

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the matter of)	
)	
Request for Review by)	CC Docket No. 96-45
MeetingOne.com Corp. of Decision of)	
Universal Service Administrator)	
)	
)	

**REQUEST FOR REVIEW OF UNIVERSAL SERVICE ADMINISTRATOR
DECISION**

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Pursuant to Section 54.719(c) of the Federal Communications Commission’s rules, 47 C.F.R. §54.719(c), MeetingOne.com Corp. (MeetingOne) requests review of the decision issued by the Universal Service Administration Company (USAC) on March 3, 2010, finding that MeetingOne is subject to Universal Service Fund (USF) contributions on its future revenues and is required to report, and contribute on, its revenue back to 2008.¹

I. Summary

USAC’s decision was in error for three reasons. First, MeetingOne’s service qualifies as a pure information service that is exempt from USF. MeetingOne does not transmit any information without change in its form and content – the hallmark of a telecommunications service. Its service, rather, consists exclusively of processing and reconfiguring the IP packet data that it receives.

¹ Letter from USAC, to Trent Martinet, Counsel to MeetingOne.com Corp. (Mar. 3, 2010) (hereinafter “USAC Decision”) (attached hereto as Attachment 1).

Second, unlike the service provided by InterCall, Inc. (InterCall), MeetingOne's conference bridge service does not directly touch the Public Switched Telephone Network (PSTN). It thus lacks one of the key attributes that led the Commission to subject InterCall and "similarly situated" audio conference service providers to USF contributions. USAC erred in dismissing the technological differences between the two services as irrelevant and therefore refusing to consider them. On its face, the *InterCall Order* does not cover all bridge conference services, but only those that partake of the technology that it describes. In fact, the company from which MeetingOne is buying Internet Protocol (IP) Long Distance (IPLD) and IP Toll Free (IPTF) capacity – an experienced telecommunications carrier – itself treated the underlying services provided to MeetingOne as an exempt information service – yet another difference from the service described in *InterCall*.

Finally, third, even if the Commission disagrees with MeetingOne's position on the merits, MeetingOne points to the significant uncertainty surrounding the issue in light of the technological differences between its service and InterCall's service and its reasonable reliance on these differences as equitable factors weighing in favor of excusing past non-payment. In fact, since it is unable to pass through past USF charges retroactively to its customers, a retroactive assessment threatens MeetingOne with bankruptcy. MeetingOne has filed a FCC Form 499Q (499Q) as of May 3, 2010, and requests that, at least, it not be subject to USF contributions retroactively before that time.

II. Introduction and Summary of the Facts

MeetingOne's service is a full service IP audio conferencing, training and event solutions provider. Since 1999, MeetingOne has enabled businesses and organizations

around the world to communicate with employees, members, clients, investors and third parties more effectively, despite geographic distances, using innovative IP audio conferencing, training and event technologies and services. MeetingOne's IP products and services are designed to facilitate such business activities as general business conferencing, e-learning presentations, marketing webinars, sales demonstrations, new product launches, investor relations and more.² The specific services at issue in this matter are MeetingOne's IP audio conferencing services that are exclusively provided over the Internet. These services are not dependent on the PSTN, and indeed do not touch the PSTN directly.³ The attached diagram demonstrates this point.⁴

Specifically, MeetingOne provides IP audio conferencing services to its customers solely and exclusively through the use of IP data packets. A user initiates a call by dialing the toll free number provided by a third-party telecommunications carrier with whom MeetingOne contracts for IPLD and IPTF service. The call is transmitted over the facilities of the customer's local carrier to the third-party carrier's IP gateway. The IP gateway converts the PSTN signals into digital format, breaking them down into IP data packets before sending them over the Internet to MeetingOne's network. MeetingOne then allows such IP data packets onto its network utilizing session initiation protocol (SIP) and real-time transport protocol (RTP), where they are reconfigured and processed.⁵ The packets are then carried over MeetingOne's network composed of

² See MeetingOne's website, available at www.meetingone.com/us/index.cfm.

³ Declaration of Eric Weaver at 1 (hereinafter "Weaver Declaration") (attached hereto as Attachment 2).

⁴ Diagram illustrating MeetingOne's IP audio conferencing technology (attached hereto as Attachment 3).

⁵ Weaver Declaration at 1-2.

gigabit Ethernet circuits and combined with other IP packets associated with the specific conference. The related packets are then sent back to the third-party carrier's IP gateway, which converts the packets to a PSTN analog call and terminates it with the user.⁶ In addition to participating in live conference calls, MeetingOne's customers can record their conference calls and retrieve such recordings at a later date from MeetingOne's servers.⁷

In contrast, many audio conferencing systems, such as that used by InterCall, rely on time division multiplexing (TDM) based conferencing technology, which uses existing analog circuit technology.⁸ In such systems, the conference bridge is connected to the PSTN via standard circuits, such as T1 fiber optic cables or digital signal level 3 cables (DS3). The conference bridge itself has dedicated equipment to interact with these circuit types and accepts inbound calls from, and originates outbound calls to, the PSTN with no translation performed. In systems of this type, capacity is bound by the physical circuit count and available termination points on the conference bridge, and PSTN circuits are the *only way to connect* the conference bridge to the PSTN network.⁹

Thus, unlike the service provided by InterCall, which "allows end users to transmit a call (using telephone lines), to a point specified by the user (the conference bridge), without change in the form or content of the information as sent and received

⁶ *Id.* at 2.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

(voice transmission),”¹⁰ MeetingOne’s service does not directly touch the PSTN. MeetingOne’s service is confined to altering the information it receives in the form of IP packets to combine them with other IP packets associated with the conference bridge.

A. USF Contribution Obligations

Under Section 254(d) of Title 47, telecommunications carriers are required to contribute to the USF.¹¹ The Commission also has permissive authority under Section 254(d) to require “[a]ny other provider of interstate telecommunications” to contribute.¹² In 2008, in the *InterCall Order*, the Commission found that the audio conferencing services provided by InterCall qualified as telecommunications services and were therefore subject to mandatory contribution under Section 245(d).¹³ The Commission also concluded that stand-alone audio conferencing providers “similarly situated” to InterCall constituted telecommunications and thus were required to contribute to the USF effective October 1, 2008.¹⁴

MeetingOne concluded that its service is materially different from that provided by InterCall and is likely not subject to USF contributions. This conclusion was buttressed by communications that MeetingOne had with Qwest Communications

¹⁰ *In the Matter of Request for Review by InterCall, Inc. of Decision of Universal Service Administrator*, CC Docket 96-45, Order, FCC 08-160, 23 FCC Rcd. 10731, at ¶11 (2008) (“*InterCall Order*”).

¹¹ 47 U.S.C. §254(d).

¹² *Id.* See also *Universal Service Contribution Methodology*, WC Docket Nos. 06-122 and 04-36, CC Docket Nos. 96-45, 98-171, 90-571, 92-237, 99-200, 95-116, and 98-170, Report and Order and Notice of Proposed Rulemaking, FCC 06-94, 21 FCC Rcd 7518, at ¶31 (2006) (“*Interconnected VoIP Services Order*”).

