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September 14, 2010

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. 07-135, *In the Matter of Establishing Just and Reasonable
Rates for Local Exchange Carriers*

Dear Ms. Dortch:

On Monday, September 13, 2010, Mark J. O'Connor and the undersigned of Lampert, O'Connor & Johnston, P.C., on behalf of Global Conference Partners ("Global Conference"), met with Zac Katz, Wireline Legal Advisor to Chairman Genachowski. Consistent with the attached slide presentation, Global Conference discussed regulatory issues that must be resolved to ensure the public benefits of competitive conferencing services are realized.

Pursuant to the Commission's rules, one copy of this notice is being filed electronically in the above-referenced dockets for inclusion in the public record. Please contact me directly should you have any questions.

Respectfully submitted,



Jennifer P. Bagg
Counsel for Global Conference Partners

Attachment

cc: Zac Katz

Competitive Conferencing Services



FCC Ex Parte Presentation
WC Dkt. 07-135
September 13, 2010



Who Uses Competitive Conferencing Services?

Businesses from start-ups to large enterprises for meetings, product marketing, training, web-collaboration, seminars, distance learning, coaching and more.

Non-traditional Users including community organizations, government agencies, universities and educational institutions, grassroots organizations, friends and families, home-based businesses and others for meetings, reunions, collaboration and many other group conversations.

A Diverse Array of Companies/Organizations using FreeConference.com:

GE	FAA
Monitor Consulting	Duke
Mary Kay	USPS
Frost and Sullivan	University of Chicago
INS Consulting	University of Michigan
Teach for America	City Year
Georgia Pacific	Incode Wireless
Wharton	Prepaid Legal
Columbia	My Arbonne
Anderson (UCLA)	AARP
NASA	Make-a-Wish
PBS	American Red Cross
Nature Conservancy	



Benefits of Competitive Conferencing Services

- ✓ Competitive user-managed conferencing has successfully improved consumer and business productivity, increased efficiency and reduced travel time/costs.
- ✓ Enhanced functionality and features include user groups, recordings, on-line "white board," desktop sharing functions, reminder services, email, stored information, and other innovative features.
- ✓ Competitive conference services exert pressure on traditional and VoIP conference call providers to lower rates, improve services, increase reliability and introduce innovative features.
- ✓ Users find services easier to use, less expensive, and more reliable than either IXC bundled-conferencing/800-number services or VoIP services.
- ✓ Distributed payment model (IXC customer pays) puts conferencing within the reach of many more users, including consumers, nonprofits, community service organizations.
- ✓ Efficient network usage is a public good – Public policy should encourage network usage rather than idle capacity, allowing the public to benefit from the network it has paid for.



IXC Tactics and Strategy

- IXCs' goal is to protect high-margin legacy service (*i.e.*, bundled long-distance with conference functions and 800-number services). At the same time, the IXCs are driving consumers to buy calling plans that stimulate network traffic.
- Constant IXC litigation designed to "squeeze" competitors out of business.
- IXCs constant PR and lobbying campaigns seek to vilify much-smaller competitive conference providers as "undesirables."
- IXCs paying no access charges, even on non-conference traffic. At the same time, the IXCs charge consumers the full rate to complete the call.
- IXCs' tactics harm competition, threaten consumers' benefits from innovative and affordable services and weaken public trust in interconnectivity of network providers.
- IXCs' no-pay strategy also weakens the ability of rural CLECs to compete regionally vis-à-vis IXCs' national wireless and video services.
- None of these strategies help telephone users – consumers, small businesses, and non-profits. Strategies dampen economic activity in rural areas.

