
GENE GREEN, TEXAS  
DIANA DEGETTE, COLORADO  
VICE CHAIRMAN  
LOIS CAPPS, CALIFORNIA  
MIKE DOYLE, PENNSYLVANIA  
JANE HANMAN, CALIFORNIA  
JAN SCHAKOWSKY, ILLINOIS  
CHARLES A. GONZALEZ, TEXAS  
JAY INSLEE, WASHINGTON  
TAMMY BALDWIN, WISCONSIN  
MIKE ROSS, ARKANSAS  
ANTHONY D. WEINER, NEW YORK  
JIM MATHESON, UTAH  
G.K. BUTTERFIELD, NORTH CAROLINA  
CHARLIE MELANCON, LOUISIANA  
JOHN BARROW, GEORGIA  
BARON P. HILL, INDIANA  
DORIS O. MATSUI, CALIFORNIA  
DONNA CHRISTENSEN, VIRGIN ISLANDS  
KATHY CASTOR, FLORIDA  
JOHN SARBANES, MARYLAND  
CHRISTOPHER MURPHY, CONNECTICUT  
ZACHARY T. SPACE, OHIO  
JERRY MCNERNEY, CALIFORNIA  
BETTY SUITON, OHIO  
BRUCE BRALEY, IOWA  
PETER WELCH, VERMONT

JOE BARTON, TEXAS  
RANKING MEMBER

RALPH M. HALL, TEXAS  
FRED LUPTON, MICHIGAN  
CLIFF STEAHNS, FLORIDA  
NATHAN DEAL, GEORGIA  
ED WHITFIELD, KENTUCKY  
JOHN SHIMKUS, ILLINOIS  
JOHN B. SHADDEG, ARIZONA  
ROY BLUNT, MISSOURI  
STEVE BUYER, INDIANA  
GEORGE RADANOVICH, CALIFORNIA  
JOSEPH R. PITTS, PENNSYLVANIA  
MARY BONO MACK, CALIFORNIA  
GREG WALDEN, OREGON  
LEE TERRY, NEBRASKA  
MIKE ROGERS, MICHIGAN  
SUE WILKINS MYRICK, NORTH CAROLINA  
JOHN SULLIVAN, OKLAHOMA  
TIM MURPHY, PENNSYLVANIA  
MICHAEL C. BURGESS, TEXAS  
MARSHA BLACKBURN, TENNESSEE  
PHIL GINGREY, GEORGIA  
STEVE SCALISE, LOUISIANA

ONE HUNDRED ELEVENTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6115

MAJORITY (202) 225-2927  
FACSIMILE (202) 225-2525  
MINORITY (202) 225-3641

[energycommerce.house.gov](http://energycommerce.house.gov)

October 14, 2009

Mr. Randall L. Stephenson  
Chief Executive Officer  
AT&T  
208 South Akard Street  
Dallas, TX 75202

Dear Mr. Stephenson:

Recent news reports have described situations in which Internet-based voice service providers are not connecting calls to certain rural areas. According to these reports, these providers are blocking calls due to the allegedly excessive terminating access charge rates required by some rural incumbent local exchange providers (ILECs).

Several Members of Congress representing rural districts recently wrote the Federal Communications Commission (FCC) to express concern about this practice and urge an FCC investigation of Google's voice offering. These members, including several members of the Committee on Energy and Commerce, expressed concern about the impact of such practices on rural carriers and rural consumers. We share this concern about the impact of this practice on rural companies and consumers.

We believe any investigation of this matter must also examine the existing access charge regime and purported abuses of that system, including so-called "traffic pumping" schemes. According to one major carrier, these "traffic pumping schemes are designed to evade core Communications Act protections...as well as protections against the exposure of children to pornographic content."<sup>1</sup> Just last month, the Iowa Utilities Board found that eight local exchange companies had engaged in a traffic pumping scheme in which they were providing free calling services for indecent or pornographic content.<sup>2</sup> According to the Iowa Board, these companies

<sup>1</sup> Letter from James W. Cicconi to The Honorable Kevin J. Martin, (April 4, 2007).

<sup>2</sup> *Qwest Communications Corp. v. Superior Telephone Cooperative, et. al.*, Docket No. FCU-07-2 at 61 (available at <https://efs.iowa.gov/efiling/groups/external/documents/docket/023026.pdf>) (Sept. 21, 2009).

Mr. Randall L. Stephenson  
October 14, 2009  
Page 2

were attempting to increase access charge revenues by 10,000 percent. The cost of these schemes is substantial and impacts all consumers, not just those living in rural areas.

To assist the Committee on Energy and Commerce in its review of this matter, please provide answers to the following questions:

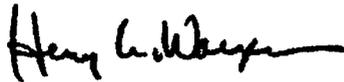
1. Is your company currently engaged in any disputes with rural ILECs or other rural carriers over the payment of terminating access charges?
  - a. If so, please describe the nature and basis of such disputes and provide the Committee with the names of those companies and the total disputed dollar amount at issue in each dispute with each company.
  - b. Please describe all steps your company has taken in these disputes. For example, is your company currently involved in litigation or regulatory proceedings related to the disputes?
2. Has your company withheld the payment of access charges relating to disagreements about the appropriate rate?
  - a. If so, when did your company begin withholding payments, how much was withheld or is being withheld, and from whom?
3. What do you estimate the actual cost of terminating traffic to be on a per minute of use basis?
4. Do you charge other carriers to terminate traffic on your network? If so, how much do you charge for terminating access on a per minute of use basis? If you charge different rates in different areas, please provide a range of charges.
5. How much do you receive annually in terminating access charges?
6. How much do you pay to others in terminating access charges?

Please provide written response to these questions by October 27, 2009. In addition, please inform Committee staff by October 19, 2009, as to whether you will provide the requested information voluntarily.

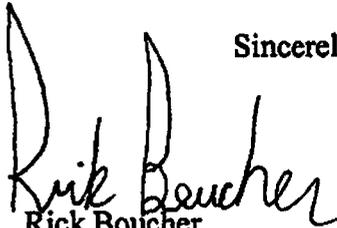
Mr. Randall L. Stephenson  
October 14, 2009  
Page 3

If you have questions regarding this request, please contact Roger Sherman or Tim Powderly of the Committee staff at (202) 226-2424.

Sincerely,



Henry A. Waxman  
Chairman



Rick Boucher  
Chairman  
Subcommittee on Communications,  
Technology, and the Internet



Bart Stupak  
Chairman  
Subcommittee on Oversight  
and Investigations

cc: The Honorable Joe Barton  
Ranking Member

The Honorable Cliff Stearns  
Ranking Member  
Subcommittee on Communications,  
Technology, and the Internet

The Honorable Greg Walden  
Ranking Member  
Subcommittee on Oversight  
and Investigations