¹³ *InterCall Order* at ¶26.

¹⁴ *Id.*

(Qwest). As described in more detail below, Qwest informed MeetingOne that it treated the IPLD and IPTF services that MeetingOne resold as information services, which are exempt from USF. Nevertheless, because there could not be certainty about the matter, and to ensure compliance with the Commission's requirements, MeetingOne sought USAC's confirmation that MeetingOne was not similarly situated to InterCall and thus was not required to directly contribute to the USF.¹⁵

B. Qwest's Treatment of the Underlying Service

MeetingOne purchases IPLD and IPTF services from Qwest to carry the IP packets that Qwest converts from its IP gateway to MeetingOne's platform. In the two year period over which MeetingOne has purchased these services, Qwest has neither applied USF pass-through charges to MeetingOne nor has it requested a reseller certificate to demonstrate that MeetingOne is independently subject to USF.¹⁶

In mid-2009, MeetingOne representatives contacted Qwest to understand how Qwest characterized the IPLD and IPTF services that MeetingOne resells to provide its conferencing service. Qwest, through its agent, confirmed that it considered such services "information services" and not "telecommunications." It was for that reason that Qwest neither paid USF contributions nor requested a reseller's certificate from MeetingOne. Specifically, in an email sent to MeetingOne's then acting CFO, Ronald LaRue, on June 30, 2009, Frank Ferdowsian of idea! Communications Group, Inc., acting as an agent for Qwest, in relevant part stated:

¹⁵ Letter from Trent Martinet, Counsel to MeetingOne.com Corp., to USAC, (Oct. 15, 2009) (attached hereto as Attachment 4).

¹⁶ Weaver Declaration at 2.

IPTF services are currently considered information services, not telecommunication services; therefore FUSF does not apply. Cases where USF is currently charged for IPTF reflect problems in the current tax map. These problems are currently being addressed. Note: the legal department is currently reviewing the IP Toll Free and IP Long Distance in light of recent communications from the FCC. Results from this review may change the current treatment of these services for FUSF and State USF.¹⁷

In follow up correspondence from Mr. Ferdowsian to Mr. LaRue on July 1, 2009, Mr. Ferdowsian in relevant part stated: “Qwest is reporting that after a review of the billing for MeetingOne some of the services are non FUSF assessable.”¹⁸

On July 14, 2009, MeetingOne’s outside legal counsel participated in a conference call with Qwest’s Corporate Counsel on the subject.¹⁹ In that conversation, Qwest’s Corporate Counsel indicated that the law in this area was very unclear and, as of that time, Qwest was taking the position that its IPLD and IPTF services were information services.²⁰

C. USAC Decision

On October 5, 2009, MeetingOne sent a letter to USAC setting out these facts and requesting confirmation that MeetingOne was not subject to USF contributions.²¹ On March 3, 2010, USAC responded rejecting MeetingOne’s arguments and concluding that MeetingOne’s service was subject to USF. USAC found that “[b]ecause of the

¹⁷ Email from Frank Ferdowsian to Ronald LaRue (June 30, 2009) (attached hereto as Attachment 5).

¹⁸ Email from Frank Ferdowsian to Ronald LaRue (July 1, 2009) (attached hereto as Attachment 6).

¹⁹ Declaration of Trent Martinet (hereinafter Martinet Declaration) (attached hereto as Attachment 7).

²⁰ *Id.*

²¹ *See* Attachment 4.

similarities to InterCall’s audio bridging service and to interconnected VoIP services . . . MeetingOne is also obligated to contribute to USF.”²² With respect to the technological differences between the services, USAC stated that it could not “make a determination as to whether the technology used by MeetingOne is different from that used by InterCall,” but “the technology used [did] not affect MeetingOne’s USF reporting and contribution obligations.”²³ USAC went on to find “MeetingOne’s service to be more similar to AT&T’s service because MeetingOne offers ‘voice transmission with no net protocol conversion, rather than information services such as access to stored files.’”²⁴

MeetingOne has a direct interest in this matter because, under USAC’s decision, it will be liable (both on a retroactive and on a going-forward basis) for USF contributions on its IP audio conferencing services. Moreover, any retroactive liability for USF contributions on MeetingOne’s IP audio conferencing services will place a substantial financial hardship on MeetingOne, potentially forcing it into bankruptcy, since any amounts owed retroactively to the USF cannot be passed along to MeetingOne’s customers.

III. Questions Presented for Review

1. Is MeetingOne’s IP audio conferencing service a mere information service?
2. Is MeetingOne’s service materially different from, rather than similarly situated to, InterCall’s service, and did USAC err in not considering the technological differences between the services?

²² USAC Decision at 3.

²³ *Id.*

²⁴ *Id.* at 4.

3. Is MeetingOne subject to retroactive USF contributions in light of the reasonable uncertainty over the status of its IP audio conferencing service and the devastating burden of a retroactive assessment?

IV. Relief Sought

MeetingOne prays that the Commission:

1. Declare that MeetingOne’s service is not subject to USF contribution obligations.
2. Alternatively, declare, in light of the significant uncertainty surrounding the issue, that MeetingOne owes USF only prospectively, starting with its May 3, 2010 499Q filing.

V. Argument

- A. MeetingOne’s IP Conferencing Service, which Does Not Directly Touch the PSTN or Directly Use Telephone Lines, Should not be Subject to USF Contribution

MeetingOne’s IP audio conferencing technology, which does not directly touch the PSTN or even use telephone lines, should not be subject to USF contribution under the *InterCall Order*, the *AT&T IP-in-the-Middle Order*²⁵ or the *Interconnected VoIP Services Order* because the service it provides and the technology it uses are significantly different from that previously evaluated by the Commission.

1. *MeetingOne Provides a Pure Information Service*

MeetingOne is not a telecommunications carrier because it provides a pure information service.²⁶ As shown above, in no case does MeetingOne engage in the

²⁵ *In the Matter of Petition for Declaratory Ruling that AT&T’s Phone-to-Phone IP Telephony Services are Exempt from Access Charges*, WC Docket 02-361, Order, FCC 04-97, 19 FCC Rcd. 7457, at ¶1 (2004) (“*AT&T IP-in-the-Middle Order*”).

²⁶ An “information service” is defined as “the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications, and includes electronic publishing, but does not include any use of any such capability for the management, control, or operation of a telecommunications system or the management of a telecommunications service.” 47 U.S.C. §153(20).

transmission of communications without change in its form and content. Rather, MeetingOne relies on third-party carriers to receive a user's call at the carrier's IP gateway where it is converted to an IP packet. The third-party carrier then sends the IP packet to MeetingOne over the Internet, where MeetingOne accepts the packet on its network, reconfigures it, processes it and combines it with other packets associated with that conference.²⁷ In addition, MeetingOne provides users the ability to record their conference calls and retrieve them for review at a future time²⁸ – a feature that is prominently advertised as part of MeetingOne's service.²⁹ This means that MeetingOne is not subject to USF contributions under the Commission's mandatory authority.³⁰

Indeed, this also means that MeetingOne could not be made subject to USF contributions under the Commission's permissive authority set out in Section 254(d).³¹ That authority extends to “[a]ny other provider of interstate telecommunications,”³² which includes entities that provide “the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.”³³ As explained above, this is not what

²⁷ Weaver Declaration at 2.