NPRM on Interim Rules

FCC's NPRM Is Expected to Propose Long-Term Reform and Interim Rules on Access Stimulation

FCC's Broadband Action Agenda for implementing the National Broadband Plan instructs the FCC to propose rules that would provide long-term intercarrier reform and an interim solution in Q4 2010. *(2010 Broadband Action Agenda, Section B, 20)*

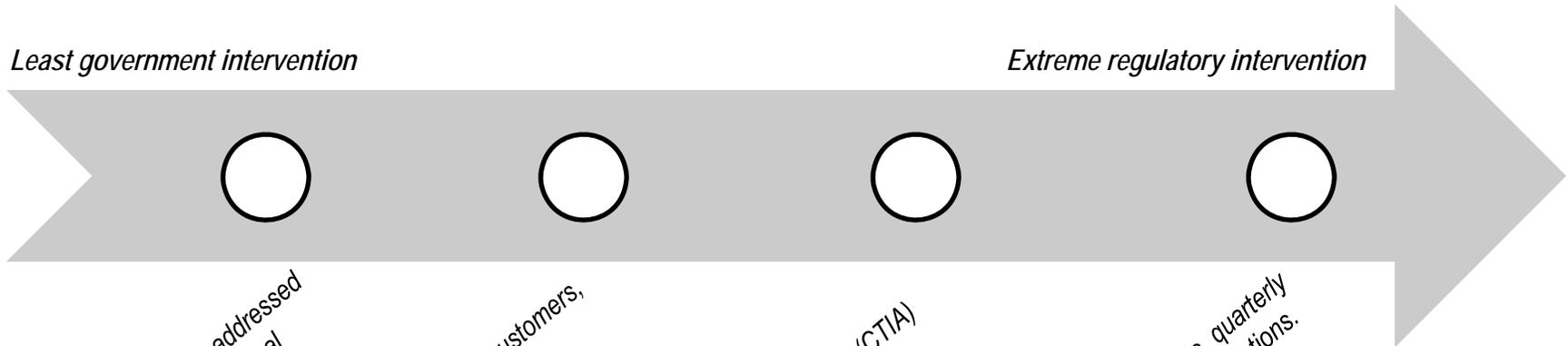
Moving to interim rules would not be appropriate before the NPRM addresses several open issues and considers the remedial options.



The FCC has numerous remedial proposals from which to choose.

Least government intervention

Extreme regulatory intervention



FCC continues to monitor. Issue addressed by new tariff filings, private contractual negotiations and settlements.

Adopt new rate cap for high volume customers, e.g., 2 cents per minute. (GCP)

Adopt bill-and-keep for imbalanced traffic. (CTIA)

Prohibit all revenue-sharing arrangements, quarterly certification requirements, extreme rate reductions.

GCP Proposal Should Be Included in NPRM

New Rate Cap for High Volume Customers

Cap all CLEC tariffed terminating access rates at specific rate (e.g., 2 cents per minute) by inserting a new subsection (g) to 47 C.F.R. § 61.26:

“Beginning [120 days after Federal Register publication], and notwithstanding any other provision of this rule, a CLEC’s tariffed interstate terminating switched exchange access rate may not exceed 2.0 cents per minute on any CLEC working loop, or loops associated with a single CLEC subscriber, that receives more than 1500 terminating access minutes in a month.”

The FCC must make a full evaluation of all possible remedial choices.

For each proposal, the FCC must ask:

- **What is the appropriate scope of the remedial choice?**
 - *e.g., How far would a revenue-sharing ban go? Will the remedy harm other legitimate business practices?*
- **Does the FCC have jurisdiction to impose the remedy?**
 - *e.g., Is regulation of a non-telecommunications agreement within the FCC's jurisdiction? What impact would assertion of jurisdiction have on FCC precedent?*
- **Which proposed remedy can the FCC adequately enforce?**
 - *e.g., How would the FCC monitor and enforce prohibition on revenue-sharing?*
- **What is the appropriate timing of the remedy?**
 - *e.g., What would the detrimental effects be on the numerous businesses that utilize revenue-sharing arrangements? What is the impact on the businesses and consumers that use competitive conferencing services? Should a phased-in approach be adopted?*



Conclusion

The FCC should issue an NPRM seeking comment on proposed remedial choices.

- **Numerous questions on proposed remedial choices remain unanswered.**
- **Proposals must be evaluated fully to ensure interim rules appropriately address harms.**
- **Further protracted litigation could result if a full record on interim rules is not developed.**
- **All harmful practices, including IXC self-help, must be addressed in the NPRM and by interim rules.**