

Tamar E. Finn
Direct Phone: 202.373.6000
Direct Fax: 202.373.6001
tamar.finn@bingham.com

September 16, 2010

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: Notice of Ex Parte Communication, WC Docket No. 06-122

Dear Ms. Dortch:

On September 15, 2010, Nancy Lubamersky, of U.S. TelePacific Corp. d/b/a TelePacific Communications (“TelePacific”), J.K. Hage III of Hage & Hage Law and Consulting, and the undersigned met with Jennifer Schneider, Senior Legal Advisor to Commissioner Michael Copps.

The participants discussed the Bureau’s April 30, 2010 Order on TelePacific’s Request for Review of a USAC Decision. In that Order, the Bureau determined that TelePacific does not owe direct universal service fund (“USF”) contributions on the sale of wireline broadband Internet access service to its end user customers. Paragraph 13 of the TelePacific Order states, however, that “we do not have sufficient information in the record to address TelePacific’s contention that no federal universal service contributions should be assessed on revenues derived from the sale of T-1 lines to TelePacific.” (Hereafter, TelePacific will refer to this as the “indirect contribution issue.”)

Notwithstanding the fact that the TelePacific Order made no findings on the indirect contribution issue, some have assumed incorrectly that the issue has been decided and any CLEC purchasing T-1s for use in a broadband Internet access service must be treated as an end user and subject to indirect contribution.

Consistent with the arguments made in its February 1, 2010 ex parte, TelePacific argued that (1) FCC rules permit TelePacific to submit a reseller certification on an entity (not individual service) basis; (2) indirect contribution violates the FCC principles of competitive neutrality and creating a level playing field for all providers of broadband Internet access service, regardless of technology or ownership of local loop transmission facilities; and (3) indirect contribution violates Section 254’s equitable and nondiscriminatory contribution requirement.

Boston
Hartford
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Orange County
San Francisco
Santa Monica
Silicon Valley
Tokyo
Walnut Creek
Washington

Bingham McCutchen LLP
2020 K Street NW
Washington, DC
20006-1806

T 202.373.6000
F 202.373.6001
bingham.com

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If you have any questions, please do not hesitate to contact me.

Sincerely yours,

/s/ electronically signed

Tamar E. Finn

cc (by e-mail):

Jennifer Schneider