²⁸ See *Regulation of Prepaid Calling Card Services*, Declaratory Ruling and Report and Order, 21 FCC Rcd. 7290, ¶¶14-15 (2006) (citing *National Cable & Telecomm. Ass'n. v. Brand X Internet Services*, 125 S. Ct. 2688, 2704 (2005)) (finding that there must be functional integration between the information service features and the telecommunications service).

²⁹ MeetingOne's website describing the features of its audio conferencing service lists “recording” as the first feature. See www.meetingone.com/us/Products/audioConferencing.cfm.

³⁰ 47 U.S.C. §254(d).

³¹ *Id.*

³² 47 U.S.C. §254(d).

³³ 47 U.S.C. §153(43). See also *Interconnected VoIP Services Order* at ¶38.

MeetingOne does. Thus, USAC was wrong in stating that “MeetingOne does not offer its customers the ability to transform, process, store and retrieve information.”³⁴

2. *MeetingOne’s Service is Materially Different from, rather than Similarly Situated to, InterCall’s Service*

In explaining InterCall’s audio conferencing technology at issue, the Commission in the *InterCall Order* stated:

InterCall’s service allows end users to transmit a call (using telephone lines), to a point specified by the user (the conference bridge), without change in the form or content of the information as sent and received (voice transmission). The existence of a bridge that users dial into does not alter this classification. Rather, the purpose and function of the bridge is simply to facilitate the routing of ordinary telephone calls. As the Commission has previously determined in performing similar analysis, this results in ‘no more than the creation of the transmission channel chosen by the customer.’³⁵

MeetingOne’s IP audio conferencing technology is distinct from that employed by InterCall because its service does not use or depend on, and does not directly touch, the PSTN, whether by T1, DS3, or any other traditional PSTN circuit. Instead, MeetingOne treats all inbound and outbound calls as IP data packets utilizing SIP and RTP.³⁶ Specifically, MeetingOne’s IP audio conferencing technology uses only gigabit Ethernet circuits. MeetingOne receives inbound calls at the end of the circuits in IP packet form, reconfigures them, processes them and, still in IP form, sends them to a peer system. It is at that point that they are converted to a PSTN analog call by a third-party carrier and delivered to their final destination.³⁷ By contrast, the TDM-based conferencing

³⁴ USAC Decision at 3.

³⁵ *InterCall Order* at ¶11.

³⁶ Weaver Declaration at 1-2.

³⁷ *Id.* at 1-2.

technology employed by InterCall is an *extension of the existing* PSTN in that it receives calls directly from the PSTN via standard T1 and DS3 circuits with *no translation* performed.³⁸

USAC, in its decision, failed to recognize the relevance of these technological differences. Specifically, USAC stated: “USAC cannot make a determination as to whether the technology used by MeetingOne is different from that used by InterCall. However, the technology used does not affect MeetingOne’s USF reporting and contribution obligations.”³⁹ In USAC’s view:

The FCC did not indicate that its decision in the *InterCall Order* only applied to audio bridging service providers that used traditional telephone lines. The focus is on the ‘routing of ordinary telephone calls’ and that [sic] ‘the transmission be routed between or among points specified by the user.’ Thus, because MeetingOne is routing ordinary telephone calls the method it uses to route the calls does not exempt it from USF contribution obligations.⁴⁰

The technology employed by InterCall, however, was crucial to the Commission’s decision. To repeat the *InterCall Order’s* words, “InterCall’s service allows end users to transmit a call (using telephone lines), to a point specified by the user (the conference bridge), without change in the form or content of the information as sent and received (voice transmission).”⁴¹

Moreover, the Commission circumscribed the scope of its action in *InterCall* by making clear that not all audio conference providers are necessarily subject to USF. Instead, the Commission imposed USF obligations only on “similarly-situated providers,

³⁸ *Id.* at 2.

³⁹ USAC Decision at 3.

⁴⁰ *Id.* at 3 (citing *InterCall Order* at ¶¶11, 20).

⁴¹ *InterCall Order* at ¶11.

i.e., stand-alone teleconferencing providers as well as integrated teleconferencing providers”⁴² USAC’s decision ignores that limitation, however. If “routing calls” were the correct criterion, as USAC would have it, all conference bridge providers would automatically be subject to USF, whether similarly situated to InterCall or not.

Additionally, in rendering its decision, USAC relied on the fact that MeetingOne’s IP audio conferencing service includes as a feature personal toll free numbers.⁴³ Specifically, in its decision, USAC stated:

MeetingOne states that its service does not use ‘traditional PSTN analog to provide its IP conferencing services.’ However, information about MeetingOne’s audio conferencing service on its website includes as a feature of its service ‘personal toll free numbers.’ Therefore, it appears that the PSTN is a necessary component of MeetingOne’s service.⁴⁴

Based on this information regarding personal toll free numbers obtained from MeetingOne’s website, USAC concluded that “. . . MeetingOne’s service is similar in that respect to the service provided by InterCall, Inc. in that the technology ‘simply [facilitates] the routing of ordinary telephone calls.’”⁴⁵

Although MeetingOne’s IP audio conferencing service utilizes personal toll free numbers provided by the third-party carrier as part of the IPLD and IPTF services that MeetingOne resells, such numbers are not a “necessary” element of MeetingOne’s IP audio conferencing service, as USAC incorrectly asserted.⁴⁶ MeetingOne’s network is

⁴² *Id.* at ¶26.

⁴³ USAC Decision at 2.

⁴⁴ USAC Decision at 2 (emphasis added) (citing MeetingOne Audio Conferencing, <http://www.meetingone.com/us/Products/audioConferencing.cfm>).

⁴⁵ *Id.*

⁴⁶ USAC Decision at 2.

capable of interacting directly with a user's on site IP-capable phone system, which will transfer IP data packets directly to MeetingOne's platform without transmitting any portion of the information over the PSTN. Moreover, while MeetingOne has not yet made such service available to individual computer users, MeetingOne's network is also capable of interacting directly with a user's computer or computer-based soft phone.⁴⁷ In other words, the PSTN is not a "necessary" component of MeetingOne's IP audio conferencing technology. Rather, it is the current means by which MeetingOne receives IP data packets. In contrast, the technology of InterCall and other audio conferencing service providers is totally dependent on the PSTN and services of the telecommunications providers. Moreover, to parlay the use of telephone numbers as the shibboleth of common carriage would be tantamount to treating a hotel as a common carrier because it procures numbers on behalf of its clients.

3. *MeetingOne's Service is not a PSTN-IP-PSTN Service of the Kind Covered by the AT&T IP-in-the-Middle Order*

For similar reasons, MeetingOne's service is also distinct from that contemplated in the *AT&T IP-in-the-Middle Order* because, unlike AT&T, MeetingOne relies on other carriers to convert customer calls to IP packets, which MeetingOne then picks up from the IP gateway. In the same vein, MeetingOne does not convert an IP packet into an analog call for final termination. Rather it hands the IP packet back to the gateway where another carrier converts and terminates the analog call. In the *AT&T IP-in-the-Middle Order*, the Commission stated:

We emphasize that our decision is limited to the type of service described by AT&T in this proceeding, i.e., an interexchange service that: (1) uses ordinary

⁴⁷ Weaver Declaration at 2.

customer premises equipment (CPE) with no enhanced functionality; (2) originates and terminates on the PSTN; and (3) undergoes no net protocol conversion and provides no enhanced functionality to end users due to the provider's use of IP technology.⁴⁸

Under USAC's interpretation, however:

the FCC determined that AT&T's service was a telecommunications service because any protocol conversions associated with the service were considered 'interworking' conversions . . . [and] that USAC understands MeetingOne's service to be more similar to AT&T's service because MeetingOne offers 'voice transmission with no net protocol conversion, rather than information services such as access to stored files.'⁴⁹

This statement ignores the fact that MeetingOne's service does not share at least two of the three elements of the service described by the Commission in *AT&T*. What MeetingOne does cannot be described as the zero sum "interworking" conversion the Commission discussed in *AT&T*. It does not originate or terminate on the PSTN, and it does provide significant enhanced technology to end users. Crucially, MeetingOne's service significantly alters the signal once it is received. Specifically, the individual customer's signal is combined with other caller signals in the audio conference and then sent back out to the IP gateway.⁵⁰ Finally, MeetingOne's IP audio conferencing service offers its customers the ability to record their conference calls and retrieve such recordings at a later date from MeetingOne's servers.⁵¹

4. *MeetingOne Does not Provide an Interconnected VoIP Service*

Similarly, MeetingOne's IP audio conferencing service is distinct from those offered by interconnected VoIP providers, *i.e.* those that "(1) enable real-time, two-way

⁴⁸ *AT&T IP-in-the-Middle Order* at ¶1.

⁴⁹ USAC Decision at 3 citing *AT&T IP-in-the-Middle Order* at ¶12.

⁵⁰ *Id.* at 2.

⁵¹ *Id.*

voice communications; (2) require a broadband connection from the user's location; (3) require IP-compatible customer premises equipment; and (4) permit users to receive calls from and terminate calls to the PSTN.”⁵² For instance, MeetingOne's IP audio conferencing service does not require a broadband connection from any customer location, and MeetingOne's IP audio conferencing service does not directly connect customers to the PSTN. Accordingly, MeetingOne's IP audio conferencing technology cannot be compared to the technology utilized by interconnected VoIP providers.

B. USAC Erred in Dismissing Qwest's Treatment of the Underlying Service as Irrelevant

In its decision, USAC failed to consider the fact that MeetingOne's underlying carrier, Qwest, had treated the services MeetingOne was reselling as information services. As noted above, during the two years MeetingOne has resold Qwest's IPLD and IPTF services with its audio conferencing service, Qwest has not charged USF-related fees to MeetingOne and has not requested a reseller's certificate from MeetingOne.⁵³ Nonetheless, USAC downplayed these facts in its decision by stating:

MeetingOne states that its underlying carrier does not charge it USF fees because the carrier classifies MeetingOne's services as information services and has not been passing through USF fees. Whether or not this is the case, is not dispositive to whether MeetingOne has USF reporting and contribution obligations.⁵⁴

USAC's dismissal of these facts as irrelevant ignores the Commission's prior statements in the *InterCall Order*. In that order, the Commission stated:

⁵² *Interconnected VoIP Order* at 15. See also 47 C.F.R. §9.3.

⁵³ See Weaver Declaration at 2.

⁵⁴ USAC Decision at 5.

The record in this proceeding demonstrates an industry-wide understanding and practice of stand-alone audio bridging providers indirectly contributing to the USF through universal service contributions assessed on them by their underlying providers . . . The record, moreover, reflects that wholesale providers of services to stand-alone audio bridging service providers have treated these providers as end users and have assessed universal service contribution fees on them on this basis.⁵⁵

The Commission relied on this finding to conclude that there was a lack of clarity as to whether stand-alone audio conferencing providers, such as InterCall, were required to contribute directly to USF.⁵⁶ But, unlike the traditional audio bridging providers that were found to be subject to the *InterCall Order*, MeetingOne was not subjected to USF charges by its underlying carrier.

USAC also acted outside its authority when rendering its decision against MeetingOne. Specifically, Section 54.702(c) provides that:

[t]he Administrator may not make policy, interpret unclear provisions of the statute or rules, or interpret the intent of Congress. When the Act or the Commission's rules are unclear, or do not address a particular situation, the Administrator shall seek guidance from the Commission.⁵⁷

Given the ambiguity over whether MeetingOne was in fact similarly situated to InterCall, AT&T or any other similar provider, coupled with the fact that MeetingOne's telecommunications provider, Qwest, did not treat the underlying IPLD and IPTF services as telecommunications services subject to USF-related fees, USAC should have done just that – requested guidance from the Commission.⁵⁸

⁵⁵ See *InterCall Order* at ¶¶8, 23.

⁵⁶ *Id.*

⁵⁷ 47 C.F.R. §54.702(c).

⁵⁸ *Id.*

C. Even if the Commission Determines MeetingOne’s IP Audio Conferencing Service is Subject to USF, MeetingOne Should not be Required to Pay Retroactive USF Contributions because it was Reasonable in Concluding it was not Subject to USF and Would Have to Bear a Devastating Burden

Even if the Commission concludes that MeetingOne’s IP audio conferencing service is subject to USF, MeetingOne should not be subject to retroactive contributions because MeetingOne reasonably determined in good faith that it was not a stand-alone audio bridging service, as defined in the *InterCall Order*, and it reasonably relied on Qwest’s treatment of the underlying services (*i.e.*, IPLD and IPTF) provided to MeetingOne. In the *InterCall Order* itself the Commission concluded: “[i]n part because of the lack of clarity regarding the direct contribution obligations of stand-alone audio bridging service providers that these actions may have created, we find that prospective application of our decision is warranted.”⁵⁹ For an entity such as MeetingOne, whose technology is different from InterCall’s in significant respects, this uncertainty has persisted.

Since the date of and in accordance with USAC’s decision, MeetingOne has tracked its services and assessed USF fees to its customers for its IP audio conferencing services and the underlying IPLD and IPTF that MeetingOne resells to its customers. Furthermore, as of the date of the submission of this appeal to the Commission, MeetingOne has filed its first quarterly 499Q report.

Accordingly, owing to the unique circumstances surrounding MeetingOne’s reasonable confusion as to whether it was subject to USF contributions and its ultimate good faith determination that it was not subject to USF before seeking confirmation of

⁵⁹ *InterCall Order* at ¶24.

ATTACHMENT 1



Administrator's Decision on Contributor Issue

Via Electronic and Certified Mail

March 3, 2010

Mr. Trent Martinet
Davis Graham & Stubbs LLP
1550 Seventeenth Street
Suite 500
Denver, Co 80202

Re: MeetingOne.com Corp.
Universal Service Fund Reporting and Contribution Obligations

Dear Mr. Martinet:

The Universal Service Administrative Company (USAC) has reviewed your letter, dated October 15, 2009, within which you explain, and request confirmation of, your understanding as to why you believe your client MeetingOne.com Corp. (MeetingOne) does not have a direct Universal Service Fund (USF) contribution obligation and thus is not required to file the FCC Form 499. As discussed in more detail below, based on the information provided and the FCC's rules and orders, USAC has determined that the services offered by MeetingOne are subject to USF reporting and contribution obligations.

Background

On June 30, 2008, the FCC issued a decision determining that "stand-alone providers of audio bridging services have a direct Universal Service Fund (USF) contribution obligation."¹ In the order, InterCall and other standalone conferencing providers were directed to begin contributing to the USF as of the fourth quarter 2008.² On July 17, 2008, the FCC issued a public notice reiterating that InterCall and other stand-alone or integrated audio bridging service providers must begin filing their FCC Forms 499 beginning with the FCC Form 499-Q due August 1, 2008.³

¹ *In the Matter of Request for Review by InterCall, Inc. of Decision of Universal Service Administrator*, CC Docket 96-45, Order, FCC 08-160, 23 FCC Rcd 10731, ¶ 23 (2008) (*InterCall Order*).

² *Id.*, ¶ 24.

³ *Audio Bridging Service Providers to Begin Filing FCC Form 499-Q on Aug. 1, 2008*, Public Notice, DA 08-1689, 23 FCC Rcd 11043 (2008).

In your letter, you request confirmation of your understanding that MeetingOne does not have a USF contribution obligation because it provides Internet Protocol (IP) conferencing services to its customers exclusively through the use of IP data packets. You state that you understand the requirements of the *InterCall Order* to apply to audio bridging services that use the Public Switched Telephone Network (PSTN) to provide conferencing services. In MeetingOne's service a telecommunications provider converts PSTN signals into IP data packets before sending them over the Internet to MeetingOne.⁴ MeetingOne then performs the conferencing services. You state that because MeetingOne does not use the PSTN to send analog signals to provide its IP conferencing services, it is your understanding that MeetingOne is not subject to USF.

Discussion

MeetingOne argues that its services are not subject to USF contribution obligations because IP conferencing services do not fall under the definition of "telecommunications." Telecommunications is defined as the "transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received."⁵ The FCC determined InterCall's audio bridging service was telecommunications because it allowed end users to "transmit a call (using telephone lines) to a point specified by the user (the conference bridge) without changing the form or content of the information as sent and received (voice transmission)."⁶

MeetingOne states that its service does not use "traditional PSTN analog to provide its IP conferencing services."⁷ However, information about MeetingOne's audio conferencing service on its website includes as a feature of its service "personal toll free numbers."⁸ Therefore it appears that the PSTN is a necessary component of MeetingOne's service. Thus, MeetingOne's service is similar in that respect to the service provided by InterCall Inc. in that the technology "simply [facilitates] the routing of ordinary telephone calls."⁹ As described in the InterCall Order the act of bringing multiple calls together results in no more than the creation of a transmission channel chosen by the customer.¹⁰ MeetingOne is providing a voice transmission service. Because of its similarities to InterCall's audio bridging service and to interconnected VoIP services,¹¹ both of which

⁴ Martinet October 15 Letter, 1

⁵ 47 U.S.C. § 153(43).

⁶ *InterCall Order*, ¶ 11.

⁷ Martinet October 15 Letter, 1.

⁸ See MeetingOne Audio Conferencing, <http://www.meetingone.com/us/Products/audioConferencing.cfm>.

⁹ *Id.*

¹⁰ *InterCall Order*, ¶ 11.

¹¹ *Universal Service Contribution Methodology*, WC Docket Nos. 06-122 and 04-36, CC Docket Nos. 96-45, 98-171, 90-571, 92-237, 99-200, 95-116, and 98-170, Report and Order and Notice of Proposed Rulemaking, FCC 06-94, 21 FCC Rcd 7518, ¶ 36 (2006) ("interconnected VoIP services" are defined as services that "(1) enable real-time, two-way voice communications; (2) required a broadband connection from the user's location; (3) require IP-compatible customer premises equipment; and (4) permit users to receive calls from *and* terminate calls to the PSTN. We emphasize that interconnected VoIP service offers

are subject to USF contribution obligations, USAC finds that MeetingOne is also obligated to contribute to the USF.

MeetingOne argues that because the form of transmission for its IP conferencing service is a different technology from the one described in the *InterCall Order*, it is not subject to the requirements of that order. USAC cannot make a determination as to whether the technology used by MeetingOne is different from that used by InterCall. However, the technology used does not affect MeetingOne's USF reporting and contribution obligations. In the *InterCall Order*, the FCC does not specify any particular technology or protocol. The FCC focuses on the transmission of a call to a point specified by the user without changing the content of the call.¹² The FCC did not indicate that its decision in the *InterCall Order* only applied to audio bridging service providers that used traditional telephone lines. The focus is on the "routing of ordinary telephone calls"¹³ and that "the transmission be routed 'between or among points specified by the user.'"¹⁴ Thus, because MeetingOne is routing ordinary telephone calls the method it uses to route the calls does not exempt it from USF contribution obligations.

MeetingOne also argues that the FCC's decision in the *AT&T IP-in-the-Middle Order*¹⁵ is not applicable to MeetingOne because MeetingOne is not similarly situated to AT&T. In that order, the FCC determined that AT&T's phone-to-phone IP telephony was a telecommunications service subject to access charges.¹⁶ The *IP-in-the-Middle Order* stated that AT&T's service was a telecommunications service because the end-user "(1) uses ordinary customer premises equipment (CPE) with no enhanced functionality; (2) originates and terminates on the public switched telephone network (PSTN); and (3) undergoes no net protocol conversion and provides no enhanced functionality to end users due to the provider's use of IP technology."¹⁷ Additionally, the FCC determined that AT&T's service was a telecommunications service because any protocol conversions associated with the service were considered "interworking" conversions.¹⁸

the *capability* for users to receive calls from and terminate calls to the PSTN; the obligations we establish apply to all VoIP communications made using an interconnected VoIP service even those that do not involve the PSTN.").

¹² *InterCall Order*, ¶ 11.

¹³ *Id.*

¹⁴ *Id.*, ¶ 20.

¹⁵ *In the Matter of Petition for Declaratory Ruling that AT&T's Phone-to-Phone IP Telephony Services are Exempt from Access Charges*, WC Docket 02-361, Order, FCC 04-97, 19 FCC Rcd 7457 (2004) (*AT&T IP-in-the-Middle Order*).

¹⁶ Because the USF obligation is assessed on access charges, whether or not access charges apply is relevant to this discussion. "We are also mindful . . . of the obligation to preserve and advance universal service, a policy goal that remains intertwined with the interstate and intrastate access charge regime."

AT&T IP-in-the-Middle Order, ¶ 14

¹⁷ *Id.* ¶ 1.

¹⁸ *Id.* ¶ 12.

MeetingOne asserts its service is not an IP-in-the-middle service like AT&T's service because MeetingOne's conferencing service utilizes IP data packets and does not transform the packets at anytime during the transmission.

USAC understands MeetingOne's service to be more similar to AT&T's service because MeetingOne offers "voice transmission with no net protocol conversion, rather than information services such as access to stored files."¹⁹ Additionally, like AT&T, MeetingOne does not offer its customers the ability to transform, process, store and retrieve information.²⁰ Thus, MeetingOne is not offering an information service but a telecommunications service.

Finally, MeetingOne states that its underlying carrier does not charge it USF fees because the carrier classifies MeetingOne's services as information services and has not been passing through USF fees. Whether or not this is the case, is not dispositive to whether MeetingOne has USF reporting and contribution obligations.

Conclusion

For the aforementioned reasons, MeetingOne is subject to FCC rule section 54.706(a),²¹ and thus has USF reporting and contribution obligations. USAC denies MeetingOne's request that its contribution obligations be on a going forward basis without penalties or interest. USF contributions are mandated by federal statute and the FCC's rules.²² USAC does not have the authority to waive contribution requirements.²³ Similarly, penalties and interest associated with late filed Form 499s are also required by the FCC's rules.²⁴ USAC does not have authority to waive these penalties. USAC requests that MeetingOne submit 2008 and 2009 FCC Form 499-As and the FCC Form 499-Qs for November 2008, February 2009, May 2009, August 2009 and November 2009 and subsequent quarterly forms, within 60 days of the receipt of this letter. Failure to do so within this timeframe will result in a violation of 47 C.F.R. § 54.711(a), thereby making MeetingOne subject to the provisions of 47 C.F.R. 54.713.

If MeetingOne wishes to appeal this decision, an appeal may be filed with the FCC. Detailed instructions for filing appeals are available at:

¹⁹ *Id.*

²⁰ *Id.*

²¹ 47 C.F.R. § 54.706(a) ("Entities that provide interstate telecommunications to the public or to such classes of users as to be effectively available to the public, for a fee will be considered telecommunications carriers providing interstate telecommunications services and must contribute to the [USF]." *See also*, 47 C.F.R § 54.711(a) ("Contributions [to the USF] shall be calculated and filed in accordance with the Telecommunications Reporting Worksheet which shall be published in the Federal Register. The Telecommunications Reporting Worksheet sets forth the information that the contributor must submit to [USAC] on a quarterly and annual basis."))

²² *See* Communications Act of 1934, as amended, 47 U.S.C §§ 151 *et. seq.* and 47 C.F.R. § 54.706.

²³ *See* 47 C.F.R. § 54.702(b).

²⁴ 47 C.F.R. § 54.713.

Mr. Trent Martinet
Davis Graham & Stubbs LLP
March 3, 2010
Page 5 of 5

<http://www.universalservice.org/fund-administration/contributors/file-appeal>

Sincerely,

USAC

cc: Vicki Robinson, FCC Wireline Competition Bureau
Regina Dorsey, FCC Office of Managing Director
Hillary DeNigro, FCC Enforcement Bureau
Trent Harkrader, FCC Enforcement Bureau

ATTACHMENT 2

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

_____)	
In the matter of)	
)	
Request for Review by)	CC Docket No. 96-45
MeetingOne.com Corp. of Decision of)	
Universal Service Administrator)	<u>Declaration of Eric Weaver</u>
)	
_____)	

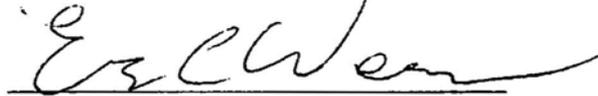
I, Eric Weaver, state as follows:

1. I am the VP of Technology & Operations of MeetingOne.com Corp. (MeetingOne).
2. This Declaration is made in support of MeetingOne's Request for Review of the Decision of Universal Service Administrator.
3. MeetingOne is an Internet Protocol (IP) based full service audio conferencing, training and event solutions provider.
4. MeetingOne's IP-based audio conferencing services are not dependent on the Public Switched Telephone Network (PSTN), and such services do not touch the PSTN.
5. MeetingOne provides IP audio conferencing services to its customers solely and exclusively through the use of IP data packets. Specifically.
 - 5a. A user initiates a call by dialing the toll free number provided by a third-party telecommunications carrier with whom MeetingOne contracts for IP Long Distance (IPLD) and IP Toll Free (IPTF) service.
 - 5b. The call is transmitted over the facilities of the customer's local carrier to the third-party carrier's IP gateway.
 - 5c. The IP gateway converts the PSTN signals into digital format, breaking them down into IP data packets before sending them over the Internet to MeetingOne's network.
 - 5d. MeetingOne then allows such IP data packets onto its network utilizing session initiation protocol (SIP) and real-time transport protocol (RTP), where they are reconfigured and processed.

- 5e. The packets are then carried over MeetingOne's network composed of gigabit Ethernet circuits and combined with other IP packets associated with the specific conference.
- 5f. The related packets are then sent back to the third-party carrier's IP gateway, which converts the packets to a PSTN analog call and terminates it with the user.
6. In addition to participating in live conference calls, MeetingOne's customers have the capability to record their conference calls and retrieve such recordings at a later date from MeetingOne's servers.
7. MeetingOne's network is capable of interacting directly with a user's on site IP capable phone system, which will transfer IP data packets directly to MeetingOne's platform without transmitting any portion of the information over the PSTN.
8. While MeetingOne has not yet made such service available to individual computer users, MeetingOne's network is also capable of interacting directly with a user's computer or computer-based soft phone.
9. Since prior to October 2008, MeetingOne has purchased IPLD and IPTF services from Qwest. These services include the toll free numbers customers call to initiate a conference, Qwest's conversion of the PSTN analog calls to IP packets and the transmission of those packets from its IP gateway to MeetingOne's facilities.
10. During the two year period in which MeetingOne has purchased the IPLD and IPTF services, Qwest has neither applied USF pass-through charges to MeetingOne nor has it requested a reseller certificate to demonstrate that MeetingOne is independently subject to the USF.
11. Other audio conferencing providers' systems, such as that used by InterCall, Inc. (InterCall), rely on time division multiplexing (TDM) based conferencing technology, which use existing analog circuit technology.
12. In other audio conferencing providers' systems, such as that used by InterCall:
- 12a. The conference bridge is connected to the PSTN via standard circuits, such as T1 fiber optic cables or digital signal level 3 cables (DS3).
- 12b. The conference bridge itself has dedicated equipment to interact with these circuit types and accepts inbound calls from, and originates outbound calls to, the PSTN with no translation performed.
- 12c. Capacity is bound by the physical circuit count and available termination points on the conference bridge, and PSTN circuits are the only way to connect the conference bridge to the PSTN network.

I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge, information and belief.

Executed on this 3rd day of May, 2010.

A handwritten signature in black ink, appearing to read "Eric Weaver", written over a horizontal line.

Eric Weaver, VP Technology & Operations

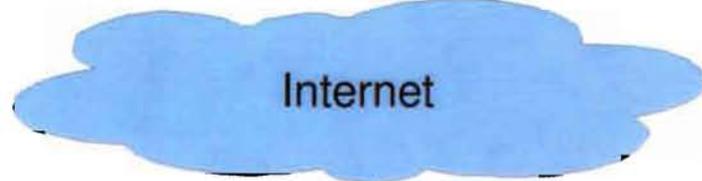
ATTACHMENT 3



Public Switched Telephone Network (PSTN)

◀ ▶ Analog
◀ ▶ IP Traffic (data)

Carrier (QWest)



MeetingOne Internet Firewall

SIP Proxy

AudioMixer

Bridge Control



ATTACHMENT 4



D a v i s G r a h a m & S t u b b s L L P

October 15, 2009

Sent via facsimile and U.S. mail

Fred Theobold
Universal Service Administrative Company
2000 L Street, N.W., Suite 200
Washington, D.C. 20036
FAX: (202) 776-0080

Dear Mr. Theobold:

Our firm is outside legal counsel to MeetingOne.com Corp (“MeetingOne”). Since MeetingOne was made aware of the Intercall Order (detailed below) a few months ago, our firm has been counseling MeetingOne regarding the Universal Service Fund (“USF”) and its associated direct contribution obligations on telecommunications services providers. Based on our interpretation of the law over the past few months governing the USF and its direct contribution obligations, we advised MeetingOne that it probably does not have direct contribution obligations to the USF, but we cannot be certain since the applicable law in this area is ambiguous in certain respects. Accordingly, since we are not aware of any clarifying orders the Federal Communications Commission (“FCC”) plans to issue in the near future, MeetingOne asked us to voluntarily contact the Universal Service Administrative Company (“USAC”) to obtain USAC’s opinion regarding our firm’s analysis and conclusion.

For your information, MeetingOne is an Internet conferencing provider. MeetingOne provides Internet Protocol (“IP”) conferencing services to its customers solely and exclusively through the use of IP data packets. The IP gateway (operated by a telecommunications provider) converts Public Switched Telephone Network (“PSTN”) signals into digital format, breaking them down into IP data packets before sending them over the Internet to MeetingOne. MeetingOne’s technology therefore does not use traditional PSTN analog to provide its IP conferencing services.

To further illustrate MeetingOne’s IP conferencing services, a customer of MeetingOne will place a call through the PSTN that will be handled by a telecommunications provider. The telecommunications provider will then convert such call from PSTN analog into IP data packets. Such IP data packets are then passed from the telecommunications provider through the Internet

Trent Martinet • 303 892 7343 • trent.martinet@dgsllaw.com

1550 Seventeenth Street • Suite 500 • Denver, Colorado 80202 • 303 892 9400 • fax 303 893 1379
www.dgsllaw.com

to MeetingOne. MeetingOne then allows such IP data packets into its network where the entire conference calling service is provided by MeetingOne's technology.¹

Based on our analysis of the applicable law, which includes in most relevant part, FCC Order 08-160 (the "Intercall Order"), and FCC Order 04-97 (the "AT&T IP In-the-Middle Order"), and our analysis of MeetingOne's conferencing technology, we believe that MeetingOne is not required to directly contribute to the USF based on the following reasons:

1. MeetingOne's IP conferencing services do not fall under the definition of "telecommunications" services. As you are aware, "telecommunications" is the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.² When MeetingOne provides its IP conferencing services, the form of the information as sent and received changes. Specifically, the information starts out from the end user in PSTN analog format. The information then is converted to IP data packets (by the telecommunications provider) which are sent to MeetingOne for MeetingOne to perform its IP conferencing services. Accordingly, the transmission sent by the user changes as to form from PSTN (at the initiation of the transmission) to IP data packets (when actually received by MeetingOne's conferencing technology).
2. MeetingOne's technology is different than Intercall's technology and therefore MeetingOne is not a similarly situated stand-alone audio bridging service provider that is required to directly contribute to the USF as required by the Intercall Order. In its order requiring Intercall to directly contribute to the USF, the FCC focused on Intercall's technology which used traditional telephone lines (i.e. PSTN) to fit Intercall's services within the definition of "telecommunications" services and not "information" services. Specifically, the FCC stated Intercall's service allows end users to transmit a call using telephone lines to a point specified by the user without change in the form or content of the information as sent and received.³ As explained above and as illustrated in Exhibit A, MeetingOne's technology is different from Intercall's technology because MeetingOne's IP conferencing technology only deals with IP data packets. Therefore, MeetingOne is not similarly situated to Intercall.
3. MeetingOne's situation is different than that of AT&T's as detailed in the AT&T IP In-the-Middle Order. AT&T's calling technology as the FCC described in the AT&T IP In-the-Middle Order consisted of a call placed by a user over PSTN that AT&T converted to IP format for part of the call, and that AT&T also converted back to PSTN at the end of the call.⁴ MeetingOne's situation is different than AT&T's since MeetingOne performs its entire service through the use of IP data packets. In other words, MeetingOne's technology does not transform such IP data packets at anytime during the performance of MeetingOne's conferencing services. Accordingly, MeetingOne is not similarly situated to AT&T.

¹ Exhibit A contains a diagram overview of MeetingOne's IP conferencing service and technology.

² FCC Order 08-160.

³ Intercall Order at ¶. 11.

⁴ AT&T IP In-the-Middle Order at ¶. 1.

4. A telecommunications provider to MeetingOne does not charge MeetingOne USF fees for IP Toll Free and IP Long Distance services since it currently classifies these services as information services. IP Toll Free and IP Long Distance are currently the only services MeetingOne passes on to its end users in the provision of its IP conferencing services. Therefore, MeetingOne is unable to pass through to its customers USF fees for these information services when its telecommunications provider has not been passing through such fees to MeetingOne. Moreover, such telecommunications provider currently classifies MeetingOne as an end user of such information services and not as a reseller of such services.

Based on the foregoing information as noted above, we believe MeetingOne does not have direct contribution obligations to the USF, however given the uncertainty surrounding the analysis, we respectfully request USAC to analyze this matter and provide clarification as to our analysis and conclusion. If USAC disagrees with our analysis and conclusion and determines MeetingOne has direct contribution obligations to the USF, we respectfully request that such contribution obligations be on a going forward basis without any penalties or interest due to the uncertainty noted above as well as MeetingOne's willingness to cooperate and approach USAC for clarification of this ambiguous law.

We understand the detailed nature of this correspondence, and welcome the opportunity to discuss this matter further and answer any questions you may have. Thank you in advance for your attention to this matter. We look forward to receiving your response.

Sincerely,



Trent Martinet

For

Davis Graham & Stubbs LLP

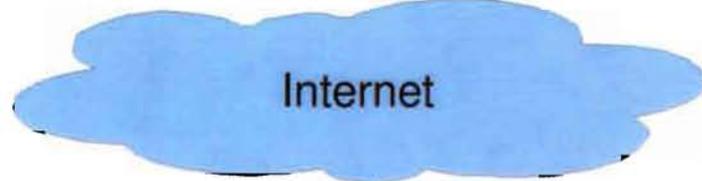
Exhibit A
MeetingOne Diagram



Public Switched Telephone Network (PSTN)

◀ ▶ Analog
◀ ▶ IP Traffic (data)

Carrier (QWest)



MeetingOne Internet Firewall

SIP Proxy

AudioMixer

Bridge Control



ATTACHMENT 5

LaRue, Ronald

From: Frank Ferdowsian [frank.ferdowsian@ideacommgroup.com]
Sent: Tuesday, June 30, 2009 4:09 PM
To: LaRue, Ronald
Cc: Jason McClurkin; David Garrick; Frank Ferdowsian
Subject: Status update from on Qwest
Attachments: 2009 FUSF Cert Form - Final 2-17-09.doc

Good afternoon Ron,

We have been in continued conversations with Qwest following up our conference call with you legal counsel on Friday. Qwest is performing a full audit of your USF charges but here is what we know so far. We have received the attached USF exemption form that we need to fill out and sign and submit to Qwest to proceed with USF exemption.

From what we understand here are the criteria on applying for the exemption status:

If a customer is reselling interstate or international telecommunications services, they can qualify for FUSF exemption if:

- they were a direct FUSF contributor per their FUSF Certification Form and as confirmed on the FCC's website, or
- per their Certification Form they were reselling the services to another reseller carrier(s) who is paying directly into the Federal Universal Service Fund, or
- per their Certification Form the services they purchase from Qwest are only traversing the United States (neither originating or terminating in the U. S.).

Here are some other notes that we received regarding the exemption process from Qwest:

In order for the customer to meet the qualifications for the first or second bullet they must have a 499 filer id. I have looked at the FCC website and don't show that Meeting One has a 499 filer id. In order for them to determine if they should have a 499 filer id they should check the following website: <http://www.universalservice.org/fund-administration/contributors/obtain-form499-filer-id/>. On the website there are directions for getting a form 499 filer ID, contact numbers for questions, registration requirements, etc.

If they determine they need a 499 filer id, they complete the process for obtaining a 499 filer id. Upon receiving a 499 filer id and invoice from USAC for FUSF, they must complete a Qwest FUSF Certification form (attached) and return by either faxing it to 303-391-1847 or emailing it to FUSF499@qwest.com. Once the customer completes the form and submits it I will review it and determine if they qualify. If I am in the office it generally gets reviewed the same day it is submitted. If they qualify, the FUSF exemption gets added to their account within a day.

In addition here is how Qwest is currently treating the IP Toll free service that MeetingOne is utilizing:

IPTF services are currently considered information services, not telecommunication services; therefore FUSF does not apply. Cases where USF is currently charged for IPTF reflect problems in the current tax map. These problems are currently being addressed. Note: the legal department is currently reviewing the IP Toll Free and IP Long Distance in light of recent communications from the FCC. Results from this review may change the current treatment of these services for FUSF and State USF.

We will be back in touch as soon as we get additional information regarding the audit

Thank you



Frank Ferdowsian

Client Advocate
idea! Communications Group, Inc.
local and long-distance - voice and data - internet
600 17th Street Suite 2800 South
Denver, Colorado 80202
Direct: 303-929-4415
Fax: 800-522-3796
E-Mail: frank_ferdowsian@ideacommgroup.com
Yahoo: frank_ferdowsian
Web: www.ideacommgroup.com

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ATTACHMENT 6

LaRue, Ronald

From: Frank Ferdowsian [frank.ferdowsian@ideacommgroup.com]
Sent: Wednesday, July 01, 2009 9:25 PM
To: LaRue, Ronald
Cc: Jason McClurkin; David Garrick
Subject: FW: Status update from on Qwest
Attachments: 2009 FUSF Cert Form - Final 2-17-09.doc; Meeting One FUSF Summary.xls

Importance: High

Ron,
Attached is the detail that shows the monthly billing for services for which USF is applied and the dollar amount of USF. This was taken back to October 2008. We have also identified a Qwest attorney that supports USF should you want to have some attorney to attorney interface.

Qwest is reporting that after a review of the billing for Meeting One some of the services are non FUSF assessable. In addition, some of the services are intrastate. The total amount of FUSF that was billed from October 2008 through May 2009 was \$11,106.57. This was for the following services: Interstate Inward WATS, Interstate Dedicated Access Line, Dedicated Local Loop and Access Line Charge. FUSF is calculated based on the FCC Universal Service Rate at the time of the bill. The rate changes each quarter. The rates were as follows:

4th quarter 2008 11.4%
1st quarter 2009 9.5%
2nd quarter 2009 11.3%

Please let us know what else we can do to help.
Thank you

From: Frank Ferdowsian
Sent: Tuesday, June 30, 2009 4:09 PM
To: 'LaRue, Ronald'
Cc: Jason McClurkin; David Garrick; 'Frank Ferdowsian'
Subject: Status update from on Qwest

Good afternoon Ron,
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From what we understand here are the criteria on applying for the exemption status:

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- they were a direct FUSF contributor per their FUSF Certification Form and as confirmed on the FCC's website, or
- per their Certification Form they were reselling the services to another reseller carrier(s) who is paying directly into the Federal Universal Service Fund, or
- per their Certification Form the services they purchase from Qwest are only traversing the United States (neither originating or terminating in the U. S.).

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ATTACHMENT 7

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

_____)	
In the matter of)	
Request for Review by)	CC Docket No. 96-45
MeetingOne.com Corp. of Decision of)	
Universal Service Administrator)	<u>Declaration of Trent Martinet</u>
_____)	

I, Trent Martinet, state as follows:

1. I am outside legal counsel with the law firm of Davis Graham & Stubbs LLP to MeetingOne.com Corp. (MeetingOne).
2. This Declaration is made in support of MeetingOne's Request for Review of the Decision of Universal Service Administrator.
3. On or around July 14, 2009, I participated in a conference call with Qwest's Corporate Counsel on the subject of USF contribution obligations for Internet Protocol Long Distance (IPLD) and Internet Protocol Toll Free (IPTF) services.
4. In that conversation, Qwest's Corporate Counsel indicated to me that the law in this area was very unclear and, as of that time, Qwest was taking the position that its IPLD and IPTF services were information services.

I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge, information and belief.

Executed this 3rd day of May, 2010.



Trent Martinet, Outside Legal Counsel to MeetingOne

CERTIFICATE OF SERVICE

On this 3rd day of May, 2010, I certify that I served a copy of the foregoing by
First Class U.S. mail on the following:

Universal Service Administrative Company
2000 L Street, NW, Suite 200
Washington, D.C. 20036

_____/s/_____
Petra A. Vorwig